| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1784  Responded to: xx September 2024 |
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Your recent request for information is replicated below, together with our response.

## In relation to the current Chief Constable of Police Scotland, can you please provide;

## 1. How many Police officers has she dismissed since she started up to present day.

## 2. Rank off each off those officers dismissed.

For ease of reference, our response to questions 1 and 2 have been provided together.

The formal conduct 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).  You will note Regulation 22 relates specifically to dismissals.

The Chief Constable (CC) of the Police Service of Scotland (PSOS) must designate a Deputy Chief Constable to exercise functions under The Police Service of Scotland (Conduct) Regulations 2014, as specified under Regulation 5 of these Regulations.

The Deputy Chief Constable Designate may direct or authorise another Constable of at least the rank of Chief Inspector to carry out any of the Deputy Chief Constable’s functions under these Regulations.

The present Chief Constable, Jo Farrell, commenced this post on 09/10/2023, therefore data has been provided below which details the number of Police officers dismissed between 09/10/2023 – 22/07/2024 inclusive.

This data is based on the Hearing date and is broken down by rank.

Please note that any dismissals which have been overturned on appeal are excluded from the figures provided below.

***Table 1: Police officers dismissed, by rank (09/10/2023 – 22/07/2024 )***

| **Rank** | **Number of officers** |
| --- | --- |
| Constable | 8 |
| Sergeant or above | 0 |
| **Total** | **8** |

## 3. Reason for each dismissal, e.g. failure of professional standards, criminal offences etc.

The conduct of Police officers is assessed against the ten [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/), as detailed in Schedule 1 of The Police Service of Scotland (Conduct) Regulations 2014.

Allegations attached to Conduct cases are therefore categorised accordingly in relation to the ten Standards of Professional Behaviour. Please note that each case can involve multiple allegations, therefore you will note the number of allegations does vary from the number of dismissals noted in Table 1.

***Table 2: Allegations linked to Police officers subject to a dismissal disposal, by allegation type (09/10/2023 – 22/07/2024)***

| **Allegation type** | **Number of allegations** |
| --- | --- |
| Honesty and Integrity | 2 |
| Authority, Respect and Courtesy | 4 |
| Use of Force | 1 |
| Duties and Responsibilities | 1 |
| Discreditable Conduct | 10 |
| **Total** | **18** |

## 4. Can you also provide the same information from January 2020 up until the former chief Constable left.

The previous substantive Chief Constable of PSOS, Sir Iain Livingstone, retired from service on 10/08/2023, therefore data has been provided below which details the number of Police officers dismissed between 01/01/2020 – 10/08/2023 inclusive.

This data is based on the Hearing date and is broken down by rank.

Please again note that the data caveats for our responses to questions 1-3 will apply to the data provided below.

***Table 3: Police officers dismissed, by rank (01/01/2020 – 10/08/2023)***

| **Rank** | **Number of officers** |
| --- | --- |
| Constable | 10 |
| Sergeant or above | 1 |
| **Total** | **11** |

You will note that the exact rank of officer beyond Constable 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 the individual 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 the section 38(1)(b) exemption (Personal Data) applies.

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 […] 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’.

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 considered that disclosure of the information sought would be unlawful.

***Table 4: Allegations linked to Police officer and subject to a dismissal disposal, by allegation type (01/01/2020 – 10/08/2023)***

| **Allegation type** | **Number of allegations** |
| --- | --- |
| Honesty and Integrity | 2 |
| Authority, Respect and Courtesy | 19 |
| Duties and Responsibilities | 1 |
| Discreditable Conduct | 8 |
| Challenging and Reporting Improper Conduct | 1 |
| **Total** | **31** |

Of note, former DCC Fiona Taylor was appointed as Temporary Chief Constable between the period of former CC Livingstone retiring (10/08/2023) and CC Farrell being appointed (09/10/2023).  During this time there was one dismissal which is *not* included in the tables above.

**5. *\**No information requested**

## 6. Can you provide the current number of disciplinary/ misconduct hearings are outstanding to be heard.

Conduct proceedings are split into two categories – Misconduct and Gross Misconduct.  Both follow the same process however can be differentiated whereby a Hearing relates to *gross misconduct* allegations, and a Meeting relates to allegations classed as *misconduct* only.

