| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1374  Responded to: 21st July 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

We have received an unprecedented volume of requests on the subject of police officer conduct and criminality and that has, unfortunately, impacted on our ability to meet the statutory timescales in some cases.

To provide some context to our response, you may find the following information useful.

The Police Scotland [Complaints About the Police (CAP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) Standard Operating Procedure (SOP) outlines how we deal with complaints relating to officers and members of police staff.

Complaints are recorded in accordance with the categories listed at appendices G and H, none of which you will note directly align to the terminology used in your request.

The formal conduct process for Police Officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made).

The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) further details the process and conduct cases are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

Again, you will note that none of the categories directly align to the terminology used in your request.

The complaint process (officers and staff) and the conduct process (officers only) are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

The PSD deals with, and records, conduct matters relative to police officers whilst People and Development (P&D) deals with, and records, disciplinary matters for members of police staff.

Disciplinary Procedures for Police Staff are outlined in the Disciplinary SOP and can be accessed [here](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf).

You should also note that whilst a complaint *may* lead to conduct/ disciplinary proceedings in some circumstances (not necessarily every aspect of the complaint, or every officer/ staff member involved) which may then lead to disciplinary action - complaints themselves are not recorded in those terms in terms of outcome.

There is therefore potential for the same individual/ circumstances to appear on a complaint case and a conduct/ disciplinary case and as a result, the complaints and conduct/ disciplinary matters cannot simply be added together.

## Please provide the annual number of complaints regarding the abuse of position for sexual purpose received by your police service since 2013.

Having reviewed the above documentation, you will note that Police Scotland does not use the recording category ‘abuse of position for a sexual purpose’ (APSP).

Notwithstanding, since 2017, figures have been collated for cases which may be considered to amount to APSP for both Police officers and Police staff.

Police Scotland did not record comparative data prior to this date and so information for the period 2013 to 2016 is therefore *not held* in terms of section 17 of the Act.

Please note that data has been provided in relation to all cases referred to the Professional Standards Department between 1 January 2017 and 22 June 2023.

These include complaints but also matters referred through a variety of sources, which may or may not involve a named complainer. It has been assessed that you may find this additional information useful in line with your request.

I can advise that between 1 January 2017 and 22 June 2023, the number of cases which, following manual review, could be interpreted as being relevant to your request are detailed below:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** | **2023** | **Total** |
| Cases | 18 | 10 | 9 | 3 | 8 | 9 | 8 | 65 |

Of note, these cases solely relate to Police officers. There were no cases involving Police staff considered to amount to APSP.

Furthermore, an officer could be linked to multiple cases.

## For each of these complaints, I would like to know the gender, immigration status, and country of origin of the complainant.

## As explained above, not all of the cases referred to above involve a named complainer.

Notwithstanding, the level of detail sought as regards immigration status/ country of origin etc is not routinely collated even for complaint cases.

Overall, the information sought is *not held* by Police Scotland and section 17 of the Act applies.

## For each complaint I would like to know whether it led to disciplinary action, and if so, what the outcome was (eg. officer dismissed).

This is interpreted to be a continuation of the previous questions and given the data, will relate to Police officers only.

As previously mentioned, not all cases will be considered for assessment under as [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made) as they may have been abandoned or withdrawn by the complainer or not upheld for reasons such as insufficient information from an anonymous source or lack of witness/ victim engagement and/ or corroboration to substantiate the allegation.

Some of the cases included may also remain subject to live enquiry and/or legal proceedings. Only once those matters are concluded, would the case be considered for a referral to the Conduct Unit for assessment under [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made). It is only at the conclusion of the Misconduct process where outcomes would be reached. Cases received therefore may not necessarily be concluded and therefore may not yet be subject to a formal outcome.

A total of 10 cases considered to amount to APSP have resulted in formal or management action being taken against the subject officer.

This includes 1 final written warning, 1 verbal warning and 8 resulting in management action.

These outcomes are accurate based on Conduct cases concluded on the PSD database as at 05/07/2023.

**The second half of my request is regarding reports of crimes, rather than complaints about police staff.**

1. **Please provide the annual number of crimes regarding sexual corruption (for instance, an employer demanding sex for a promotion, a teacher demanding sex for higher grades) which were reported to your police service since 2013.**
2. **For each of these crimes, I would like to know the gender, immigration status, and country of origin of the victim.**
3. **For each crime report, I would like to know whether someone was charged and the outcome of the proceedings.**

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of section 16(4) of the Act where section 12(1) (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Police Scotland record crimes in accordance with the Scottish Government Justice Department (SGJD) [classifications](https://www.gov.scot/publications/recorded-crime-scotland-classification-crimes-offences/), none of which I’m afraid directly align to the behaviour described in your request.

As a minimum all sexual offences would have to be individually assessed for relevance meaning that the number of crime reports requiring to be reviewed would be several thousand.

You may be interested in our recorded crime data which is available online:

[Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

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.