| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0180  Responded to: 14 March 2024 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

## The number of allegations of racist behaviour made by the public against Police Scotland officers from 1st January to 31st December 2023 including Discriminatory Behaviour - Race, Racially Aggravated Conduct - Total and Racially Aggravated Harassment - Total.

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

The Police Scotland [Complaints About the Police 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 Complaint 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.

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).

It is therefore possible for the same officer/ circumstances to appear on a Complaint case and a Conduct case, meaning the Complaints and Conduct figures 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 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(s) exhaustively captures those which may be defined as ‘racist behaviour’ and no marker is recorded on the PSD database to this end.

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

* Racially aggravated conduct
* Racially aggravated harassment
* Discriminatory Behaviour with a Race sub type (attached to complaints only)

The tables below detail all such allegations received between 01 January to 31 December 2023 inclusive, which are linked to complainers recorded as being members of the public.

Of note, in accordance with the Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx), 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 to take place.

Please note that complainer data is not systematically recorded against Conduct files however, records matching the criteria above were manually reviewed to provide the requested information.

Data is based on the case received date.

*Complaint allegations categorised as involving a racial element, by type*

| **Allegation Type** | **Number of allegations** |
| --- | --- |
| Discriminatory Behaviour - Race | 84 |

*Conduct allegations linked to charges categorised as involving a racial element, by type*

| **Charge Type** | **Number of allegations** |
| --- | --- |
| Racially Aggravated Conduct | 0 |
| Racially Aggravated Harassment | 0 |

## The number of Police Scotland officers convicted of crimes from 3rd May 2015 to 31st December 2023, broken down by calendar year.

I am refusing to provide the information sought in terms of section 12(1) - Excessive Cost of Compliance.

To explain, the information sought is not easily retrievable from the PSD database.

It would be necessary to individually research all officers linked to potentially relevant cases (allegations of criminality) on the Criminal History System (CHS), to ascertain whether or not the case resulted in conviction.

Given the numbers involved for the period, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process 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.