

Our Ref: IM-FOI-2021-2266
Date: 19 January 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.

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

Police Scotland aims to provide a high quality service to the people of Scotland; however, it is recognised that the service can sometimes fall short of the expectations of the public and the police themselves.

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 against the Police Standard Operating Procedures (SOP), details of which can be found at the following link:

<https://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:

<https://www.scotland.police.uk/about-us/police-scotland/complaints/>

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment. PSD manage conduct matters for police officers whilst People & Development (P&D) manage conduct matters relative to members of police staff.

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:

<https://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 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

A preliminary assessment is carried out under Regulation 10 of the Police 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.

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.

There is the potential for the same officer/circumstances to appear on a complaint case and a conduct case. This is because once a complaint has been concluded, the circumstances may be considered for a conduct assessment (not necessarily every aspect of the complaint, or every officer involved).

Again, I must underline 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.

Please note that relevant data is only available from 01/04/2014 when the national Professional Standards Department (PSD) database became operational. Accordingly, Police Scotland does not hold the information requested for any period prior to this and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a formal notice that the information requested is not held by Police Scotland.

1. How many allegations of sexual misconduct were made in the calendar years 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 (as far into 2021 as possible) against police officers and police staff employed by your force. By sexual misconduct I mean sexual harassment, indecent exposure, gender-based stalking or online harassment, sexual assault, rape and anything else you would consider as sexual misconduct. Please include;

2. A description of the alleged behaviour

Your question is interpreted as requesting the number of Officers and Staff subject to allegations involving a sexual circumstance. Questions 1 and 2 have been answered together for ease.

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.

On that basis a total of **143** allegations involving a sexual circumstance were attached to complaints received 01/04/2014 - 14/10/2021 inclusive.

Data has been provided by calendar year within the table below.

Table 1: Allegations involving a sexual circumstance (Complaints), by Allegation Type and Calendar Year ^{1 2 3 4}

Allegation Type	2014	2015	2016	2017	2018	2019	2020	2021
Assault	0	2	2	4	2	2	1	1
Crimes of Indecency	2	0	0	1	1	1	2	0
Discriminatory Behaviour	0	8	0	0	0	0	0	0
Excessive Force	0	0	0	0	0	1	0	0
Incivility	0	0	0	1	0	0	0	0
Irregularity in Procedure	1	0	1	1	3	0	1	0
Miscellaneous Offences	0	0	0	1	0	0	0	0
Oppressive Conduct/Harassment	0	1	0	0	0	0	0	0
Other	0	0	1	0	0	0	0	0
Other - Criminal	5	22	11	15	15	11	12	3
Other - Non Criminal	0	3	2	1	1	1	0	0
Total	8	36	17	24	22	16	16	4

1. Data is based on the case received date.
2. Each complaint may involve multiple allegations and be linked to multiple subject officers.
3. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
4. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

A total of **443** allegations involving a sexual circumstance were attached to Conduct/Misconduct cases received 01/04/2014 - 14/10/2021 inclusive.

Data has been provided by calendar year within the table below.

Table 2: Allegations involving a sexual circumstance (Conduct/Misconduct), by Allegation Type and Calendar Year ^{1 2 3 4 5}

Allegation Type Description	2014	2015	2016	2017	2018	2019	2020	2021
Authority, Respect and Courtesy	1	26	15	28	3	29	12	13
Challenging and Reporting Improper Conduct	0	0	0	0	0	0	0	1
Conduct likely to bring discredit	18	35	2	2	1	2	1	0

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Confidentiality	0	0	0	0	0	1	0	0
Discreditable Conduct	16	23	46	39	19	36	47	13
Duties and Responsibilities	0	1	1	2	0	0	0	1
Equality and Diversity	0	0	1	0	0	0	0	0
Fitness for Duty	1	0	0	0	0	0	0	0
Honesty and Integrity	0	0	0	0	0	1	1	2
Orders and Instructions	0	0	3	0	0	0	0	0
Total	36	85	68	71	23	69	61	30

