



Meeting	SPA Complaints and Conduct Committee
Date	14 November 2023
Location	Video Conference
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q2)
Presented By	DCC Alan Speirs
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q2 Appendix B – ‘The Standard’ newsletter Appendix C – ‘Misconduct Outcomes’ publication

PURPOSE

To report to members of the Complaints and Conduct Committee, for the purposes of noting, statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2023 – 30 September 2023).

Members are invited to discuss the content of this report.

1. BACKGROUND

- 1.1 The attached performance report provides data relating to the period ending Quarter 2 (1 April 2023 – 30 September 2023).

Data contained in this report is management information and is correct as at 26/10/2023, unless elsewhere specified.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 There are no further details on this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

- 4.1 The nature of the matters reported inevitably leads to implications for both individual and wider personnel matters. These are considered on a case-by-case basis to ensure welfare, conduct and both individual and organisational learning opportunities are identified and addressed.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

- 6.1 As per Item 4.1, each case is assessed for individual and organisational reputational risks and implications and appropriate action taken.

7. SOCIAL IMPLICATIONS

- 7.1 The nature of the data reported in this paper is related to complaints about the police and conduct matters. By its very nature, the subject matter implies a level of negative social, community and equalities impact. By addressing the individual matters and thereafter considering holistically that which has been reported, Police Scotland seeks to mitigate the negative impact of those cases reported.

8. COMMUNITY IMPACT

- 8.1 As per 7.1 above.

9. EQUALITIES IMPLICATIONS

9.1 As per 7.1 above.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of this report.



Professional Standards (PSD) SPA Performance Report - Quarter 2 of 2023/24

Meeting Date: 14 November 2023

PSD - Summary of Preventions Activity

PREVENTIONS AND PROFESSIONALISM PROGRAMME

The Preventions and Professionalism Tactical and Operational Groups continue to meet on a bi-monthly basis to drive preventions activities aligned to the themes and trends identified through complaint and conduct investigations. As work progresses to evaluate the outcomes of the yearlong Values Campaign, a key strand of the Policing Together initiative, PSD continues to explore opportunities to drive improvements to standards and culture across the organisation.

THE STANDARD NEWSLETTER AND PUBLICATION OF MISCONDUCT OUTCOMES

Promoting greater transparency and recognising public and media interest in our internal publications, we are committed to proactively publishing copies of 'The Standard' newsletter and our 'Misconduct Outcomes' publications through future quarterly reporting to the Committee.

A copy of the third edition of 'The Standard' newsletter published internally in October 2023 is attached at Appendix B. This edition focuses on road traffic matters to highlight to officers and staff the adverse impact on public trust and confidence and finance as a consequence of poor driving standards both on and off duty.

A copy of the third publication of Misconduct Outcomes published internally in September 2023 is also attached at Appendix C for information.

We are pleased to report that there is significant internal interest in these products with copies being downloaded, or associated news articles being viewed, in excess of 82,000 times since launch in May 2023.

Line Managers are also encouraged to use these products to generate discussion at team briefings to further reinforce preventions messaging and learning.

JOINT PIRC / PSD TRAINING

Working with representatives from the PIRC and an external training provider, a new 4 day joint training session was delivered to our complaint handlers from 02 to 05 October 2023. This provided a comprehensive overview of the 6 stages of complaint handling, the PIRC Complaint Handling Review (CHR) process, an overview of PIRC Investigations and Post Incident Procedures, and advice on how to respectfully handle difficult and / or complex conversations. An evaluation of this training event is underway and it is anticipated that this will be delivered twice per year to ensure we improve and maintain standards of complaint handling and investigations.

