

Our Ref: IM-FOI-2021-2238  
Date: 17 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://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.

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 and accordingly cannot simply be added together.

**1) Since the establishment of Police Scotland, please provide me with a yearly breakdown of the number of constables a) investigated around a sexual offence allegation, b) charged with a sexual offence charge, c) convicted of a sexual offence**

For clarity, the national Professional Standards database became operational from 1 April 2014 and consequently national data is only available from that date. 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 notice that the information requested is not held by Police Scotland.

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.

A total of 87 Police Officers of Constable rank were subject to criminal allegations involving a sexual circumstance, as attached to complaints received between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below. Please note that this figure refers only to allegations. Each allegation received is assessed and investigated; however, not all allegations are substantiated and/or proven.

For your convenience I have included a hyperlink below to our Complaints about the Police Standard Operating Procedure (SOP). Please see section 5 in the link below that differentiates between what is considered to be an on duty or off duty matter:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

**Table 1: Constables subject to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	9	12	10	19	10	14	9	4

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

Information on the number of Constables charged and convicted in relation to the allegations above have been provided in Tables 2 and 3.

Please note that cases received may remain subject to live enquiry and therefore may not yet be concluded at this time. Charges may be issued in relation to ongoing enquiries and likewise subject officers charged may be subject to pending legal proceedings. The following data therefore remains subject to change.

**Table 2: Constables charged in relation to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	0	0	2	0	0	2	0

1. Data is based on the case received date. Note that the date charges were issued may vary and may relate to a period outwith the financial year in which the case was received.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.

**Table 3: Constables convicted in relation to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	0	0	1	0	0	0	0

1. Data is based on the case received date. Note that the date of conviction may vary and may relate to a period outwith the financial year in which the case was received.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry or pending legal proceedings. Data above is therefore subject to change.

### **Conduct matters**

A total of 105 Police Officers of Constable rank were subject to criminal allegations involving a sexual circumstance, as attached to Conduct or Misconduct cases received

between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below.

**Table 4: Constables subject to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	12	15	12	13	16	17	14	6

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

Information on the number of Constables charged and convicted in relation to the allegations above have been provided in tables 5 and 6 below.

Please note that cases received may remain subject to live enquiry and therefore may not yet be concluded at this time. Charges may be issued in relation to ongoing enquiries and likewise subject officers charged may be subject to pending legal proceedings. The following data therefore remains subject to change.

**Table 5: Constables charged in relation to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	3	2	3	8	7	7	5	2

1. Data is based on the case received date. Note that the date charges were issued may vary and may relate to a period outwith the financial year in which the case was received.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.

**Table 6: Constables convicted in relation to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	2	2	3	6	3	3	1	0

1. Data is based on the case received date. Note that the date of conviction may vary and may relate to a period outwith the financial year in which the case was received.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry or pending legal proceedings. Data above is therefore subject to change.

**2) Please also provide me with the number of special constables a) investigated around a sexual offence allegation, b) charged with a sexual offence charge, c) convicted of a sexual offence**

As per response to question 1 above, data will be provided separately based on Complaint cases and Conduct/Misconduct cases.

**Complaints**

A total of two Police Officers of Special Constable rank were subject to criminal allegations involving a sexual circumstance, as attached to complaints received between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below.

**Table 7: Special Constables subject to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	1	0	1	0	0	0	0

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

Information on the number of Special Constables charged and convicted in relation to the allegations above have been provided in tables 8 and 9 below. Please note that cases received may remain subject to live enquiry and therefore may not yet be concluded at this time. Charges may be issued in relation to ongoing enquiries and likewise subject officers charged may be subject to pending legal proceedings. The following data therefore remains subject to change.

**Table 8: Special Constables charged in relation to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	0	0	0	0	0	0	0

1. Data is based on the case received date. Note that the date charges were issued may vary and may relate to a period outwith the financial year in which the case was received.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.

**Table 9: Special Constables charged in relation to criminal allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	0	0	0	0	0	0	0

1. Data is based on the case received date. Note that the date of conviction may vary and may relate to a period outwith the financial year in which the case was received.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry or pending legal proceedings. Data above is therefore subject to change.

**Conduct matters**

A total of three Police Officers of Special Constable rank were subject to criminal allegations involving a sexual circumstance, as attached to Conduct or Misconduct cases received between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below.

**Table 10: Special Constables subject to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	2	0	0	0	1	0	0

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

Information on the number of Special Constables charged and convicted in relation to the allegations above have been provided in the tables 11 and 12 below. Please note that cases received may remain subject to live enquiry and therefore may not yet be concluded at this time. Charges may be issued in relation to ongoing enquiries and likewise subject officers charged may be subject to pending legal proceedings. The following data therefore remains subject to change.

