| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0199Responded to: 05 May 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.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage disciplinary matters relative to Members of Police Staff.

The complaint process and the conduct process are distinct from each other and both have separate assessment and recording criteria 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 potential for the same officer/ 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 case, however the same officer may be subject to multiple cases and therefore may appear more than once.

**Could you please tell me, in each calendar year from 2017-2021 (inclusive):**

## The number of police officers at your force who received an allegation of sexual misconduct or any other sexual offence.

## The number of police officers who received such an allegation in each year, broken down by gender.

Please note that there is no recording criteria of ‘sexual misconduct’ on the Professional Standards database however a sexual circumstance marker is applied to any allegation relating to the on or off duty conduct of a Police Scotland officer to which an element of sexual motivation is, or could be, attributed. This can include contact and non-contact allegations, including inappropriate comments.

For questions a and b, data has been provided in relation to Police officers subject of allegations involving a sexual circumstance, received between 01/01/2017 – 31/12/2022 inclusive.

Please note, as previously mentioned, that subject officers are counted once per case. Each case may involve multiple allegations and (for complaints only) each allegation may be linked to multiple subject officers.

Furthermore, unidentified officers are excluded from the breakdown of subject officers as they have not been positively identified. The data provided refers, separately, to officers subject to relevant allegations attached to complaints and conduct cases.

*Table: Police officers subject of allegations involving a sexual circumstance (Complaints), by sex and calendar year received 1*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Police Officers by Sex** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Female | 3 | 5 | 6 | 4 | 1 | 3 |
| Male | 27 | 24 | 18 | 16 | 18 | 22 |
| Grand Total | 30 | 29 | 24 | 20 | 19 | 25 |

*1 Data is based on the case received date.*

*Table: Police officers subject of allegations involving a sexual circumstance (Conduct), by sex and calendar year received 1 2*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Police Officers by Sex** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Female | 2 | 1 | 3 | 2 | 3 | 5 |
| Male | 33 | 16 | 39 | 37 | 31 | 39 |
| Grand Total | 35 | 17 | 42 | 39 | 34 | 44 |

*1 Data is based on the case received date.
2 Subject officers may be linked to multiple allegations. Therefore, the number of officers may vary from the number of allegations. Subject officers are counted once per case.*

## The number of police officers who received such an allegation in each year that were subsequently suspended or placed on restricted duties.

Please note that an individual officer may serve a single suspension or restriction in relation to multiple cases.

Likewise, an individual officer may serve multiple (i.e. separate) suspensions or restrictions within the data presented below.

Furthermore, an officer may be subject to multiple allegations, therefore the number of officers may vary from the number of allegations.

*Table: Police officers subject of allegations involving a sexual circumstance (Complaints), by duty status and calendar year received 1 2*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Duty Status** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Suspended or Restricted | 4 | 4 | 2 | 2 | 0 | 1 |

*1 Data is based on the case received date. This may vary from the date of suspension.
2 Multiple officers may subject to a single allegation and each case may involve multiple allegations. Therefore, the number of officers may vary from the number of allegations. Subject officers are counted once per case.*

*Table: Police officers subject of allegations involving a sexual circumstance (Conduct), by duty status and calendar year received 1 2*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Duty Status** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Suspended or Restricted | 22 | 11 | 25 | 24 | 16 | 30 |

*1 Data is based on the case received date. This may vary from the date of suspension.
2 Multiple officers may be subject to a single allegation and each case may involve multiple allegations. Therefore, the number of officers may vary from the number of allegations. Subject officers are counted once per case.*

## Where possible, the number of officers who received such an allegation in each year, broken down by result against the officer (dismissal, no further action taken, etc)

Please note that cases received may remain subject to live enquiry and/or pending legal proceedings, therefore may not yet be concluded. For the purposes of this request and consistency with the above responses, data regarding case outcomes for each subject officer has been provided below. These are based on the most severe disposal linked to allegations on each case which involve a sexual circumstance.

*Table: Case Disposals for Police officers subject of allegations involving a sexual circumstance (Complaints), by calendar year received 1 2 3 4*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Case Disposal** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| Formal Action | 2 | 4 | 3 | 1 | 0 | 0 |
| No Action | 25 | 24 | 19 | 14 | 18 | 11 |
| Ongoing - not yet resulted | 2 | 1 | 2 | 5 | 1 | 14 |
| Retired/Resigned | 1 | 0 | 0 | 0 | 0 | 0 |
| **Grand Total** | **30** | **29** | **24** | **20** | **19** | **25** |

*1 Data is based on the case received date.
2 Multiple officers may be subject to a single allegation and each case may involve multiple allegations. Therefore, the number of officers may vary from the number of allegations. Subject officers are counted once per case.
3 Unidentified officers are excluded from the table above.
4 Cases may remain subject to live enquiry and/or pending legal proceedings and may not yet be concluded.*

*Table: Case Disposals for Police officers subject to allegations involving a sexual circumstance (Conduct), by calendar year received 1 2 3*

| **Case Disposal** | **2017** | **2018** | **2019** | **2020** | **2021** | **2022** |
| --- | --- | --- | --- | --- | --- | --- |
| Hearing - Demotion in Rank | 0 | 0 | 1 | 0 | 0 | 0 |
| Hearing - Dismissal With Notice | 0 | 0 | 0 | 1 | 0 | 0 |
| Hearing - Final Written Warning | 1 | 0 | 0 | 1 | 0 | 0 |
| Hearing - No Action | 1 | 1 | 1 | 0 | 0 | 0 |
| Hearing - Reduction in Rate of Pay | 1 | 0 | 0 | 0 | 0 | 0 |
| Hearing - Written Warning | 0 | 0 | 0 | 1 | 0 | 0 |
| Meeting - Final Written Warning | 0 | 0 | 0 | 1 | 0 | 0 |
| Meeting - No Action | 0 | 0 | 0 | 1 | 0 | 0 |
| Meeting - Verbal Warning | 1 | 1 | 2 | 0 | 1 | 0 |
| Meeting - Written Warning | 3 | 2 | 1 | 0 | 0 | 0 |
| Management Action | 10 | 3 | 7 | 6 | 16 | 10 |
| Counselled | 0 | 0 | 1 | 0 | 0 | 0 |
| Performance Regulations | 1 | 0 | 0 | 0 | 0 | 0 |
| No Action | 4 | 5 | 8 | 9 | 4 | 0 |
| Retired/Resigned | 11 | 2 | 14 | 6 | 4 | 2 |
| Ongoing - not yet concluded | 2 | 3 | 7 | 13 | 9 | 32 |
| **Grand Total** | **35** | **17** | **42** | **39** | **34** | **44** |

*1 Data is based on the case received date.
2 Officers may be subject to multiple allegations. Therefore, the number of officers may vary from the number of allegations. Subject officers are counted once per case.
3 Cases may remain subject to live enquiry and/or pending legal proceedings and may not yet be concluded.*

## The number of officers who received such an allegation in each year, and were subsequently charged with an offence.

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.

The information sought is not easily searchable/ retrievable from the PSD database and it would therefore be necessary to research a number of other force systems in relation to each of the 358 cases detailed above to ascertain whether or not the officer was charged with an offence.

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 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 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.