| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2968  Responded to: 21 December 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.

* **How many allegations of racist behaviour by officers were made from 4th May 2015 to 14th November 2023, broken down by calendar year.**
* **Please include a description of the alleged behaviour.**

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

The complaints 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.

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 associated [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 process and allegations 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 Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D. The CAP SOP outlines that all allegations of on duty criminality are reported to the Crown Office and Procurator Fiscal Service (COPFS) for independent assessment and to enable consideration of criminal proceedings.

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. Due to these processes, the 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 officer(s) 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.

Please note that no specific allegation type exhaustively captures those which may be defined as “racism” and no marker is recorded on the PSD database to this end.

However, allegations which fall within the specified categories below do involve a racial element:

* Racially Aggravated Conduct
* Racially Aggravated Harassment
* Discriminatory Behaviour with a Race sub type (attached to complaints only)

Data has therefore been provided in relation to the number of allegations received between 04/05/2015 and 14/11/2023 (inclusive) based on those categories - broken down by allegation type or charge type, and by calendar year as at 17/11/2023.

*Complaint allegations categorised as involving a racial element 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Allegation Type** | **’15** | **’16** | **’17** | **’18** | **’19** | **’20** | **’21** | **’22** | **’23** |
| Discriminatory Behaviour - Race | 35 | 48 | 41 | 31 | 49 | 64 | 61 | 65 | 69 |
| Racially Aggravated Conduct | 3 | 6 | 2 | 1 | 1 | 2 | 2 | 2 | 4 |
| Racially Aggravated Harassment | 0 | 0 | 1 | 0 | 2 | 4 | 0 | 0 | 0 |
| **Grand Total** | **38** | **54** | **44** | **32** | **52** | **70** | **63** | **67** | **73** |

*1 Data is based on the case received date.   
2 Data for 2015 covers the period of 04/05/2015 – 31/12/2015 inclusive, as per the specifics of your request.   
3 Data for 2023 covers the period of 01/01/2023 – 14/11/2023 inclusive, as per the specifics of your request.*

*Conduct allegation linked charges categorised as involving a racial element 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Charge Type** | **’15** | **’16** | **’17** | **’18** | **’19** | **’20** | **’21** | **’22** | **’23** |
| Racially Aggravated Conduct | 0 | 0 | 0 | 0 | 1 | 4 | 4 | 2 | 1 |
| Racially Aggravated Harassment | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 2 | 0 |
| **Grand Total** | **1** | **0** | **0** | **0** | **1** | **5** | **5** | **4** | **1** |

*1 Data is based on the case received date.   
2 Data for 2015 covers the period of 04/05/2015 – 31/12/2015 inclusive, as per the specifics of your request.   
3 Data for 2023 covers the period of 01/01/2023 – 14/11/2023 inclusive, as per the specifics of your request.*

* **For each allegation please state if the person making the allegation was a member of the public or employed by the police.**

Complainer details are not systematically recorded against *Conduct* cases on the PSD database and section 17 of the Act therefore applies as the information sought is not held by Police Scotland.

The table below provides details of complainer type breakdown in relation to *Complaint* case allegations only.

Please note that each allegation *could* involve multiple complainers and therefore multiple complainer types, however that is not the case for any of the allegations below.

*Allegations categorised as involving a racial element (Complaints), by allegation type, complainer type and calendar year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Allegation and Complainer Type** | **’15** | **’16** | **’17** | **’18** | **’19** | **’20** | **’21** | **’22** | **’23** |
| **Discriminatory Behaviour - Race - Total** | **35** | **48** | **41** | **31** | **49** | **64** | **61** | **65** | **69** |
| Police Officer | 0 | 1 | 0 | 0 | 7 | 0 | 0 | 0 | 0 |
| Member of the public | 35 | 47 | 41 | 31 | 42 | 64 | 61 | 65 | 69 |
| **Racially Aggravated Conduct - Total** | **3** | **6** | **2** | **1** | **1** | **2** | **2** | **2** | **4** |
| Police Officer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Member of the public | 3 | 6 | 2 | 1 | 1 | 2 | 2 | 2 | 4 |
| **Racially Aggravated Harassment - Total** | **0** | **0** | **1** | **0** | **2** | **4** | **0** | **0** | **0** |
| Police Officer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Member of the public | 0 | 0 | 1 | 0 | 2 | 4 | 0 | 0 | 0 |

