| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2083Responded to: 1 November 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response. Please accept my apologies for the delay in responding.

**For added clarification, please be advised that I am referring in this request both to criminal investigations for racial hate, and internal conduct/behavioural cases regarding racial discrimination.**

## 1. Since 01 August 2019, what is the total number of police officers within your force, at any rank, who have been investigated for racial hate offences?a. Please categorise these investigations into the different types of racism that were alleged (e.g. Islamophobia, antisemitism, anti-Black racism, however it is that your force categorises racism offences)

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 relating to both officers and members of police staff.

Complaints are recorded in accordance with the categories listed at appendices C and D.

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 Police Service of Scotland (Conduct) Regulations 2014 [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 Conduct 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/).

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). There is therefore potential for the same individual/circumstances to appear on a Complaint case and a Conduct case. Due to these processes, 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 officers 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 Conduct case, however the same officer may be subject to multiple cases and therefore may appear more than once. Each case may involve multiple allegations and (for Complaints only) each allegation may be linked to multiple subject officers.

Data has been provided below which details the number of allegations attached to Complaint and Conduct cases received between 01/08/2019 – 30/08/2024 inclusive, involving the following categories which specify a racial element and are criminal in nature. The data is limited to allegations about Police officers, as per your request.

Furthermore, the figures provided relate to criminal investigations only. Any criminal allegations which were Abandoned or Withdrawn (for Complaints only) would not have been subject to investigation. All criminal allegations attached to Conduct cases are subject to some level of criminal investigation.

Of note, Police Scotland is responsible for handling complaints for all ranks up to the rank of Chief Superintendent. The Scottish Police Authority (SPA) handles complaints in relation to the ranks of Assistant Chief Constable, Deputy Chief Constable and Chief Constable. As a result, Police Scotland only holds information in relation to complaints about Police officers up to the rank of Chief Superintendent.

Please note that no specific allegation type(s) exhaustively capture those which may be defined as “racial discrimination” and no marker is recorded on the PSD database to this end. 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)

*Table 1: Criminal allegations categorised as involving a racial element which were subject to criminal investigation and linked to Police officers (Complaints), by allegation type 1*

|  |  |
| --- | --- |
| **Allegation Type** | **Number of allegations** |
| Discriminatory Behaviour | 15 |
| Racially aggravated conduct | 6 |
| Racially aggravated harassment | 5 |
| **Total** | **26** |

*1. Data is based on the case received date.*

*Table 2: Allegations categorised as involving a racial element which were subject to criminal investigation (Conduct), by allegation type 1*

|  |  |
| --- | --- |
| **Allegation Type** | **Number of allegations** |
| Racially aggravated conduct | 11 |
| Racially aggravated harassment | 4 |
| **Total** | **15** |

*1. Data is based on the case received date.*

*.*

## 2. Since 01 August 2019, what is the total number of police officers within your force, at any rank, who were:

## a) fired/struck off as a result of an investigation into a racial hate offence?

Please note that dismissal from service is an allegation disposal which is designated to the misconduct process only, therefore this data is not held in relation to Complaints.

Furthermore, the Police Service of Scotland (Conduct) Regulations 2014 apply only to serving officers, therefore should an officer retire or resign then the misconduct process would immediately cease. An officer can only be dismissed at the conclusion of the misconduct process.

No subject officer linked to allegations categorised as involving a racial element, attached to Conduct cases received between 01/08/2019 – 30/08/2024 inclusive, were dismissed in relation to those allegations.

Please note that cases received may remain subject to live enquiry, criminal proceedings or – where those processes have concluded and led to a referral to the PSD National Misconduct Unit – the misconduct process. Therefore, cases received may not yet be concluded and the figures provided in relation to dismissals may be subject to change.

## (b) suspended as a result of an investigation into a racial hate offence?

No subject officer linked to allegations categorised as involving a racial element, attached to Complaints received between 01/08/2019 – 30/08/2024 inclusive, were suspended in relation to those allegations.

Four subject officers linked to allegations categorised as involving a racial element, attached to Conduct cases received between 01/08/2019 – 30/08/2024 inclusive, were suspended in relation to those allegations.

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 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 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.