Misconduct is a breach of the Standards of Professional Behaviour whereas Gross Misconduct is a breach of the Standards of Professional Behaviour so serious that dismissal or demotion would be justified. Therefore, Gross Misconduct outcomes can include dismissal or demotion, whereas misconduct offences do not.

As at 23/07/2024, there are 20 Misconduct Meetings/Hearings scheduled.

## 7. Please provide a copy of the Chief Constables action plan for dealing with misconducting police officers.

The formal Conduct 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) further details 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/).

## 8. From January 2020 to present day, can you provide:

## a) The numbers of officers per their rank that have been dismissed e.g. 5 police constables, 2 Inspectors etc.

Again, you will note that the exact rank of officer beyond Constable has not been provided in the table below.  Were details included the pool of individuals to whom the data could relate is considered sufficiently low that there exists the potential for the individual to be easily identified and Section 38(1)(b) applies.

***Table 5: Police officers dismissed, by Rank (01/01/2020 – 22/07/2024) 1 2***

| **Rank** | **Number of subject officers** |
| --- | --- |
| Constable | 19 |
| Sergeant or above | 1 |
| **Total** | **20** |

*1 . Data is based on the Hearing date.*

*2.  The figure provided is based on the data already supplied in Q 1 and 4 and includes the one officer who was dismissed during former DCC Fiona Taylor’s tenure as Temporary Chief Constable given the date period specified.*

## b) Also please do a list that includes just staff, so non police officers

People and Development (P&D) deals with, and records, disciplinary matters for members of police staff.

Disciplinary Procedures for Police Staff are outlined in the Disciplinary SOP and can be accessed here: [Disciplinary - Employee relations](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf).

Data is provided below which details the number of Police staff dismissed 01/01/2020 – 22/07/2024 inclusive, broken by grade.

***Table 6: Police staff dismissed, by Grade (01/01/2020 – 22/07/2024) 1***

| **Staff Grade** | **Number of Police staff** |
| --- | --- |
| Grade 3 | 9 |
| Grade 4 | 5 |
| Grade 5 or above | 6 |
| **Total** | **20** |

*1 . Data is based on the date of dismissal.*

## Again, you will note that the exact grade beyond Grade 5 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 the individual to be easily identified and Section 38(1)(b) applies.

## 9. For each year from 2020 to present day, please confirm how many criminal complaints have been raised against Police Scotland and if available please break this number down into a list of the complaint e.g. sexual crime, assault etc

You may find the Police Scotland [Complaints About the Police (CAP) Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx)  helpful which outlines how we deal with complaints relating to officers and members of police staff.

Data has been provided below which details the number of complaints graded as a ‘Criminal complaint’ which were received between 01/01/2020 – 22/07/2024 inclusive.

Provided separately is the number of allegations attached to those Criminal complaints, broken down by allegation type.

Please note that each case may involve multiple allegations, therefore the number of allegations does vary from the number of Criminal complaint cases.

***Table 7: Criminal complaints received, by calendar year 1 2***

| **Category** | **2020** | **2021** | **2022** | **2023** | **2024** |
| --- | --- | --- | --- | --- | --- |
| Number of Criminal complaints | 304 | 331 | 433 | 446 | 250 |

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

*2 . Data for 2024 covers the period of 01/01/2024 – 22/07/2024 inclusive.*

***Table 8: Criminal allegations attached to Criminal complaints received, by calendar year 1 2***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Allegation type** | **2020** | **2021** | **2022** | **2023** | **2024** |
| Assault | 395 | 430 | 513 | 570 | 273 |
| Corrupt Practice | 0 | 0 | 4 | 2 | 0 |
| Crimes of Dishonesty | 1 | 1 | 0 | 0 | 0 |
| Crimes of Indecency | 2 | 0 | 0 | 0 | 0 |
| Discriminatory Behaviour | 2 | 0 | 3 | 8 | 2 |
| Miscellaneous Offences | 0 | 0 | 0 | 6 | 0 |
| Neglect of Duty | 0 | 5 | 7 | 1 | 1 |
| Offences involving Motor Vehicles | 1 | 0 | 0 | 0 | 0 |
| Other – Criminal\* | 112 | 115 | 111 | 107 | 65 |
| Other Crimes | 0 | 0 | 2 | 0 | 0 |
| Traffic Irregularity/Offence | 6 | 9 | 8 | 13 | 4 |
| Unlawful/Unnecessary Arrest or Detention | 0 | 0 | 1 | 0 | 0 |
| **Total** | **519** | **560** | **649** | **707** | **345** |