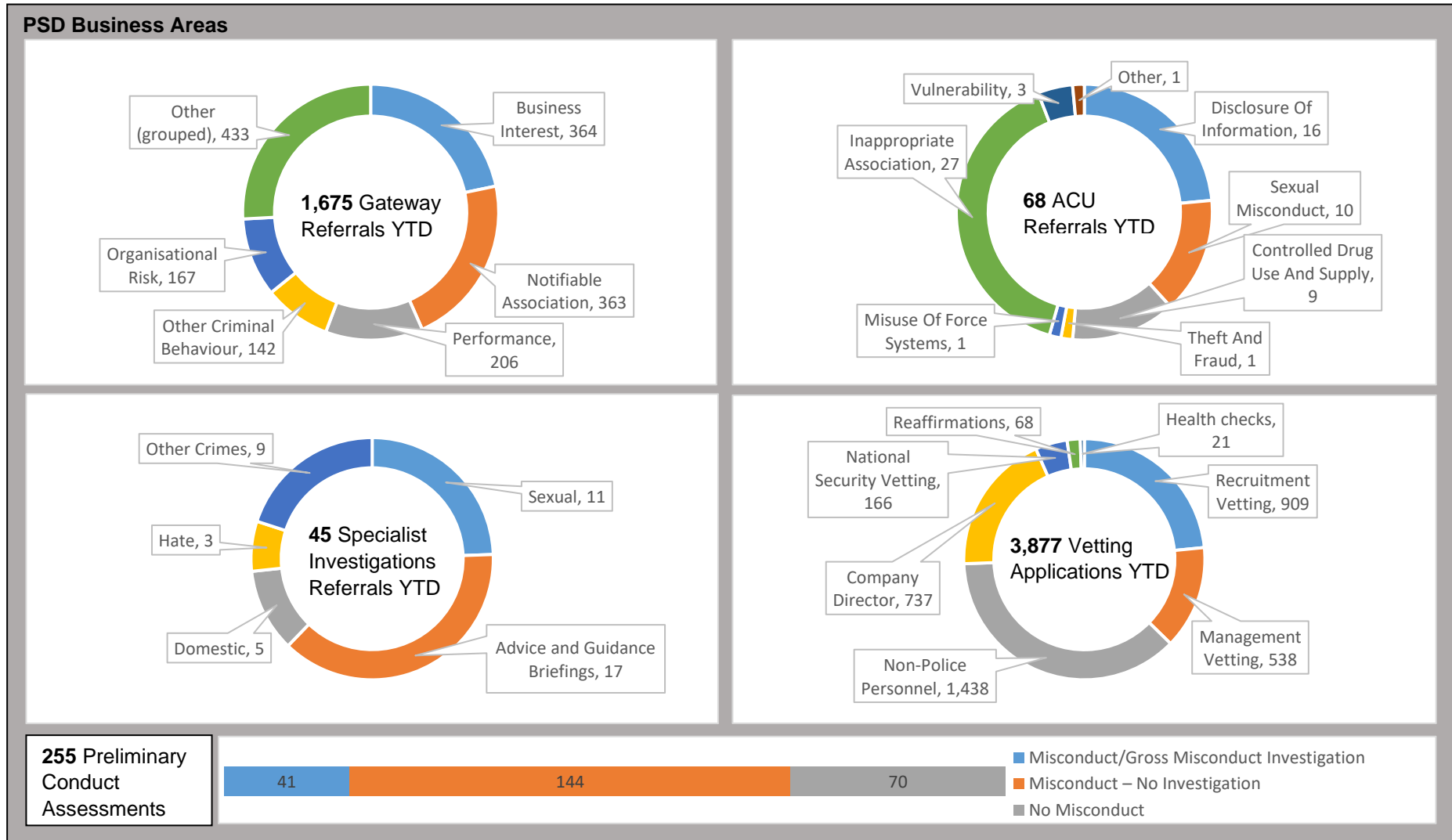
PIRC COMPLAINT HANDLING REVIEW (CHR) LEARNING POINTS

The inclusion of good practice Learning Points within CHRs is having a positive impact on the confidence and competence of complaint handlers. Police Scotland's national implementation rate of PIRC CHR Learning Points is currently at 91%.

