| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1700  Responded to: xx September 2024 |
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Your recent request for information is replicated below, together with our response.

## 1. Of the force’s police officers, both uniformed and plain-clothed, including those now retired or no longer employed and those currently suspended, how many faced misconduct proceedings and what was the outcome? Please break this down by the type of misconduct alleged, e.g. sexual misconduct, gross misconduct.

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) details the conduct process.

As per Regulation 14, “misconduct proceedings” are to be interpreted as matters which have been referred to a Misconduct Hearing or Meeting.

Please note that each individual officer may be linked to multiple misconduct cases which have led to proceedings, therefore the same individual officer may appear against multiple cases. Subject officers are counted once per case.

Please also note that each case may involve multiple allegations, therefore the number of allegations may vary from the number of cases. Allegations which are attached to relevant cases but have been resulted prior to the proceedings stage are not included in the figures provided below.

As the Regulations apply only to serving Police officers, should an officer retire or resign prior to scheduled proceedings, the misconduct process will immediately cease.

Data produced in the tables below is based on the case closed date.

*Table 1: Police officers subject to scheduled misconduct proceedings, by calendar year*

| **Category** | **2020** | **2021** | **2022** | **2023** | **2024\*** |
| --- | --- | --- | --- | --- | --- |
| Number of subject officers | 35 | 28 | 39 | 41 | 26 |

*\* data provided for period 01/01/2024 to 10/07/2024.*

*Table 2: Allegations linked to Police officers subject to scheduled misconduct proceedings, by allegation disposal and calendar year*

| **Allegation Disposal** | **2020** | **2021** | **2022** | **2023** | **2024\*** |
| --- | --- | --- | --- | --- | --- |
| Dismissal With Notice | 8 | 0 | 1 | 0 | 7 |
| Dismissal Without Notice | 2 | 0 | 17 | 5 | 11 |
| Demotion in Rank | 2 | 0 | 3 | 0 | 2 |
| Final Written Warning | 7 | 10 | 11 | 20 | 9 |
| Written Warning | 12 | 9 | 10 | 11 | 3 |
| Verbal Warning | 6 | 4 | 5 | 9 | 4 |
| Improvement Action | 0 | 4 | 1 | 2 | 1 |
| No Action | 16 | 13 | 20 | 9 | 7 |
| 11(7) Warning | 0 | 0 | 0 | 1 | 0 |
| Retired/Resigned | 34 | 29 | 47 | 58 | 13 |
| **Total** | **87** | **69** | **115** | **115** | **57** |

*\* data provided for period 01/01/2024 to 10/07/2024.*

Conduct 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/).

*Table 3: Allegations linked to Police officers subject to scheduled misconduct proceedings, by allegation type and calendar year*

| **Allegation Type** | **2020** | **2021** | **2022** | **2023** | **2024\*** |
| --- | --- | --- | --- | --- | --- |
| Authority, Respect and Courtesy | 24 | 15 | 38 | 34 | 9 |
| Challenging and Reporting Improper Conduct | 1 | 0 | 4 | 2 | 0 |
| Conduct likely to bring discredit | 0 | 1 | 0 | 2 | 0 |
| Confidentiality | 8 | 8 | 2 | 9 | 0 |
| Discreditable Conduct | 46 | 21 | 53 | 50 | 31 |
| Duties and Responsibilities | 4 | 7 | 5 | 9 | 4 |
| Fitness for Duty | 0 | 0 | 0 | 2 | 0 |
| Honesty and Integrity | 3 | 10 | 13 | 5 | 11 |
| Orders and Instructions | 0 | 7 | 0 | 2 | 0 |
| Use of Force | 1 | 0 | 0 | 0 | 2 |
| **Total** | **87** | **69** | **115** | **115** | **57** |

*\* data provided for period 01/01/2024 to 10/07/2024.*

## 2. Of the force’s police officers, both uniformed and plain-clothed, including those now retired or no longer employed and those currently suspended, how many were arrested? Please break this information down by type of offence: e.g. misconduct in public office, actual bodily harm.

In general terms we are unable to collate comprehensivearrest data, as a case-by-case assessment of all officer notebooks would be required - in addition to the partialarrest data held in the National Custody System.

In terms specifically of Police officers, the Professional Standards Department (PSD) database does not record this data in a retrievable format and I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request.

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

## 3. Please provide all recorded prosecutions of police officers (including those now retired, no longer employed or currently suspended), including what the offence was.

This data is not easily retrievable from the PSD database and I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As such, and in terms of section 16(4) of the Act where section 12(1) (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

As outlined above, the current cost threshold is £600 and I estimate that it would cost well in excess of this amount 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.