| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-2131  Responded to: 19 August 2025 |
| --- | --- |

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

**1 - if a police officer or member of staff, who is subject to a CAP and resulting misconduct investigation, criminal or otherwise, dies, is any enquiry made to establish if that death was in any way caused, even in part, by the misconduct investigation?**

**I ask because such investigations are very stressful, they can last for years and it has become very apparent that a number of suicides are directly related to being the subject of misconduct investigations.**

As you may be aware, the Freedom of Information (Scotland) Act 2002 provides a right of access to recorded information only.

There are no specific policies/ procedures that relate to the scenario set out in your request and section 17 of the Act therefore applies - the information sought is not held.

However, any death of this nature would be examined to ascertain if there was a requirement to refer the circumstances to the Crown Office and Procurator Fiscal Service or PIRC.

There would have been contact from a welfare officer etc. prior to the death which would mean the circumstances would be reviewed in accordance with section 41B of the [Police, Public Order and Criminal Justice (Scotland) Act 2006](https://www.legislation.gov.uk/asp/2006/10/section/41B)

If the circumstances met the outlined criteria then the relevant referral would be made by Police Scotland to the appropriate body to enable inquiry to be made into Police Scotland’s handling of the circumstances leading to the death.

## 2 - is there any SOP, or recorded policy or procedure, to ensure that those responsible for investigating CAPs, criminal or otherwise, whether they are in PSD or otherwise tasked to investigate a complaint, are responsible for the welfare of the person being investigated and that they may be the subject of an enquiry, should that person die?

## I ask because custody staff have a duty of care, recorded in various SOPs and policies, to ensure the welfare of those in custody and they are subject to investigation should someone die in custody, but there appears to be no equivalent for PSD, or others who handle CAPs and conduct misconduct investigations.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it is exempt information”.

The information sought is publicly available:

[Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx)

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.