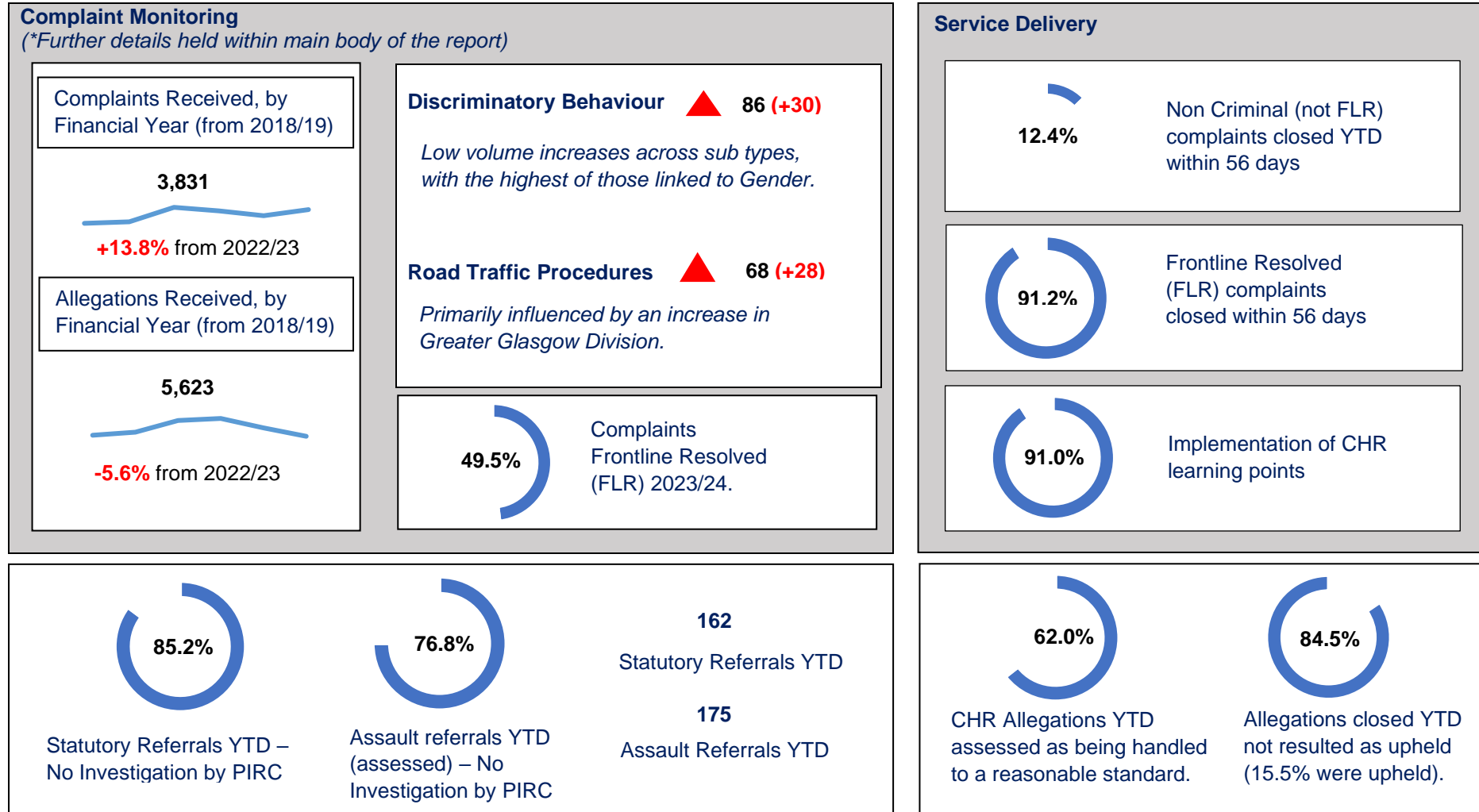
POLICE (ETHICS, CONDUCT AND SCRUTINY) (SCOTLAND) BILL

PSD continues to work with internal and external stakeholders to prepare the Police Scotland submission to the Bill and the associated Financial Memorandum. It is anticipated that those submissions will be published on the Scottish Parliament website following the closing date of 08 December 2023.

PSD Service Delivery Dashboards



PSD Service Delivery Dashboards



PSD Service Delivery Dashboards – Executive Summary

- A total of **3,831** complaints were received during 2023/24 YTD (**+13.8%** increase from the PYTD and **+13.8%** increase against the five year average).
- **49.5%** were Frontline Resolved (FLR), an increase from the PYTD rate of **49.2%**.
- **80** CHRs were received YTD, with **62.0%** of allegations reviewed found to be handled to a reasonable standard (**-10.1%** from PYTD).
- Approximately **2.1%** of complaints reported are subject of CHR thereby indicating that the vast majority of complainers are satisfied with how their complaint was handled by Police Scotland.
- **162** statutory referrals were made to PIRC, a **4.1%** decrease from the YTD. Of these, **85.2%** resulted in no investigation by PIRC.
- The main driver for the volume of referrals relates to Taser discharges by Specially Trained Officers (STO). The prevalence of mental health factors correlating with the possession of offensive weapons, the uplift in STOs and assaults against officers are influential factors in the increased volume of such referrals.
- A total of **68** Police officers were suspended and a further **94** subject to duty restrictions at the conclusion of Q2 YTD, with **17** members of Police staff also suspended at this time.
- **16** misconduct hearings in respect of Gross Misconduct were scheduled YTD with **3** dismissals and **12** formal warnings issued. A further **7** allegations were concluded with resignation prior to a hearing.

ADDITIONAL REPORTING NOW INCLUDED WITHIN THE PSD REPORT

In addition to the inclusion of a detailed dashboard on page 2 which demonstrates the demand placed upon the Professional Standards Department over and above complaint handling, the following information is now also contained within the report:

- Additional detail regarding lower and upper confidence limits in relation to the volume of complaints received at national, command area and divisional level. This information indicates where the volume of complaints YTD sits in relation to those limits, based on the current YTD and the previous five YTD periods (i.e. below, within or above) to a 95% confidence level. Confidence limits are referred to within the Complaints Received section of this report (pages 6 and 7).

PSD Service Delivery Dashboards – Executive Summary (continued)

- Within the same section, Chart 3 details the number of complaints received across the latest eight quarterly periods. This provides both a quarterly breakdown within the YTD period, but also for those quarters which sit out with the YTD, therefore displaying a continuous timeline across that period.
- A new addition is seen in Chart 4 on page 7 which provides the number of complaints per 100 employees broken down by division. This provides a comparative metric for complaints received, with controls for the relative size of divisions based on the employee headcount within each.
- In the 'Emerging Trends' section (pages 8 and 9), further detail on the sub types linked to Discriminatory Behaviour allegations are detailed in Chart 5.
- Within the same section, Chart 6 details other allegations where increases were identified and these all relate to specific sub types of Irregularity in Procedure. Thereafter, Chart 7 provides a full breakdown of allegation types received. The predominant sub types of Irregularity in Procedure and Quality of Service allegations are listed in the supporting text adjacent to the latter chart.
- In an amendment to the previous counting convention, timescales data now focuses on non-criminal complaints concluded YTD (excluding those which were Frontline Resolved).

