| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-1922  Responded to: 5 September 2024 |
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Your recent request for information is replicated below, together with our response.

## Since 2013 how many Police Scotland officers have been subjected to gross misconduct investigations? (If it is possible, please break this down by year).

## Of those subject to gross misconduct investigations since 2013, how many officers were suspended or placed on duty restrictions?

## Of those subject to gross misconduct investigations since 2013, how many officers have chosen to resign or retire before a hearing could take place?

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.

You may also be interested in our [Suspension from Duty SOP](https://www.scotland.police.uk/spa-media/0opgo31b/eqhria-summary-of-results-for-suspension-from-duty-sop.pdf).

Data for the period 2013 to 31 March 2014 is not held by Police Scotland and section 17 of the Act applies.

In relation to the period 1 April 2014 to 31 December 2019, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process this part of your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

To explain, each record would have to be individually assessed to identify those relating to Gross Misconduct as there was no separate recording process at that time.

For the period 1 January 2020 to date, the table below details officers (including Special Constables) who were subject to Gross Misconduct investigations in each calendar year - with a subset of those who were restricted or suspended and those who resigned/ retired prior to a Hearing date in line with your request:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2020** | **2021** | **2022** | **2023** | **2024\*** |
| Officers subject to Gross Misconduct Investigations | 32 | 38 | 43 | 59 | 41 |
| Of those, officer was restricted/ suspended | 30 | 34 | 41 | 59 | 41 |
| Of those, officer resigned/ retired prior to Hearing date | 12 | 16 | 15 | 14 | 2 |

*\* 2024 includes the period 01/01/2024 to 28/08/2024*

Please note, an Officer will only be suspended during a criminal or misconduct investigation, if it is deemed an effective investigation may be prejudiced if the constable is not suspended and, having regard to the nature of the allegation and any other relevant considerations, the public interest requires the Constable’s suspension.

The same test is applied to consideration of restriction of duties.

The welfare of all persons involved in any investigation, including the Subject Officer is a relevant consideration.

There may be circumstances, such as where an Officer is on long term absence, where the criteria may not be met and as such suspension/ restriction of duties will not be required to be implemented.

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.