| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-1032  Responded to: 4th July 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding.

We have received an unprecedented volume of requests on the subject of police officer conduct and criminality and that has, unfortunately, impacted on our ability to meet the statutory timescales in some cases.

## How many officers/staff in your police force have been investigated for “posting sexually explicit / pornographic images” of *themselves* online from January 2019 to 16 April 2023?

## How many of these officers/staff were male and how many were female?

## What were the outcomes of these cases?

For the purposes of this question, “posting sexually explicit / pornographic images of themselves online” is interpreted to refer to criminal offences under the following headings:

* Communicating Indecently (sections 7, 24 or 34 of Sexual Offences (Scotland) Act 2009).
* Communications Act 2003 (section 127(1)(B)).

Complaint and conduct cases received between January 2019 and 16 April 2023 which met the criteria above were subject to manual review to ascertain whether the allegations involved subject officers sending pictures of themselves and that this involved online enabled communications.

A total of three officers, all male, were subject to allegations which met the above criteria.

Two of the officers retired/ resigned prior to the conclusion of the case and one officer remains subject to live enquiry.

Please note that cases showing as live may remain subject to police enquiries and/ or be subject to ongoing criminal justice proceedings.

You should note that the Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints.

Complaints are categorised as per the categories listed at appendices G and H but you should note that the categories do not directly align to the behaviour described in your request.

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 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/) which, again, do not directly align to the behaviour described in your request.

We have therefore progressed your request based on allegations of criminality only, followed by a case by case assessment for relevance.

Any matters reported which *did not* meet a criminal threshold would be recorded in accordance with one of the other, more generic categories outlined above and corresponding data is not therefore available - on the basis that the numbers involved would be significantly more than could be manually reviewed for relevance.

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.