In addition to the new information contained within this report, the committee will be provided with additional conduct related information in future quarterly reports.

Complaints Received

3,831 complaints were received YTD, +13.8% from the PYTD and a +13.8% increase from the five year average. Complaints YTD are at an elevated level, affirmed by this volume sitting above the upper and lower confidence limits (i.e. 95 times out of 100 the number of complaints YTD will range between 3,223 and 3,663), based on the current YTD and the prior five year-to-date periods.

- 1,895 complaints (49.5%) were Frontline Resolved (FLR), compared with 49.2% PYTD.
- 27.8% were Non-Criminal (1,066), 10.5% Abandoned (404), 4.6% Withdrawn (175), 1.7% Ongoing (66), plus 5.9% Criminal (225).

North Command

- 884 complaints received YTD, +14.8% from PYTD and +11.5% against the five year average.
- Increases within North East Division (+30 from PYTD; +54 against the five year average) and Tayside (+53 from PYTD; +41 against the five year average) influence the overall increase within the North. The volume in both divisions sits above confidence limits. No specific allegation types are assessed to have influenced these increases.

East Command

- 1,185 complaints received YTD, +13.3% on the PYTD and +12.0% against the five year average.
- Each territorial division in the East except Lothian and Borders has registered an increase against the PYTD and the five year average. Each of those sit above the confidence limits. No specific allegation types are assessed to have influenced these increases.

Chart 1: Complaints Received, by YTD Period

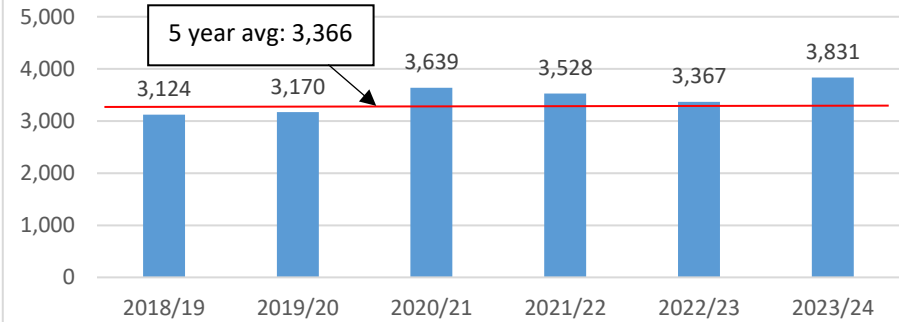
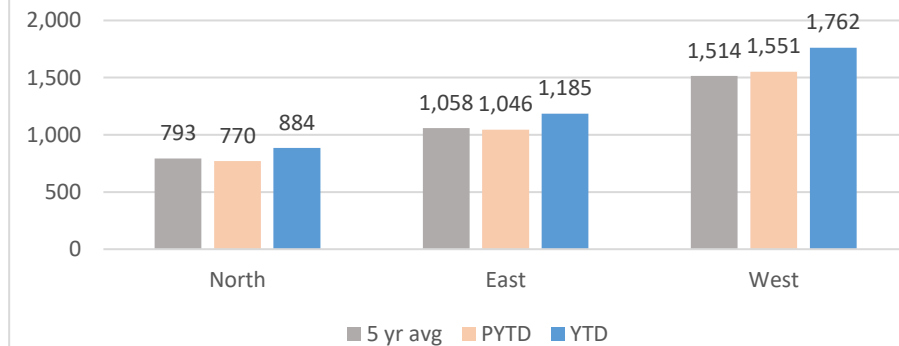


Chart 2: Complaints Received, by Command Area and Period



Complaints Received (continued)

West Command

- 1,762 complaints received YTD, +13.6% from PYTD and +16.3% against the five year average. This increase is spread across every territorial division in the West. Highest volume increase YTD was registered in Renfrewshire and Inverclyde (+50 from PYTD; +68 against the five year average). All of those sit above the confidence limits. No specific allegation types are assessed to have influenced these increases.

As seen in Chart 3, the YTD increase is influenced by a spike in complaints received during the first two quarters of 2023/24. No specific division is assessed to have influenced this, with increases identified across 16 divisions (using the five prior quarters as a baseline against Q1 and Q2 of 2023/24 respectively).

- Further analysis comparing rates of complaint per employee headcount identified variance across territorial divisions, ranging from 21 to 36 complaints per 100 employees.
 - Due to the low volume of complaints received against specialist divisions, the rates for those divisions are particularly low by comparison (ranging from 9 per 100 employees in C3, to 1 per 100 employees in PPCW, SCD and Corporate Services).
 - Each complaint may involve multiple subject officers and, where the complaint involves only Quality of Service allegations, there may be no subject officers attached to the complaint.