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

*2 . Data for 2024 covers the period of 01/01/2024 – 22/07/2024 inclusive.*

\*The allegation category of ‘Other – Criminal’ is further broken down into Crime group in the table below.

***Table 9: ‘Other – Criminal’ allegations attached to Criminal complaints by Crime group and calendar year 1 2***

| **Crime group** | **2020** | **2021** | **2022** | **2023** | **2024** |
| --- | --- | --- | --- | --- | --- |
| Crimes of Violence | 0 | 0 | 1 | 1 | 0 |
| Crimes of Indecency | 12 | 14 | 16 | 12 | 13 |
| Crimes of Dishonesty | 19 | 15 | 22 | 25 | 19 |
| Fire-raising, Malicious Mischief etc | 7 | 12 | 11 | 8 | 4 |
| Other Crimes | 41 | 43 | 29 | 29 | 5 |
| Miscellaneous Offences | 16 | 18 | 11 | 19 | 10 |
| Offences involving Motor Vehicles | 17 | 13 | 21 | 13 | 14 |
| **Total** | **112** | **115** | **111** | **107** | **65** |

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

*2 . Data for 2024 covers the period of 01/01/2024 – 22/07/2024 inclusive.*

## 10. For each year from 2020 to present day, please confirm per year how many non-criminal complaints were received and investigated by Police Scotland, this can be broken down into east, west etc or however you separate out the complaints you receive.

Data has been provided in the table below which details the number of complaints graded as a ‘Non-criminal (not FLR)’ which were received between 01/01/2020 – 22/07/2024 inclusive, broken down by Command Area.

Of note, ‘FLR’ is ‘Front Line Resolution’, details of which can be found in the CAP SOP as referenced in Q9.

***Table 10: Non-criminal (not FLR) complaints received, by calendar year 1 2***

| **Command Area** | **2020** | **2021** | **2022** | **2023** | **2024** |
| --- | --- | --- | --- | --- | --- |
| North | 427 | 334 | 378 | 380 | 286 |
| East | 513 | 565 | 409 | 540 | 407 |
| West | 992 | 858 | 438 | 656 | 575 |
| **Total** | **1,932** | **1,757** | **1,225** | **1,576** | **1,268** |

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

*2 . Data for 2024 covers the period of 01/01/2024 – 22/07/2024 inclusive.*

All complaints graded as a ‘Non-criminal (not FLR)’ are allocated to an investigating officer. However, please note that this complaint grade may be subject to change – for example where a complainer decides to withdraw a complaint, or where a complaint has been front line resolved (FLR) at the second attempt following allocation to an investigating officer. Until the case is closed, the complaint grade is not definitive.

Furthermore, complaints received may be awaiting allocation to an investigating officer or may remain subject to live enquiry, therefore may not yet be concluded.

Data has been provided which details the number of complaints graded as a ‘Non-criminal (not FLR)’ which were received between 01/01/2020 – 22/07/2024 inclusive and have since been closed. This data is correct as at 03/09/2024 and may be subject to change at a later date as more cases are concluded subsequent to this.

***Table 11: Non-criminal (not FLR) complaints received and subsequently closed, by calendar year 1 2***

| **Category** | **2020** | **2021** | **2022** | **2023** | **2024** |
| --- | --- | --- | --- | --- | --- |
| Non-criminal complaints received and closed | 1,914 | 1,728 | 1,152 | 913 | 124 |

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

*2 . Data for 2024 covers the period of 01/01/2024 – 22/07/2024 inclusive.*

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.