

Our Ref: IM-FOI-2022- 1521
Date: 5 September 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

Please accept our apologies for the delay in providing a response.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct processes operate in Scotland and provide some additional information sources.

I would first ask you to note that the complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database. Due to these processes, the complaints and conduct matters cannot simply be added together.

All complaints received by Police Scotland are managed in line with our Complaints About the Police Standard Operating Procedure (SOP), details of which can be found at the following link:

www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf

Further detail in relation to Police Scotland and our complaints process can be found on our public facing website at the following link:

www.scotland.police.uk/about-us/police-scotland/complaints/

Please note that there can be one or more allegations contained within one complaint case and, equally, there can be one or more subject officers relative to each allegation. Subject officers are counted once per case; however, the same officer may be subject to multiple cases and therefore may appear more than once.

Likewise, Complainers are counted once per case; however, the same individual Complainer may appear against multiple cases and therefore may appear more than once.

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment.

In respect of police officers, their conduct is assessed against our Standards of Professional Behaviour, details of which can be found at the following link:

www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf

Police Scotland's Conduct Regulations can be found at this link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](http://legislation.gov.uk)

A preliminary assessment is carried out under Regulation 10 of the Police Service of Scotland (Conduct) Regulations 2014. Should an officer's behaviour be assessed to have breached the Standards of Professional Behaviour and an investigation is required, the officer is served with of a Notice of Misconduct Investigation form. The purpose of any investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct. The procedures are intended to encourage a culture of learning and development for individuals and/or the organisation; however, disciplinary action can be undertaken when circumstances require.

As previously mentioned once complaint matters are concluded, the circumstances *may* be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved). There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case.

Furthermore, there can be one or more allegations contained within one complaint case and, equally, there can be one or more subject officers relative to each allegation. Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case; however, the same officer may be subject to multiple cases and therefore may appear more than once.

Again, please be advised that the complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database. Due to these processes, the complaints and conduct matters cannot simply be added together. The figures provided cover both on duty and off duty matters.

Your question is interpreted as requesting the number of reports whereby the subject matter involved a sexual circumstance. By way of further explanation, the PSD database has the facility to add a 'sexual circumstance' marker to any allegation that appears or is perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal. For the purpose of your request, allegations containing this marker were extracted.

For ease of reference, your request is replicated below together with the response.

I write to request the number of allegations of domestic abuse and sexual misconduct (including rape) made against serving police officers between January 2017 and June 2022. As part of this, I would like the information to be broken down into the following:

i) The number of allegations of domestic abuse and sexual misconduct, (including rape) made against serving police officers each year – from January 2017 to June 2022, including a grand total;

Sexual misconduct is not a recognised term in Scotland therefore the data provided is obtained by researching our database for allegations with a domestic or sexual 'circumstance' marker.

This question is interpreted as requesting the number of Officers subject to allegations involving a sexual or domestic circumstance. Please note that these allegations may be criminal or non-criminal in nature. Please also note that an individual allegation may include both sexual and domestic circumstances.

Table 1: Allegations involving a sexual or domestic circumstance (Complaints), by Calendar Year ^{1 2}

Category	2017	2018	2019	2020	2021	2022
Number of allegations involving a domestic circumstance (Complaints)	0	0	1	0	0	0
Number of allegations involving a sexual circumstance (Complaints)	22	23	17	17	4	14

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

Table 2: Allegations involving a sexual or domestic circumstance (Conduct), by Calendar Year ^{1 2}

Category	2017	2018	2019	2020	2021	2022
Number of allegations involving a domestic circumstance (Conduct)	9	17	33	26	45	18
Number of allegations involving a sexual circumstance (Conduct)	71	23	72	70	39	24

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

ii) The sex and gender of each officer against whom an allegation was made;

This is interpreted to be a continuation of question (i) above.