Chart 3: Complaints Recieved, by Quarter (latest eight quarters)

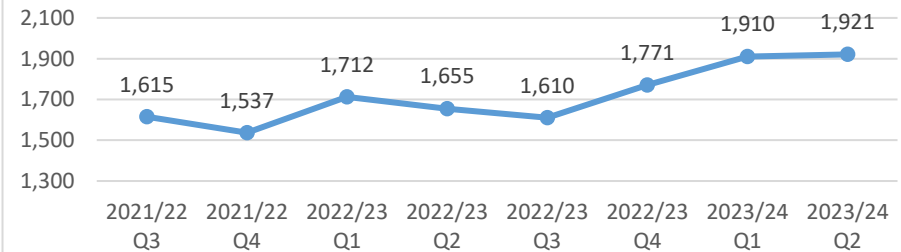
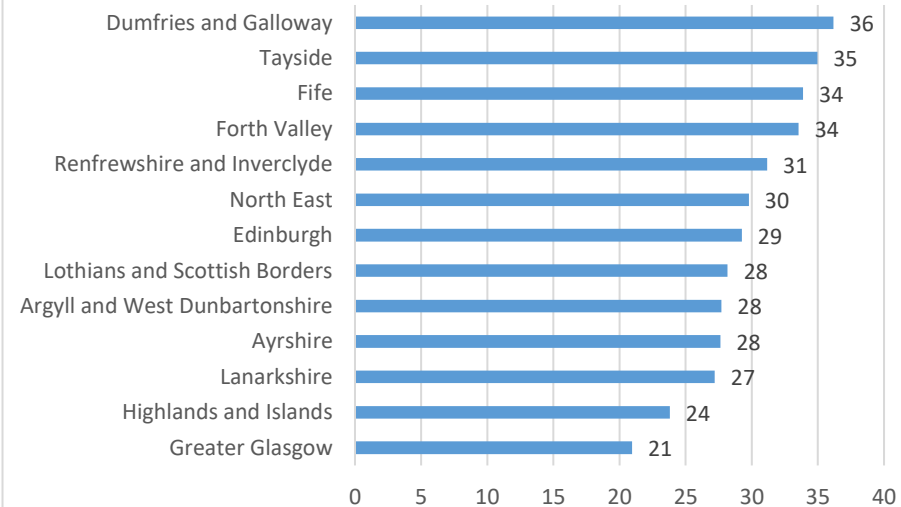


Chart 4: Complaints per 100 employees, by Division



Emerging Trends

- Discriminatory Behaviour allegations have increased from the PYTD (+30 allegations) and the five year average (+30 allegations), with 86 received YTD. Low volume increases were registered in 13 of the 19 divisions nationally (from PYTD; with eight of those also increasing against the five year average). Increases are also identified across four of the six allegation sub types – with similar volume rises registered for Race, Gender and Disability. Therefore, the increase is not attributed to any single factor.
- Irregularity in Procedure - Provide insufficient updates to the complainer allegations have increased from the PYTD (+43 allegations) and the five year average (+27). This is primarily linked to Tayside (+19 from PYTD and +17 from the five year average) and North East (+11 from PYTD and +12 from the five year average).
- Irregularity in Procedure – Road Traffic Procedures have also increased from the PYTD (+28 allegations) and the five year average (+13 allegations), with 68 received YTD. This is primarily linked to Greater Glasgow Division (+16 from PYTD and +14 from the five year average).
- The sub types ‘Disclosure of Information (non-criminal)’ (+19 allegations) and ‘Custody Procedures/Care of Prisoners’ (+15 allegations) have also increased from the PYTD. However, neither show an increase within the wider context of the five year average, therefore are not assessed as significant increases at this time.

