| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0164Responded to: 26th April 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

## How many police officers/ staff in your force found guilty of sexual misconduct from 2018 to 2022 committed the offence/s whilst on duty? (This can include convictions if you have access to that data, or guilty tribunal outcomes, whichever data set is retrievable for you.)

## Please provide the following breakdown of cases if you can:How many of these were with cases brought by civilians (rather than by police officers)?How many of these cases were of rape? How many of these cases were sexual assault?

Having considered your request, I would first of all advise you that the formal disciplinary process for Police Officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fssi%2F2014%2F68%2Fcontents%2Fmade&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C62cc263a61fd4c2b327208db2bbf2422%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638151872282913448%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=k4DKVIMkQY7ZGQMOA2LCkN9%2Fd3yjMYwus3hU6sjZOH4%3D&reserved=0).

The Police Service of Scotland (Conduct) Regulations 2014 [Scottish Government Guidance Document](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.scot%2Fbinaries%2Fcontent%2Fdocuments%2Fgovscot%2Fpublications%2Ffactsheet%2F2018%2F04%2Fconduct-and-performance-procedures-police-guidance%2Fdocuments%2Fpolice-guidance-conduct-procedures%2Fpolice-guidance-conduct-procedures%2Fgovscot%253Adocument%2FPolice%252BService%252Bof%252BScotland%252B%252528conduct%252529%252Bregulations%252B2014.pdf&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C62cc263a61fd4c2b327208db2bbf2422%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638151872283069674%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=8dHUajaYxGDgDnnUipwzTTWUUF8A%2FMxQwLAchxVRMPQ%3D&reserved=0) provides further information on the Conduct process and conduct cases are categorised in line with our [Standards of Professional Behaviour](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scotland.police.uk%2Fabout-us%2Fwho-we-are%2Four-standards-of-professional-behaviour%2F&data=05%7C01%7Cfoidundee%40scotland.police.uk%7C62cc263a61fd4c2b327208db2bbf2422%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638151872283069674%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=4eraZ6%2FuCTLxX3%2FYk8H5HhtX7GqODhlI941OF%2BOAcKQ%3D&reserved=0) which I’m afraid do not align to the terminology used in your request.

Police Scotland do not use the recording category ‘sexual misconduct’ in relation to misconduct allegations and in terms of section 17 of the Act, the information sought is therefore *not held.*

To be of assistance, we have reviewed our conduct, misconduct and complaint files for any on-duty sexual allegations where the officer has been reported to the Crown Office and Procurator Fiscal Service (COPFS) in order to respond to your questions.

## How many police officers/ staff in your force found guilty of sexual misconduct from 2018 to 2022 committed the offence/s whilst on duty? (This can include convictions if you have access to that data, or guilty tribunal outcomes, whichever data set is retrievable for you.)

I can advise that between January 2018 and December 2022, 31 police officers were reported to COPFS in relation to on-duty sexual allegations.

19 cases are concluded and resulted in no conviction.

5 cases are concluded and resulted in conviction.

7 cases remain pending at this time.

**Please provide the following breakdown of cases if you can:**

**How many of these were with cases brought by civilians (rather than by police officers)?**

We have interpreted the term Civilian to mean a member of the public.
Only 1 of these cases was reported to Police Scotland by a member of the public.

 **How many of these cases were of rape?**

Of the cases which resulted in conviction, zero of the cases were of rape.

 **How many of these cases were sexual assault?**

Of the cases which resulted in conviction, one case related to a sexual assault under Section 3 of the Sexual Offences (Scotland) Act 2009.

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.