The sex of each subject officer is recorded on the Professional Standards database and is based on the officer's sex as listed on the Force's personnel system (SCoPE). An individual's gender may be distinct from an individual's sex, therefore would have to be considered separately. However, gender is not a recorded characteristic on the

Professional Standards database and in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

Please note that each allegation may be linked to multiple subject officers (for complaints only) and each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.

Moreover, complaints may relate to unidentified subject officers. Where the subject officer has not been identified, those officers are not included in the data provided below. By contrast, conduct cases relate only to named subject officers.

Table 3: Subject Officers linked to allegations involving a sexual or domestic circumstance (Complaints), by Sex and Calendar Year ^{1 2 3 4}

Category & Subject Officer Sex	2017	2018	2019	2020	2021	2022
Subject officers linked to allegations involving a domestic circumstance (Complaints) - TOTAL	0	0	1	0	0	0
Female	0	0	1	0	0	0
Male	0	0	0	0	0	0
Subject officers linked to allegations involving a sexual circumstance (Complaints) - TOTAL	22	27	20	16	6	8
Female	1	4	6	2	0	0
Male	21	23	14	14	6	8

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

3. Each allegation may be linked to multiple subject officers and each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.

4. Unidentified subject officers are not included in the table above.

Table 4: Subject Officers linked to allegations involving a sexual or domestic circumstance (Conduct), by Sex and Calendar Year ^{1 2 3}

Category & Subject Officer Sex	2017	2018	2019	2020	2021	2022
Subject officers linked to allegations involving a domestic circumstance (Conduct) - TOTAL	6	10	21	16	27	16
Female	4	1	2	1	10	3
Male	2	9	19	15	17	13
Subject officers linked to allegations involving a sexual circumstance (Conduct) - TOTAL	33	17	39	35	25	23
Female	2	1	3	2	2	2
Male	31	16	36	33	23	21

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

3. Each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.

iii) The number of allegations that were upheld and resulted in disciplinary action – including dismissal, and the number of allegations that were discontinued;

This is interpreted to be a continuation of question (i) above.

Data has been provided in the tables below which detail the results or disposals in relation to allegations involving a sexual or domestic circumstance, by calendar year received.

Table 5: Allegations involving a domestic circumstance (Complaints), by Allegation Result and Calendar Year ^{1 2}

Allegation Result	2017	2018	2019	2020	2021	2022
Not Upheld - Malicious complaint	0	0	1	0	0	0

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

Table 6: Allegations involving a sexual circumstance (Complaints), by Allegation Result and Calendar Year ^{1 2}

Allegation Result	2017	2018	2019	2020	2021	2022
Abandoned	3	4	1	1	1	0
Not Upheld - Concluded by explanation	2	2	1	0	0	0
Not upheld - Leading to No Proceedings by APF	13	13	10	8	1	0
Not Upheld - Malicious complaint	0	0	0	2	0	0
Upheld - Leading to criminal proceedings	0	1	0	0	0	0
Upheld - Leading to misconduct disposal	2	0	0	0	0	0
Withdrawn	0	2	1	2	1	1
Ongoing - not yet concluded	2	1	4	4	1	13
Grand Total	22	23	17	17	4	14

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

Table 7: Allegations involving a domestic circumstance (Conduct), by Allegation Disposal and Calendar Year ^{1 2}

Allegation Disposal	2017	2018	2019	2020	2021	2022
Hearing - Final Written Warning	0	0	0	1	0	0
Meeting - Verbal Warning	0	0	2	0	0	0
Meeting - No Action	0	4	0	0	0	0
Management Action	4	8	7	10	13	1
No Action	2	0	12	10	4	1
Retired/Resigned	0	4	7	1	1	0
Ongoing - not yet concluded	3	1	5	4	27	16
Grand Total	9	17	33	26	45	18

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

Table 8: Allegations involving a sexual circumstance (Conduct), by Allegation Disposal and Calendar Year ^{1 2}

