| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0757  Responded to: 26 March 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

The Police Scotland [Suspension from Duty Standard Operating Procedure (SOP](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf)) provides guidance in relation to the application of [The Police Service of Scotland (Conduct) Regulations 2013](https://www.legislation.gov.uk/ssi/2013/60/contents/made) and [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made) as they relate to the suspension of an officer.

Only in cases where an effective criminal or misconduct investigation may be prejudiced if the officer is not suspended and/or having regard to the nature of the allegation, and any other relevant considerations, will suspension be imposed.

The decision to suspend an officer, made by the Deputy Chief Constable (DCC) Designate, will normally only be taken after each set of individual circumstances have been rigorously and objectively examined.  The DCC Designate can also impose other conditions or restrictions as are reasonable in the circumstances.

Details of suspended and restricted officers are reported through the Scottish Police Authority (SPA) Complaints and Conduct Committee (CCC) on a quarterly basis with detailed information reported in private but some information reported publicly:

[Complaints & Conduct Committee Meetings | Scottish Police Authority (spa.police.uk)](https://www.spa.police.uk/what-we-do/governance-meetings/complaints-and-conduct-committee/)

## 1. As of 14/03/2024 how many Police Officers are currently suspended?

66 officers.

## 2. Out of these officers, how many are suspended due to an ongoing criminal investigation?

44 officers.

## 3. Out of the suspended officers, how many have been cleared of criminally, by court or COPFS, yet remain suspended?

10 officers.

Of note, misconduct proceedings cannot be considered until the conclusion of criminal proceedings.

## 4. How many days have these officers remained suspended after being cleared of criminal conduct?

Average for the 10 officers referenced in question 3, as at 14/03/2024 = 171.5 days.

## 5. How many days is your longest suspended officer been suspended?

1,339 days.

## 6. How many officers are currently suspended

## Upto 1 year

## Between 1-2 years

## Between 2-3 years

## Between 3-4 years

## Between 4 -5 years

## 7. What is the rank of the officers in question 6.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Rank** | **<1 year** | **1-2 years** | **2-3 years** | **3-4 years** | **4-5 years** |
| Constable | 29 | 17 | 5 | 3 | 0 |
| Sergeant or above | 8 | 3 | 1 | 0 | 0 |
| Total | 37 | 20 | 6 | 3 | 0 |

You will note that the exact rank of officers beyond Sergeant rank has not been provided.

Were details included, the pool of individuals to whom the data could relate is considered sufficiently low that there exists the potential for individuals to be easily identified.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that exemption set out at section 38(1)(b) of the Act applies - personal information.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

*‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’*

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

*‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’*

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

*‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’*

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information, I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is my view that disclosure of the information sought would be unlawful.

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.