| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0525Responded to: 27th February 2023 |
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Your recent request for information is replicated below, together with our response.

## According to the [Daily Record](https://www.dailyrecord.co.uk/news/scottish-news/shamed-scots-cop-faces-sack-29251022):

## 'Caulfield, from Dundee, admitted “acting in a coercive and controlling manner” towards the woman and engaging in the course of abusive behaviour towards her, while she was his partner or ex-partner, between July 12, 2020, and April 7, 2021.'

## The article continues:

## 'A Police Scotland spokesperson said: “We are aware of the outcome of the case and a report will be made to the Assistant Chief Constable for Professionalism and Assurance for consideration of conduct proceedings. Police Scotland fully investigates all reports of violence against women and girls irrespective of who the perpetrator is.'

## Can you confirm that conduct proceedings will cease if officer Caulfield resigns?

I can confirm that the [Police Service of Scotland (Conduct) Regulations 2014](file:///C%3A%5CUsers%5C1654664%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C2PG8EI08%5CThe%20Police%20Service%20of%20Scotland%20%28Conduct%29%20Regulations%202014%20%28legislation.gov.uk%29) and related processes apply only to serving officers.

Therefore, should an officer retire or resign, any outstanding misconduct proceedings will cease.

## Please provide details of any plans you have to continue conduct proceedings after an officer resigns, as happens in England and Wales.

The [Police Service of Scotland (Conduct) Regulations 2014](file:///C%3A%5CUsers%5C1654664%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C2PG8EI08%5CThe%20Police%20Service%20of%20Scotland%20%28Conduct%29%20Regulations%202014%20%28legislation.gov.uk%29) detail the procedures Police Scotland must follow for dealing with misconduct for Police Officers up to and including the rank of Chief Superintendent.

As mentioned in response to question 1, these Regulations only apply to serving officers therefore a change in legislation would be required to continue misconduct proceedings after an officer resigns or retires.

As you may be aware, in May 2022 the Scottish Government issued a consultation paper entitled ‘Police Complaints, Investigations and Misconduct - legislation’.

The aim of this consultation was to seek views on legislative proposals with a view to delivering new laws to improve transparency and further strengthen public confidence in policing.

Section 3 of the consultation relates to ‘Conduct and Standards’ and details some of the considerations of the Scottish Government in this area.

A copy of the consultation can be accessed [here](https://www.gov.scot/publications/police-complaints-investigations-misconduct-consultation-legislation/pages/1/) and it states ‘Implementing these recommendations could involve changes allowing gross misconduct hearings to be held in public and/or to be allowed to continue even after an officer leaves the service through resignation or retirement’.

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.