| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2646  Responded to: 30th October 2023 |
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Your recent request for information is replicated below, together with our response.

**a. How many internal misconduct investigations since 1 January 2018 to date have been categorised as Critical Incidents, as defined by the College of Policing (“Any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, the family and/or the community.”)?**

**b. If yes, what was the nature of the allegations, as categorised by the IOPC bulletin data e.g. Breach of Code of Practice A-E PACE, corrupt practice, excessive use of unlawful arrest/detention, assault, improper access / disclosure of information, breaches of art 2 and 3 ECHR etc.**

The information sought is *not held* by Police Scotland and section 17 of the Act therefore applies.

To explain, we have no facility within our conduct investigation recording system to designate an investigation as a ‘critical incident’ or similar.

To be of assistance, I can advise you that in Scotland, 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/).

You should note that much of the terminology in the second part of your request - IOPC, PACE etc relates to processes in England and not in Scotland.

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.