1. Data is based on the case received date.
2. Each Conduct/Misconduct case may involve multiple allegations.
3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

For each allegation, please tell me:

3. Whether the person making the allegations was a member of the public or employed by the police*

A total of **117** complainers were linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 3: Complainers linked to allegations involving a sexual circumstance (Complaints), by Complainer Type and Calendar Year ^{1 2 3 4}

Complainer Type	2014	2015	2016	2017	2018	2019	2020	2021
Police Officer/Staff	2	2	2	0	1	3	1	0
Public	6	18	13	22	18	12	13	4
Total	8	20	15	22	19	15	14	4

1. Data is based on the case received date.
2. Each complainer may be linked to multiple allegations per complaint case. Complainers are counted once per complaint case.
3. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
4. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

Please note that complainers are not recorded against Conduct/Misconduct cases on the Professional Standards database.

Moreover, allegations attached to Conduct/Misconduct cases are assessed against the Police Scotland Standards of Professional Behaviour and therefore may not necessarily involve a complainer. This information is therefore not held in relation to Conduct/Misconduct cases and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a formal notice that the information requested is not held by Police Scotland.

4. Whether the person making the allegations was male, female or non-binary (where held)

A total of **117** complainers were linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 4: Complainers linked to allegations involving a sexual circumstance (Complaints), by Gender and Calendar Year ^{1 2 3 4 5}

Gender	2014	2015	2016	2017	2018	2019	2020	2021
Female	5	13	9	10	8	9	6	3
Male	3	7	6	12	11	6	7	1
Unknown	0	0	0	0	0	0	1	0
Total	8	20	15	22	19	15	14	4

1. Data is based on the case received date.
2. Each complainer may be linked to multiple allegations per complaint case. Complainers are counted once per complaint case.
3. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
4. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
5. "Unknown"- Centurion complaints Data Base currently only allows for 3 gender classifications Male, Female, Unknown to be recorded . This matter is subject to review with development towards capturing all gender classifications in the future.

Please note that complainers are not recorded against Conduct/Misconduct cases on the Professional Standards database.

Moreover, allegations attached to Conduct/Misconduct cases are assessed against the Police Scotland Standards of Professional Behaviour and therefore may not necessarily involve a complainer.

This information is therefore not held in relation to Conduct/Misconduct cases and in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a formal notice that the information requested is not held by Police Scotland.

5. Whether the accused was male, female or non-binary (where held)

A total of **132** subject officers were linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 5: Subject Officers linked to allegations involving a sexual circumstance (Complaints), by Gender and Calendar Year ^{1 2 3 4 5}

Gender	2014	2015	2016	2017	2018	2019	2020	2021
Female	2	3	0	1	4	5	3	0
Male	7	20	14	21	22	13	11	6
Total	9	23	14	22	26	18	14	6

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per complaint case. Subject officers are counted once per case.
3. Data in the table above includes Police Officers and Police Staff.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

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A total of **222** subject officers were linked to allegations involving a sexual circumstance attached to Conduct/Misconduct cases received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 6: Subject Officers linked to allegations involving a sexual circumstance (Conduct/Misconduct), by Gender and Calendar Year ^{1 2 3 4 5}

Gender	2014	2015	2016	2017	2018	2019	2020	2021
Female	0	0	2	2	1	3	2	1
Male	18	24	38	32	16	36	31	16
Total	18	24	40	34	17	39	33	17

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.
3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

6. The rank of the accused (if it does not take the request over the cost threshold or reveal identifying personal information)

Please be aware that the Police Scotland Professional Standards Department only hold information relating to the rank of Chief Superintendent and below. The Scottish Police Authority hold the information for the ranks of Assistant Chief Constable and above.