*1 Data is based on the case received date.   
2 Data for 2015 covers the period 04/05/2015 – 31/12/2015 inclusive, as per your request.   
3 Data for 2023 covers the period 01/01/2023 – 14/11/2023 inclusive, as per your request.*

* **Please state the ethnicity of the person making the allegation (where held)**

The ethnicity of the complainer is not recorded on the PSD database and section 17 of the Act therefore applies - the information sought is not held by Police Scotland.

* **Please state the ethnicity of the accused (where held)**

The ethnicity of the police officer subject to the allegations is not recorded on the PSD database. The officer *may* have provided a self-declared ethnicity to our People and Development team in line with our Equality and Diversity monitoring processes but that information is not easily retrievable.

The officers linked to each of the 510 allegations detailed above would have to be individually cross referred between the PSD database and other records.

On that basis, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request and I am therefore refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

## Whether the accused was charged

## Whether the accused was convicted

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

Data provided is based on a snapshot as at 17/11/2023 and therefore may be subject to change at a later date.

Matters alleged may also have been abandoned or withdrawn by the complainer.

As previously mentioned, the CAP SOP outlines that all allegations of on duty criminality are reported to COPFS for independent assessment and to enable consideration of criminal proceedings.

Whether legal proceedings are instigated, i.e. whether an officer is charged, is a matter designated to COPFS.

The table below details the number of officers charged and/ or convicted per calendar year *1 2 3 4*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **’15** | **’16** | **’17** | **’18** | **’19** | **’20** | **’21** | **’22** | **’23** |
| Officers charged | 1 | 1 | 0 | 0 | 2 | 0 | 1 | 1 | 1 |
| Officers convicted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |

*1 Data is based on the case received date.   
2 Data for 2015 covers the period 04/05/2015 – 31/12/2015 inclusive, as per your request.  
3 Data for 2023 covers the period 01/01/2023 – 14/11/2023 inclusive, as per your request.*

*4 Conviction figures are as at 29/11/2023.*

* **The outcome of any professional misconduct investigation**

This question is answered based on cases involving allegations categorised as involving a racial element, which resulted in a now concluded misconduct investigation.

Such investigations are progressed following a Regulation 11 notice being served on the subject officer and thereafter result in a completed report by the investigating officer under Regulation 13 of [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made).

Please note that cases may remain subject to live enquiry and therefore may not yet have reached the Regulation 11 stage of the misconduct process.

It should also be noted that allegations received may remain subject to ongoing criminal investigation and/or legal proceedings, in which case the misconduct process is pended until the conclusion of those investigations and/or proceedings.

Furthermore, the Police Service of Scotland (Conduct) Regulations 2014 cease to have effect when an officer retires or resigns as the Regulations only apply to serving officers.

The concluded investigations detailed below all relate to allegations categorised as Racially Aggravated Conduct.

Of note, the figures detailed below do not reflect the allegation disposals for those allegations or charges detailed in our response to the first question above, but only those which have progressed to a completed misconduct investigation in line with your question.

*Misconduct investigations for allegation linked charges categorised as involving a racial element (Conduct), by determination and calendar year 1 2 3*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Determination** | **’15** | **’16** | **’17** | **’18** | **’19** | **’20** | **’21** | **’22** | **’23** |
| Gross Misconduct | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Misconduct - Improvement Action | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Neither misconduct nor gross misconduct - No Action | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |

*1 Data is based on the case received date.   
2 Data for 2015 covers the period 04/05/2015 – 31/12/2015 inclusive, as per your request.   
3 Data for 2023 covers the period 01/01/2023 – 14/11/2023 inclusive, as per your request.*

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.