Chart 5: Discriminatory Behaviour Allegations, by Sub Type and Period

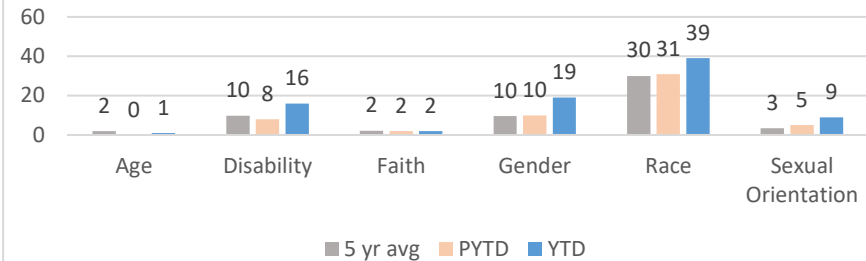
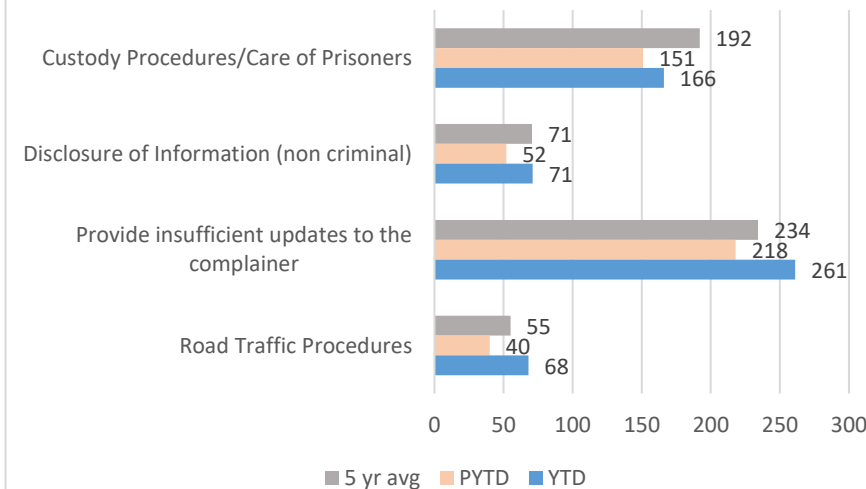


Chart 6: Irregularity in Procedure Allegations (selected), by Sub Type and Period



Emerging Trends (continued)

A breakdown of the 5,623 allegations received YTD, by type, are summarised here in Chart 7.

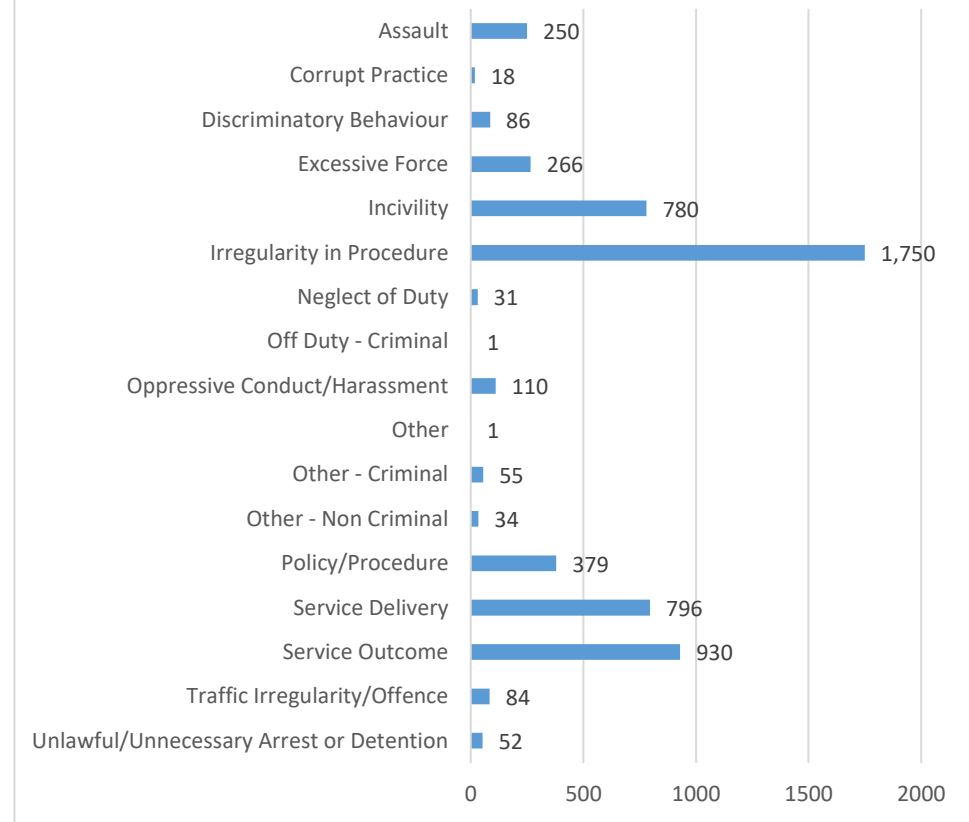
Moreover, the allegation type of Irregularity in Procedure involves a further nineteen sub types. The highest volume of those are detailed below:

- Insufficient Enquiry carried out (359).
- Other (304).
- Provide insufficient updates to the complainer (261).
- Custody Procedures/Care of Prisoners (166).

