| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0605  Responded to: 16 March 2023 |
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Your recent request for information is replicated below, together with our response.

**1. How many allegations of police misconduct against police officers and all other police staff (including PCSOs and Special constables) employed by your force, that have been made either by members of the public or that are internal complaints within your force, have there been in the last three calendar years 2020, 2021, 2022.**

**- Please include allegations recorded ONLY since your force started recording allegations in line with February 2020 IOPC statutory guidelines for the recording of complaints -** [**https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020\_statutory\_guidance\_english.pdf**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.policeconduct.gov.uk%2Fsites%2Fdefault%2Ffiles%2FDocuments%2Fstatutoryguidance%2F2020_statutory_guidance_english.pdf&data=05%7C01%7Cfoi%40scotland.police.uk%7Cb2f6ef926e8a461a02bb08db19b2440b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638132025793059222%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=dWfnCEBv2XoLxX1FpShHBwHdSYqKKd%2Fu5eI6dznN4aQ%3D&reserved=0) **and**

[**https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Guidance\_on\_capturing\_data\_about\_police\_complaints\_Jan2021.pdf**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.policeconduct.gov.uk%2Fsites%2Fdefault%2Ffiles%2FDocuments%2Fstatutoryguidance%2FGuidance_on_capturing_data_about_police_complaints_Jan2021.pdf&data=05%7C01%7Cfoi%40scotland.police.uk%7Cb2f6ef926e8a461a02bb08db19b2440b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638132025793059222%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=7z03V4OMBE9ApXpAOkON5F0YZaBh57Cr4ebG%2Fdw31qM%3D&reserved=0)**.**

**- Please include ONLY the following categories of allegations below:**

**G2 - Abuse of position for sexual purpose.**

**J1 - Sexual assault.**

**J2 - Sexual harassment.**

**J3 - Other sexual conduct.**

**- Please include all allegations of police misconduct in the categories outlined above, including those that that have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.**

**a) Please breakdown this number by type of misconduct allegations and year.**

**As far as possible, please answer as set out in the table below [table provided].**

**b) For allegations made against police officers only, please breakdown the number of allegations made, by the rank of the police officer that the allegation was made against.**

**As far as possible, please answer as set out in the table below [table provided].**

**c) For allegations made against police officers only, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action). Please break this down by allegation type.**

**As far as possible, please answer as set out in the table below [table provided].**

**d) For allegations made against police staff employed by your force only (including PCSOs and Special constables) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against. Please break this down by allegation type.**

**As far as possible, please answer as set out in the table below [table provided].**

Having considered the questions above, I would advise you that Police Scotland do not record allegations in line with February 2020 IOPC statutory guidelines. Furthermore, the categories listed do not align with processes in Scotland.

On that basis and in terms of section 17 of the Act, the information sought is *not held* by Police Scotland.

The formal disciplinary process for Police Officers in Scotland 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 conduct cases 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/) which, again, do not align to the terminology used in your request.

We can, of course, provide data on any of the Standards of Professional Behaviour but in addition, we also have a ‘sexual circumstance’ marker that can be appended to cases and therefore searched upon.

**2. How many reports of domestic abuse alleged to have been perpetrated by a police officer or any member of police staff (including PCSO and Special constable) employed by your force, have been made in the last three calendar years 2020\*\*, 2021 and 2022.**

**- \*By ‘reports of domestic abuse’ I mean reports that have been recorded in-line with the ‘National Standard for Incident Recording Rules’ and where ‘Domestic Abuse’ has been recorded as a qualifier. Please use the definition of ‘Domestic Abuse’ as set out in the ‘National Incident Category List’ in this document on page 32 -** [**https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/116658/count-nsir11.pdf**](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F116658%2Fcount-nsir11.pdf&data=05%7C01%7Cfoi%40scotland.police.uk%7Cb2f6ef926e8a461a02bb08db19b2440b%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638132025793059222%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=fUE0MDU0QgmpHGVAlJ0R2PhWELFwnU%2BYIlUcxKosH1A%3D&reserved=0)

**- \*\* Please only include reports from February 2020 onwards (so exclude January for the calendar year 2020).**

**- Please include all reports of this type that have been made, including those that may have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.**

**a) Please break down the number of reports of domestic abuse by calendar year.**

**As far as possible, please answer as set out in the table below [table provided].**

**b) For reports where the alleged perpetrator was a police officer only, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action).**

**As far as possible, please answer as set out in the table below [table provided].**

**c) For reports where the alleged perpetrator was a member of police staff only (including PCSOs and Special constable) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against.**

**As far as possible, please answer as set out in the table below [table provided].**

Again, having considered the questions above, I would advise you that Police Scotland do not record domestic abuse allegations against officers/ staff in-line with the ‘National Standard for Incident Recording Rules’ nor do we use the definition of ‘Domestic Abuse’ as set out in the ‘National Incident Category List’ referred to.

On that basis and in terms of section 17 of the Act, the information sought is *not held* by Police Scotland.

Police Scotland defines domestic abuse as:

*“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship.   
The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online”*

Again, we can provide some data based on a ‘domestic circumstance’ marker if that would be of interest - in relation to conduct and/ or complaints.

You may be interested in a recent FOI response on the subject:

[22-2651 - PSD - Officer/staff misconduct - domestic - details/outcomes - Oct 17-22 - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2022/december/22-2651-psd-officer-staff-misconduct-domestic-details-outcomes-oct-17-22/)

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.