| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0319  Responded to: 06 September 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.

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.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

The Police Scotland [Complaints About the Police (CAP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) Standard Operating Procedure (SOP) outlines how we deal with complaints and they are recorded in accordance with the categories listed at appendices G and H.

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 it should be noted that 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/).

The complaints process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

PSD manage conduct matters for Police Officers, whilst People & Development (P&D) manage disciplinary matters relative to members of Police Staff. A link to the Disciplinary SOP relevant to members of Police Staff can be found [here](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf).

Once complaint matters are concluded, the circumstances may be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved).

There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case. Due to these processes, the complaints and conduct matters cannot simply be added together.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation. Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case, however the same officer may be subject to multiple cases and therefore may appear more than once.

Furthermore, unidentified officers are excluded from the count of subject officers provided (although the allegations are counted) as they have not been positively identified and therefore cannot be attributed to a particular subject officer.

## How many cases of alleged sexual offences or domestic violence involving your forces police officers and other staff are currently under live investigation?

## How many of your forces police officers and other staff are currently under live investigation for alleged sexual offences or domestic violence?

The data below details the number of subject officers linked to allegations of domestic abuse and sexual offences attached to live investigations as at 31/01/2023. Cases reported to the Crown Office and Procurator Fiscal Service (COPFS) by this date are excluded from the figures provided, as investigations are considered concluded at this point.

‘Sexual offences’ has been interpreted as any crime within the category of Sexual Crimes (Group 2), as per the Scottish Crime Recording Standard (SCRS).

Please note that due to limitations of the Professional Standards database, a number of crime classifications are not currently listed on the database hence it does not fully align with SCRS. Allegations recorded as ‘Other’ were subject to manual review and have been included within the figures provided where the offence met the criteria of a Group 2 Sexual Crime.

‘Domestic violence’ is not a term used in Scotland however your request has been interpreted as any crime within the category of Non Sexual Crimes of Violence (Group 1) or Common Assault where a domestic circumstance marker has also been recorded against the allegation.

Please note that it is possible for both sexual and domestic circumstance markers to be recorded against the same allegation, and both markers may appear against the same case. Therefore, the figures provided across these categories of circumstance – whether applied to cases or subject officers - cannot simply be added together.

*Number of cases and subject officers linked to domestic abuse and sexual offence allegations attached to live investigations as at 31/01/2023 1 2 3*

|  |  |  |
| --- | --- | --- |
| **Category** | **Cases** | **Subject Officers** |
| Domestic abuse - Complaint | 0 | 0 |
| Domestic abuse - Conduct | 5 | 5 |
| Sexual offences - Complaint | 7 | 9 |
| Sexual offences - Conduct | 16 | 16 |

*1 Data is based on live cases as at 31/01/2023, excluding those which were reported to COPFS by this date.   
2 Subject officers are counted once per case, however each case (for complaints only) may involve multiple subject officers and therefore the number of subject officers may vary from the number of cases.   
3 Sexual and domestic circumstance markers may be recorded against the same allegation, and both markers may appear against the same case.*

There are no live investigations linked to members of staff as at 31/01/23.

## How many of your forces police officers and police staff have been sacked over the past five financial years (2023/2022, 2022/2021, 2021/2020, 2020/2019, 2019/2018) for misconduct related to sexual or domestic abuse?

There were no members of police staff dismissed over the past five financial years for discipline linked to sexual or domestic abuse.

The following data details the number of Police Officers dismissed in relation to an allegation involving a sexual or domestic circumstance.

Please note that allegations involving a sexual or domestic circumstance may be criminal or non-criminal in nature therefore this criteria varies from the information requested in relation to questions 1 and 2 above (sexual offences and domestic abuse).

Allegations which are considered at the hearing stage of the misconduct process may have been subject to legal proceedings prior to this. As a matter of course, the misconduct process is paused until the conclusion of any legal proceedings.

It should also be noted that The Police Service of Scotland (Conduct) Regulations 2014 apply only to serving Police Officers therefore, should an officer retire or resign at any stage prior to the conclusion, then those proceedings would immediately cease.

*Police officers dismissed in relation to an allegation involving a sexual or domestic circumstance, by financial year 1*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Dismissal linked to allegation involving a…** | **18/19** | **19/20** | **20/21** | **21/22** | **22/23** |
| Domestic circumstance | 0 | 0 | 0 | 0 | 0 |
| Sexual circumstance | 1 | 0 | 1 | 0 | 0 |

*1 Data is based on the hearing date.*

## For context: On 16th January 2023, it was reported that the Metropolitan Police announced that a total of 1,633 cases of alleged sexual offences or domestic violence involving 1,071 officers and other staff are being assessed. On 18th January 2023, the Met released a clarification. They said ‘assessed’ in this context meant a review of already completed cases from previous years, and these cases were not live ongoing investigations. The full clarification is explained in this [link](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnews.met.police.uk%2Fnews%2Fclarification-on-our-review-of-previously-completed-misconduct-cases-460483&data=05%7C01%7Cfoi%40scotland.police.uk%7Cbba763f87d78440e60be08db02ceee85%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638106860007576301%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=DKePMxz2IUxwqxqJCNWfWhYIv%2BOMuKZ76%2FV0Yjkgrf0%3D&reserved=0)

## Is your force currently carrying out a review of completed cases of alleged sexual offences or domestic violence involving officers and other staff?

## If yes, what number of cases of alleged sexual offences or domestic violence involving what number of your police force’s officers and police staff is your police force currently reviewing?

I can confirm that Police Scotland is currently carrying out a review of sexual and domestic allegations against police officers and staff.

As regards the number of cases, I can confirm that 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 following exemptions apply:

Section 30(c) - prejudice to the effective conduct of public affairs

At this time the review is ongoing and it is assessed that any disclosure out with the planned communications strategy for the review can only be prejudicial to the process. The progress and outcome of this review will be reported via the Scottish Police Authority Complaints and Conduct Committee in due course.

We accept that there is a public interest in informing the public as to the nature and scale of allegations made against our officers and staff but we would submit that the public interest is catered for by the provision of the data above.

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.