| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0993  Responded to: 05 May 2023 |
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Your recent request for information is replicated below, together with our response.

Due to separate recording processes, your request has been considered in two parts, allegations about police officers and allegations about members of police staff.

The Professional Standards Department (PSD) manage conduct matters for Police Officers, whilst People & Development (P&D) manage disciplinary matters relative to members of Police Staff.

The Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) (SOP) outlines how we deal with criminal and non-criminal complaints for both on and off duty matters.

The [Police Service of Scotland Conduct Regulations SOP](https://www.scotland.police.uk/spa-media/q1jjirdw/police-service-of-scotland-conduct-regulations-sop.pdf) outlines the process for dealing with conduct matters for police officers.

The Police Scotland [Disciplinary SOP](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf) outlines the process for dealing with discipline matters for members of police staff.

In accordance with the Police Scotland [CAP SOP](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf), all allegations of on duty criminality are reported to the Crown Office and Procurator Fiscal Service (COPFS) for independent assessment and to enable consideration of criminal proceedings to take place.

In instances of off duty criminality, police officers and members of police staff are treated no differently to any other member of the public in respect of criminal proceedings, however, they may be subject to duty restrictions, suspension and subsequent misconduct (officers) or disciplinary (staff) proceedings.

Data regarding allegations about police officers is provided below.

In relation to members of police staff, I can advise you that there were no allegations meeting the terms of your request between 2018 and 2022.

## How many police officers and staff in your force have been reported for 'abuse of position for sexual gain' from January 2018 to the end of December 2022?

‘Abuse of position for sexual gain’ is not a recording criteria, however, I can advise that between January 2018 and December 2022, 8 officers were reported to COPFS in relation to circumstances which, following manual review, can be interpreted as amounting to ‘abuse of position for sexual gain’.

## How many of these reports resulted in any sort of professional disciplinary action of an officer or staff member?

Of the 8 officers referred to above:

4 retired / resigned prior to the conclusion of the misconduct process.

3 resulted in management action.

1 resulted in no action (allegation unsubstantiated and no criminal proceedings taken by COPFS).

## How many of these reported officers/staff were removed from their job for 'abuse of position for sexual gain'?

The term ‘removed from their job’ is interpreted to be dismissed from Police Scotland. Please note that the Police Service of Scotland (Conduct) Regulations 2014 cease to apply when an officer retires or resigns as they only apply to serving officers. As detailed in question 2, 4 officers retired / resigned prior to the misconduct process being concluded which may have resulted in their dismissal from the service. Of the remaining 4 officers, the conduct disposals are noted in question 2 therefore no officers were dismissed from the service following a Misconduct Hearing.

## How many of these reported officers/staff members are still part of your force?

Of the 8 individuals, 3 officers remain serving at this time.

## Please provide a breakdown of the positions of these officers/staff members who have been reported, i.e. how many sergeants, how many constables, etc.

In line with previous data reporting in this area, 7 officers were Police Constables and 1 officer was of a more senior rank (Sergeant or above).

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.