| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0567  Responded to: 19 March 2024 |
| --- | --- |

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

## Since the inception of Police Scotland, how many Police Officers were convicted of a drunk driving offence but were NOT dismissed.

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.

Where a serving officer has been convicted of a crime or contravention of an offence, the officer will be subject of the Conduct process which includes an assessment and an enquiry in terms of the Police Service of Scotland (Conduct) Regulations 2014 and assessed against the ten Standards of Professional Behaviour.

The final determination of this will be proportionate to the specific circumstances that led to the conviction.

Of note, the Police Service of Scotland (Conduct) Regulations 2014 cease to have effect when an officer retires or resigns as they only apply to serving officers.

It is interpreted that your request relates to Police officer convictions for offences under section 4 or section 5 of the Road Traffic Act 1988 which fall under the following Professional Standards Department (PSD) database categories:

* Driving motor vehicle while unfit through drink or drugs.
* Driving motor vehicle with blood alcohol content above prescribed limit.
* Drunk driving.
* In charge of motor vehicle while unfit through drink/drugs.

Please note that data is only available from 01/04/2014, as the PSD database became operational on this date.  Data for the period prior is not held and section 17 of the Act therefore applies.

A total of 21 officers were convicted of drink driving offences, as per the above definition, based on Complaint or Conduct cases received 01/04/2014 - 28/02/2024 inclusive.

Of those, 2 officers were dismissed following a misconduct hearing, 1 officer received a verbal warning following a misconduct meeting and the remaining 17 officers retired or resigned prior to the conclusion of any misconduct proceedings.

One further officer remains subject to ongoing enquiry. As the misconduct process is not yet concluded, no disposal has been reached.

## Since the inception of Police Scotland, how many Police Staff were convicted of a drunk driving offence but were NOT dismissed.

Since 1 April 2013, I can confirm that there have been 7 Police staff cases relating to convictions of drink driving who were not dismissed.

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.