**Table 11: Special Constables charged in relation to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	0	0	0	0	0	0	0

1. Data is based on the case received date. Note that the date charges were issued may vary and may relate to a period outwith the financial year in which the case was received.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.

**Table 12: Special Constables convicted in relation to criminal allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3 4</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	0	2	0	0	0	1	0	0

1. Data is based on the case received date. Note that the date of conviction may vary and may relate to a period outwith the financial year in which the case was received.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry or pending legal proceedings. Data above is therefore subject to change.

**3) Please provide me with the number of police officers who have been investigated internally by Police Scotland for complaints while on duty that had a sexual nature.**

As per response to the questions above, data will be provided separately based on Complaint cases and Conduct/Misconduct cases. Please note that in respect of this particular question, allegations may be criminal or non-criminal in nature.

Please also note that the Professional Standards Department handle complaints and conduct matters against officers up to and including the rank of Chief Superintendent. Complaints and Conduct cases against officers above this rank are a matter for the Scottish Police Authority.

### **Complaints**

A total of 112 Police Officers were subject to On Duty allegations involving a sexual circumstance, as attached to complaints received between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below.

**Table 13: Police Officers subject to On Duty allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	10	20	12	23	17	17	9	4

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

### **Conduct matters**

A total of 111 Police Officers were subject to allegations involving a sexual circumstance, as attached to Conduct or Misconduct cases received between 01/04/2014 and 14/10/2021. Data has been provided by financial year within the table below.

**Table 14: Police Officers subject to On Duty allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3</sup>**

Number of Subject Officers	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
	8	15	24	11	11	23	15	4

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.

**4) Please also provide the number of times these investigations have led to an officer being a) dismissed, b) suspended, c) given a formal warning, d) any other type of disciplinary measure, e) no further action.**

This question is interpreted as a continuation of question 3.

As per response to the questions above, data will be provided separately based on Complaint cases and Conduct/Misconduct cases. These data will detail the disposals linked to the relevant subject officers.

Please also note that cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.

### Complaints

Please note that formal or management action is only applied to conduct cases. However, once complaint matters are concluded, the circumstances may be referred for a Conduct Assessment.

**Table 15: Disposals for Police Officers subject to On Duty allegations involving a sexual circumstance (Complaints), by Financial Year <sup>1 2 3 4</sup>**

Disposal	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Referred to Conduct Unit	3	4	1	0	3	1	0	0
Management Action	1	0	0	0	0	0	0	0
Performance Regulations	1	0	0	0	0	0	0	0
No Action	5	15	11	21	13	14	3	3
Ongoing - not yet concluded	0	1	0	2	1	2	6	1
<b>Grand Total</b>	<b>10</b>	<b>20</b>	<b>12</b>	<b>23</b>	<b>17</b>	<b>17</b>	<b>9</b>	<b>4</b>

1. Data is based on the case received date.
2. Each allegation may be linked to multiple subject officers. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.
5. The term 'No Action' can mean that misconduct has not been established or that local management have introduced an improvement/action plan.

### Conduct matters

**Table 16: Disposals for Police Officers subject to On Duty allegations involving a sexual circumstance (Conduct/Misconduct), by Financial Year <sup>1 2 3 4</sup>**

Category	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Hearing - Demotion in Rank	0	0	0	0	0	1	0	0
Hearing - Dismissal With Notice	0	0	0	0	0	1	0	0
Hearing - Dismissal Without Notice	1	1	2	0	0	0	0	0
Hearing - Final Written Warning	0	2	1	0	0	0	0	0
Hearing - Written Warning	1	0	0	0	0	0	0	0
Meeting - Final Written Warning	0	1	1	0	0	0	0	0



## OFFICIAL

Meeting - Verbal Warning	0	0	0	0	0	2	0	0
Meeting - Written Warning	0	2	3	1	1	1	0	0
Management Action	3	2	5	4	6	2	3	1
Performance Regulations	0	0	2	0	0	0	0	0
No Action	1	3	5	2	1	4	2	1
Retire/Resign	2	3	5	0	1	6	0	0
Ongoing - not yet concluded	0	1	0	4	2	6	10	2
<b>Grand Total</b>	<b>8</b>	<b>15</b>	<b>24</b>	<b>11</b>	<b>11</b>	<b>23</b>	<b>15</b>	<b>4</b>

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations.
3. Data for 2021/22 covers the period of 01/04/2021 - 14/10/2021 inclusive.
4. Cases received may remain subject to live enquiry and therefore may not yet be concluded at this time.
5. The term 'No Action' can mean that misconduct has not been established or that local management have introduced an improvement/action plan.

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](mailto: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](mailto: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.