Quality of Service allegations also involve several sub types, with the highest volume of those listed below:

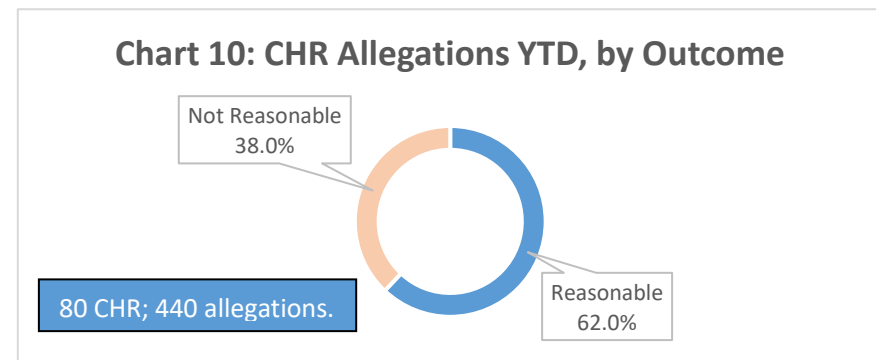
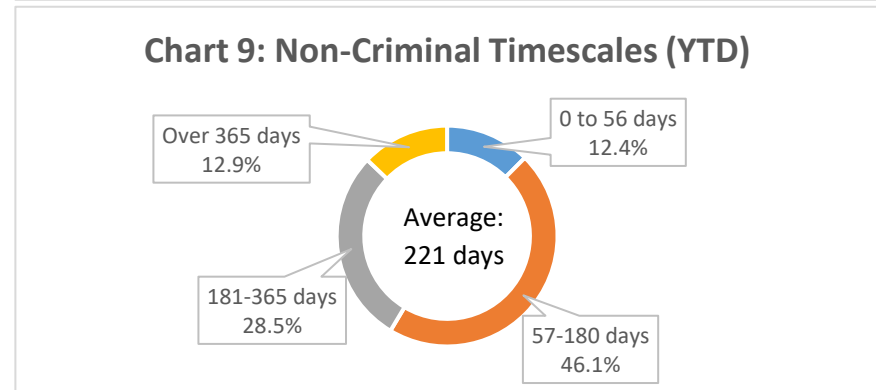
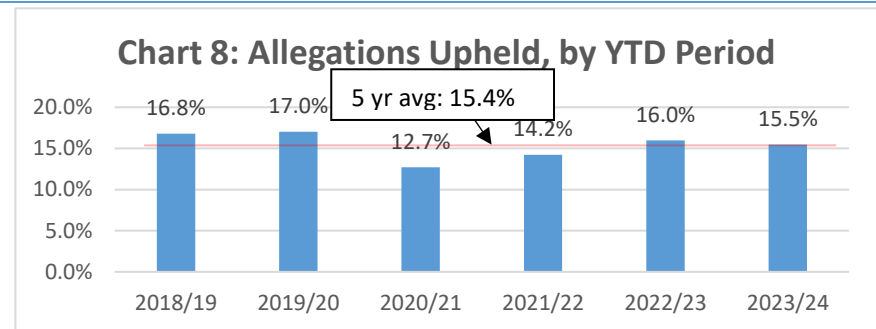
- Service Outcome – Lack of satisfaction with action taken (650).
- Service Delivery – Type of Response (462).
- Policy/Procedure – Policing Procedure (332).

Chart 7: Allegations Received, by Type (YTD)



Service Delivery

- 2,094 allegations attached to completed complaint investigations (criminal and non-criminal) concluded YTD, with 15.5% upheld representing a decrease from PYTD (16.0%) but a slight increase against the five year average (15.4%).
 - The largest volume of the 324 allegations upheld YTD, were Irregularity in Procedure (123), Service Delivery (87) and Service Outcome (56).
 - Sub types were: Other (30), Time of Response (70) and Lack of Satisfaction With Action Taken (34).
- 12.4% of YTD 466 non-criminal (not FLR) complaints were closed within 56 days, an increase on the PYTD rate of 11.1% (+1.4%) but a decrease against the five year average rate of 34.3% (-21.8%). The average closure time YTD was 221 days, an increase from the PYTD average of 215 days and the five year average of 135 days.
- 80 Complaint Handling Reviews (CHRs) were received YTD, down - 17.5% from PYTD, with 62.0% of allegations reviewed found to have been handled to a reasonable standard (-10.1% from PYTD).
- The rate of allegations handled to a reasonable standard remains at a high level and it should be noted that 2022/23 involved monthly rates from 62.1% upwards. Moreover, the rate remains comparable with the full financial years for 2019/20 (62.6%) and 2021/22 (66.9%).
- 134 recommendations and 36 learning points were received YTD. The majority of recommendations received were categorised as requiring 'further enquiry' or a 'fuller/further response' (41.0% and 39.6% respectively). A further 9.7% were categorised as 'record/respond' and the remaining 9.7% as 'Other'.
- CHRs continue to be monitored and all relevant learning disseminated to ensure continued improvement.