A total of **132** subject officers were linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 7: Subject Officers linked to allegations involving a sexual circumstance (Complaints), by Rank and Calendar Year ^{1 2 3 4 5}

Rank	2014	2015	2016	2017	2018	2019	2020	2021
Constable	6	17	12	16	20	16	11	6
Sergeant	2	4	0	3	5	2	0	0
Inspector to Chief Superintendent ranks	0	1	0	0	0	0	1	0
Police Staff	1	1	2	3	1	0	2	0
Total	9	23	14	22	26	18	14	6

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per complaint case. Subject officers are counted once per case.
3. Data in the table above includes Police Officers and Police Staff.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

A total of **222** subject officers were linked to allegations involving a sexual circumstance attached to Conduct/Misconduct cases received 01/04/2014 - 14/10/2021 inclusive. Data has been provided by calendar year within the table below.

Table 8: Subject Officers linked to allegations involving a sexual circumstance (Conduct/Misconduct), by Rank and Calendar Year ^{1 2 3 4 5}

Rank	2014	2015	2016	2017	2018	2019	2020	2021
Constable	14	19	31	27	14	28	24	12
Sergeant	3	2	7	5	3	7	7	4
Inspector to Chief Superintendent ranks	1	3	2	2	0	4	2	1
Total	18	24	40	34	17	39	33	17

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.
3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.

7. Whether the accused was charged

This question is interpreted as a continuation of previous questions in relation to subject officers.

Please note that cases received may remain subject to live enquiry and charges may therefore yet be issued in relation to these allegations. Data provided therefore remains subject to change.

Of the **132** subject officers linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive, four were charged in relation to those allegations. Data has been provided by calendar year within the table below.

Table 9: Subject Officers linked to allegations involving a sexual circumstance (Complaints), by Charges Issued and Calendar Year ^{1 2 3 4 5 6}

Charges Issued	2014	2015	2016	2017	2018	2019	2020	2021
	0	0	0	1	1	0	2	0

1. Data is based on the case received date. Please note that this date may vary from the actual date of charges being issued.
2. Each subject officer may be linked to multiple allegations per complaint case. Subject officers are counted once per case.
3. Data in the table above includes Police Officers and Police Staff.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.

Of the **222** subject officers linked to allegations involving a sexual circumstance attached to Conduct/Misconduct cases received 01/04/2014 - 14/10/2021 inclusive, 53 were charged in relation to those allegations. Data has been provided by calendar year within the table below.

Table 10: Subject Officers linked to allegations involving a sexual circumstance (Conduct/Misconduct), by Charges Issued and Calendar Year ^{1 2 3 4 5 6}

Charges Issued	2014	2015	2016	2017	2018	2019	2020	2021
	3	0	7	9	6	13	10	5

1. Data is based on the case received date. Please note that this date may vary from the actual date of charges being issued.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.
3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.

8. Whether the accused was convicted

This question is interpreted as a continuation of previous questions in relation to subject officers.

Please note that cases received may remain subject to live enquiry and/or pending legal proceedings relation to these allegations. Data provided therefore remains subject to change.

Of the **132** subject officers linked to allegations involving a sexual circumstance attached to complaints received 01/04/2014 - 14/10/2021 inclusive, one subject officer was convicted in relation to those allegations (result pending). Data has been provided by calendar year within the table below.

Table 11: Subject Officers linked to allegations involving a sexual circumstance (Complaints), by Conviction Status and Calendar Year ^{1 2 3 4 5 6}

Convicted	2014	2015	2016	2017	2018	2019	2020	2021
No	9	23	14	22	26	18	13	6
Yes	0	0	0	0	0	0	0	0
Pending	0	0	0	0	0	0	1	0
Total	9	23	14	22	26	18	14	6

1. Data is based on the case received date. Please note that this date may vary from the actual date of conviction.
2. Each subject officer may be linked to multiple allegations per complaint case. Subject officers are counted once per case.
3. Data in the table above includes Police Officers and Police Staff.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.

Of the **222** subject officers linked to allegations involving a sexual circumstance attached to Conduct/Misconduct cases received 01/04/2014 - 14/10/2021 inclusive, 27 were convicted in relation to those allegations. Data has been provided by calendar year within the table below.