Allegation Disposal	2017	2018	2019	2020	2021	2022
Hearing - Dismissal With Notice	0	0	0	3	0	0
Hearing - Final Written Warning	2	0	0	4	0	0
Hearing - Demotion in Rank	0	0	2	0	0	0
Hearing - Reduction In Rate Of Pay	1	0	0	0	0	0
Hearing - No Action	1	1	5	0	0	0
Meeting - Final Written Warning	0	0	0	1	0	0
Meeting - Written Warning	6	2	2	0	0	0
Meeting - Verbal Warning	1	1	3	0	0	0
Meeting - No Action	0	0	1	2	0	0
Management Action	24	3	12	9	13	1
Counselled	0	0	4	0	0	0
Performance Regulations	6	0	0	0	0	0
No Action	7	7	8	11	11	0
Retired/Resigned	18	2	28	13	2	1
Ongoing - not yet resulted	5	7	7	27	13	22
Grand Total	71	23	72	70	39	24

1. Data is based on the case received date.

2. Data for 2022 covers the period of 01/01/2022 – 30/06/2022 inclusive.

iv) The number of officers against whom allegations were made are still serving police officers.

This is interpreted to be a continuation of the questions above.

Please note, as previously mentioned, that each allegation may be linked to multiple subject officers (for complaints only) and each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.

Furthermore, complaints may relate to unidentified subject officers. Where the subject officer has not been identified, those officers are not included in the data provided below. By contrast, conduct cases relate only to named subject officers.

Please also note that, as highlighted above, it is possible for the same individual officer to appear on multiple cases. For the purposes of this question, officers are counted as individuals (based on their unique personal reference number) within the specific categories and case types. It remains possible for the same officer to appear on a complaint and conduct matter, likewise the same officer may appear in relation to both sexual and a domestic circumstances.

Data provided in the tables below is based on a cross reference of the subject officer's details with the Police Scotland personnel system (SCoPE) and reflects officer's employment status as at 15/08/2022.

It should be noted that officers remaining in service may be subject to live enquiry, either in terms of investigation or ongoing legal proceedings. Moreover, although

remaining in service, officers may be subject to suspension or duty restrictions and are therefore not necessarily deployable in a public facing role.

Likewise, officers who do not remain in employment with Police Scotland does not necessarily imply that this is directly connected with the allegations listed. Officers may retire or resign from service at any time prior to the conclusion of conduct proceedings or, where concluded without dismissal, an officer may retire or resign at any time.

Table 9: Police Officers linked to allegations involving a sexual or domestic circumstance (Complaints) who remain in service as at 15/08/2022 ^{1 2 3 4 5}

Category	Number
Officers linked to allegations involving a domestic circumstance (Complaints) - Remaining in Service as at 15/08/2022	1
Officers linked to allegations involving a sexual circumstance (Complaints) - Remaining in Service as at 15/08/2022	79

1. Data is based on cases received 01/01/2017 – 30/06/2022 inclusive.
2. Data reflects subject officer employment status on the Police Scotland personnel system (SCoPE) as at 15/08/2022.
3. Each allegation may be linked to multiple subject officers and each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.
4. Unidentified subject officers are not included in the table above.
5. Subject officers are counted once per category listed, for the purposes of this question. It is possible for the same individual officer to appear in relation to both a domestic and a sexual circumstance.

Table 10: Police Officers linked to allegations involving a sexual or domestic circumstance (Conduct) who remain in service as at 15/08/2022 ^{1 2 3 4}

Category	Number
Officers linked to allegations involving a domestic circumstance (Conduct) - Remaining in Service as at 15/08/2022	71
Officers linked to allegations involving a sexual circumstance (Conduct) - Remaining in Service as at 15/08/2022	101

1. Data is based on cases received 01/01/2017 – 30/06/2022 inclusive.
2. Data reflects subject officer employment status on the Police Scotland personnel system (SCoPE) as at 15/08/2022.
3. Each subject officer may be linked to multiple allegations, therefore the number of subject officers may vary from the number of allegations.
4. Subject officers are counted once per category listed, for the purposes of this question. It is possible for the same individual officer to appear in relation to both a domestic and a sexual circumstance.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.