| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0971  Responded to: 19th May 2023 |
| --- | --- |

Your request for information is replicated below, together with our response.

The following information may be useful to explain how our complaint and conduct processes work and to provide some additional context to your response.

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints and they are categorised as per appendices G and H of that document.

The formal disciplinary 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 Police Service of Scotland (Conduct) Regulations 2014 [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) provides further information on the Conduct 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/).

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.

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 individual/circumstances to appear on a complaint case and a conduct case. Due to these processes, complaints and conduct matters cannot simply be added together.

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 conduct case, however the same officer may be subject to multiple cases and therefore may appear more than once.

Each case may involve multiple allegations and (for complaints only) each allegation may be linked to multiple subject officers.

## I am writing to you under the Freedom of Information Act (2000) to ask that you please disclose details of sexual assault, harassment, and misconduct charges brought against members of the police force that falls under your remit, both internally and externally, year by year from 2019-2022. Specifically:

## **1) How many accusations were made against serving officers**

Please note that the relevant legislation in Scotland is the Freedom of Information (Scotland) Act 2002.

As referred to above, the PSD database records complaint categories and the Standards of Professional Behaviour. The term ‘harassment’ is not a recognised recording category therefore no further breakdown is available in this regard - section 17 of the Act therefore applies as the information sought is *not held* by Police Scotland in those terms.

Furthermore, ‘misconduct charges’ is not a recognised term, however, for the purposes of this request, information is provided relating to ‘allegations’ subject to preliminary assessment under Regulation 10 of The Police Service of Scotland (Conduct) Regulations 2014.

It is interpreted that your request relates broadly to matters involving a sexual circumstance, therefore data has been provided below based on the following criteria:

* Allegations involving a sexual circumstance (Complaints and Conduct)

(NB: A ‘sexual circumstance’ can be added to any allegation relating to the on or off duty conduct of an officer to which an element of sexual motivation is, or could be, attributed. This could apply to contact or non-contact offences and could be criminal or non-criminal.)

* Allegations of Rape
* Allegations of Indecent Assault

Data has been provided in relation to Police officers linked to the allegation types above, received between 01/01/2019 – 31/12/2022 inclusive.

*Allegations involving a sexual circumstance (Complaints), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Allegations involving a sexual circumstance | 21 | 19 | 19 | 30 |

*Allegations involving a sexual circumstance (Conduct), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Allegations involving a sexual circumstance | 74 | 81 | 53 | 48 |

*Allegations of Rape (Complaints), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Rape | 0 | 0 | 2 | 1 |

*Allegations of Rape (Conduct), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Rape | 2 | 1 | 1 | 2 |

*Table: Allegations of Indecent Assault (Complaints), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Indecent assault | 13 | 11 | 10 | 14 |

*Table: Allegations of Indecent Assault (Conduct), by calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Category** | **2019** | **2020** | **2021** | **2022** |
| Indecent Assault | 12 | 13 | 7 | 16 |

2) How many of these allegations were upheld

Please note that allegations received may remain subject to live enquiry and/or legal proceedings, therefore may not yet be concluded.

Based on allegations involving a sexual circumstance attached to *complaints* received 01/01/2019 - 31/12/2022 inclusive, 1 allegation was upheld - this allegation did not involve Rape or Indecent Assault. The remaining allegations attached to *complaints* were either not upheld following investigation, remain subject to investigation or were abandoned, withdrawn by the complainer.

Please note that disciplinary outcomes are reserved for matters assessed under [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made), or the 2013 Regulations where an allegation relates to dates prior to 01/04/2014.

As your next question relates to disciplinary outcomes, the disposals for the *Conduct* related allegations detailed in question 1 are addressed below.

3) How many of these upheld charges resulted in disciplinary action, and what actions were they

Data has been provided which details all disposals for the allegations listed in our response to each category provided for question 1 above.

As previously mentioned, allegations received may remain subject to live enquiry and/or legal proceedings, therefore may not yet be concluded.

*Allegations involving a sexual circumstance (Conduct), by allegation disposal and calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Allegation Disposal** | **2019** | **2020** | **2021** | **2022** |
| Hearing - Dismissal With Notice | 0 | 6 | 0 | 0 |
| Hearing - Demotion in Rank | 2 | 0 | 0 | 0 |
| Hearing - Final Written Warning | 0 | 4 | 0 | 0 |
| Hearing - Written Warning | 0 | 3 | 0 | 0 |
| Hearing - No Action | 5 | 0 | 0 | 0 |
| Meeting - Final Written Warning | 0 | 1 | 0 | 0 |
| Meeting - Written Warning | 2 | 0 | 0 | 0 |
| Meeting - Verbal Warning | 3 | 0 | 1 | 0 |
| Meeting - No Action | 1 | 2 | 0 | 0 |
| Management Action | 12 | 9 | 19 | 10 |
| Counselled | 4 | 0 | 0 | 0 |
| No Action | 9 | 13 | 12 | 0 |
| Retired/Resigned | 29 | 13 | 10 | 2 |
| Ongoing - not yet concluded | 7 | 30 | 11 | 36 |
| **Grand Total** | **74** | **81** | **53** | **48** |

*Table: Allegations of Rape (Conduct), by allegation disposal and calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Allegation Disposal** | **2019** | **2020** | **2021** | **2022** |
| No Action\* | 1 | 0 | 0 | 0 |
| Retired/Resigned | 1 | 0 | 0 | 0 |
| Ongoing - not yet concluded | 0 | 1 | 1 | 2 |
| **Grand Total** | **2** | **1** | **1** | **2** |

*\*officer found not guilty at Court and conduct process unable to progress due to lack of engagement*

*Allegations of Indecent Assault (Conduct), by allegation disposal and calendar year received*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Allegation Disposal** | **2019** | **2020** | **2021** | **2022** |
| Meeting - No Action | 0 | 1 | 0 | 0 |
| No Action | 2 | 1 | 3 | 0 |
| Retired/Resigned | 8 | 0 | 2 | 1 |
| Ongoing - not yet concluded | 2 | 11 | 2 | 15 |
| **Grand Total** | **12** | **13** | **7** | **16** |

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.