Table 12: Subject Officers linked to allegations involving a sexual circumstance (Conduct/Misconduct), by Conviction Status and Calendar Year ^{1 2 3 4 5 6}

Convicted	2014	2015	2016	2017	2018	2019	2020	2021
No	15	24	34	28	13	29	25	13
Yes	2	0	6	6	3	7	2	0
Pending	1	0	0	0	1	3	6	4
Total	18	24	40	34	17	39	33	17

1. Data is based on the case received date. Please note that this date may vary from the actual date of conviction.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.

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3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.

9. The outcome of any professional misconduct investigation

This question is interpreted as a continuation of previous questions in relation to subject officers.

Please note that cases received may remain subject to live enquiry and may therefore not yet be concluded. Data provided therefore remains subject to change.

Table 13: Subject Officers linked to allegations involving a sexual circumstance (Complaints), by Disposal and Calendar Year ^{1 2 3 4 5 6 7}

Disposal	2014	2015	2016	2017	2018	2019	2020	2021
Referred to Conduct Unit	2	3	4	1	2	2	1	0
Misconduct proceedings	0	0	0	1	0	0	0	0
Management Action	0	1	0	0	0	0	0	0
Performance Regulations	0	1	0	0	0	0	0	0
No Action	7	17	10	18	23	12	8	3
Ongoing - not yet resulted	0	1	0	2	1	4	5	3
Total	9	23	14	22	26	18	14	6

1. Data is based on the case received date. Please note that this date may vary from the actual date of disposal.
2. Each subject officer may be linked to multiple allegations per complaint case. Subject officers are counted once per case.
3. Data in the table above includes Police Officers and Police Staff.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.
7. "Misconduct Proceedings" is a disposal process reserved for Police Staff and is administered by our HR Department.

Table 14: Subject Officers linked to allegations involving a sexual circumstance (Conduct/Misconduct), by Conviction Status and Calendar Year ^{1 2 3 4 5 6}

Disposal	2014	2015	2016	2017	2018	2019	2020	2021
Hearing - Demotion in Rank	0	0	0	0	0	1	0	0
Hearing - Dismissal With Notice	0	0	0	0	0	0	1	0
Hearing - Dismissal Without Notice	0	1	5	0	0	0	0	0
Hearing - Final Written Warning	0	2	2	1	0	0	0	0
Hearing - Not Proven, No Further Action	0	0	0	1	0	1	0	0
Hearing - Reduction In Rank	1	0	0	0	0	0	0	0
Hearing - Reduction In Rate Of pay	0	1	0	1	0	0	0	0
Hearing - Required To Resign	0	1	1	0	0	0	0	0
Hearing - Written Warning	0	1	0	0	0	0	0	0
Meeting - Final Written Warning	0	1	1	0	0	0	0	0

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Meeting - Not Proven, No Further Action	0	0	0	0	0	0	1	0
Meeting - Verbal Warning	1	1	0	1	0	2	0	0
Meeting - Written Warning	0	1	2	3	2	1	0	0
11(7) Warning	1	1	0	0	0	0	0	0
5(3) Warning	1	0	0	0	0	0	0	0
6(6) Warning	0	1	0	0	0	0	0	0
9(3) Warning	0	1	0	0	0	0	0	0
Management Action	4	3	10	9	3	7	6	6
Counselled	1	0	0	0	0	0	0	0
Other	0	1	0	0	0	0	0	0
Performance Regulations	0	0	1	1	0	0	0	0
No Action	3	2	8	4	5	6	7	1
Retire/Resign	6	4	10	7	1	10	2	1
Ongoing - not yet concluded	0	2	0	6	6	11	16	9
Total	18	24	40	34	17	39	33	17

1. Data is based on the case received date. Please note that this date may vary from the actual date of disposal.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.
3. Data in the table above excludes Police Staff. Conduct Regulations apply only to serving Police Officers.
4. Data for 2014 covers the period of 01/04/2014 - 31/12/2014 inclusive.
5. Data for 2021 covers the period of 01/01/2021 - 14/10/2021 inclusive.
6. Cases received may remain subject to live enquiry and charges/disposals may vary from actual data reported.

If you require further assistance or 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.pnn.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.