PIRC Referrals

- 162 statutory referrals were made to PIRC during the YTD, a 4.1% decrease on the PYTD. However, STO Taser discharge related referrals have increased by 70% (51 in total, +21 from PYTD).
- STO Taser referrals YTD have arisen largely from spontaneous incidents involving persons with a mental health concern (64.7%) and in possession of an offensive weapon (primarily bladed weapons or sharp objects – 54.9%). Where no weapon was involved, violent resistance directed towards officers was prevalent (23.5%). No specific geographic area has influenced this increase.
 - The national uplift in STOs and high levels of assault directed towards Police Officers are relevant factors underpinning this increase.
 - The YTD total is influenced by 12 referrals in May 2023 and 14 in August 2023. The remaining months of the YTD are closely aligned to the 2022/23 average of 6 STO Taser referrals per month.
 - 2 of these referrals are subject to PIRC investigation. With the remainder assessed and concluded with no PIRC investigations, this independent assurance suggests that the use of STO Taser resources in response to these events have been proportionate and justified.
- All allegations of On Duty Assault and any associated criminal allegations are also referred to PIRC for assessment and potential investigation. 175 such referrals were made to PIRC YTD, +2.9% on the 170 made during the PYTD. Of those assessed, 32 are subject to PIRC investigation (23.2%).

Chart 10: Statutory Referrals to PIRC, by Category (YTD)

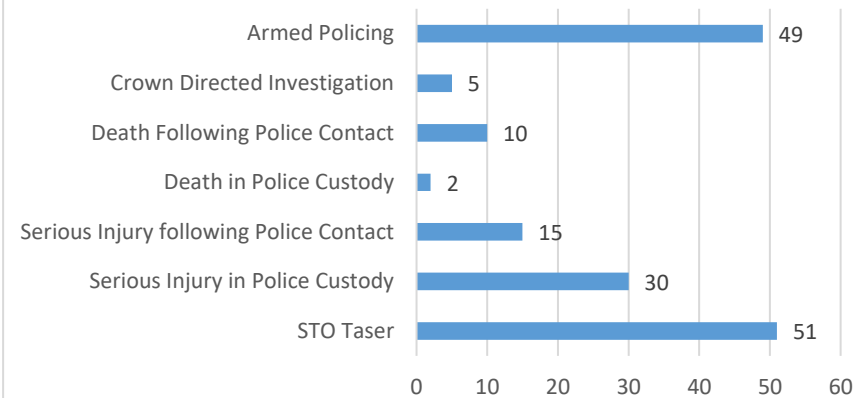
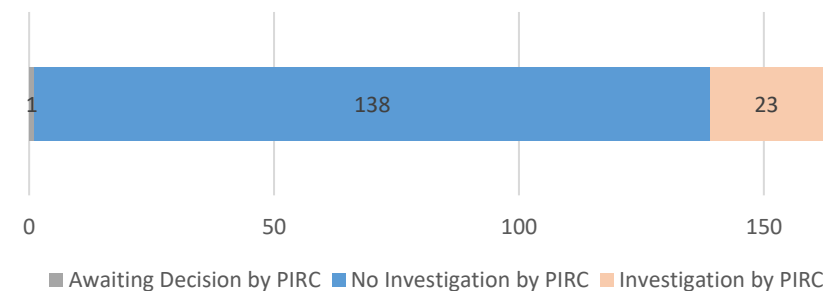


Chart 12: Statutory Referrals to PIRC, by Decision Type (YTD)



Conduct Unit

At conclusion of Q2 YTD, 68 Police officers were suspended and 94 subject to duty restrictions. A further 17 members of Police Staff were suspended during this time.

The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are underpinned by Scottish Government guidance and supported by Staff Associations, Scottish Government and Police Scotland.

The misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct while recognising that police officers have a special status as holders of the Office of Constable.

The procedures are intended to encourage a culture of learning and development for individuals and the organisation. Disciplinary action has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome.

Conduct Assessments

- 255 preliminary conduct assessments were undertaken YTD, +28.1% from the PYTD total of 199.
- YTD increase is primarily linked to assessments categorised as 'Neither Misconduct nor Gross Misconduct – Improvement Action' (+21), 'Misconduct – Improvement Action' (+18) and Gross Misconduct (+16).
- The increase in preliminary assessments is predominantly linked to the territorial divisions in the North – North East (+17), Highlands and Islands (+14), plus Tayside (+11). Edinburgh also registered a similar volume increase in this period (+15).

Chart 13: Restrictions and Suspensions (as at 01/10/2023)

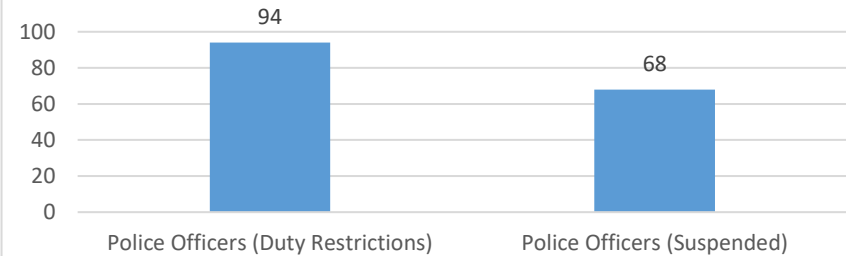
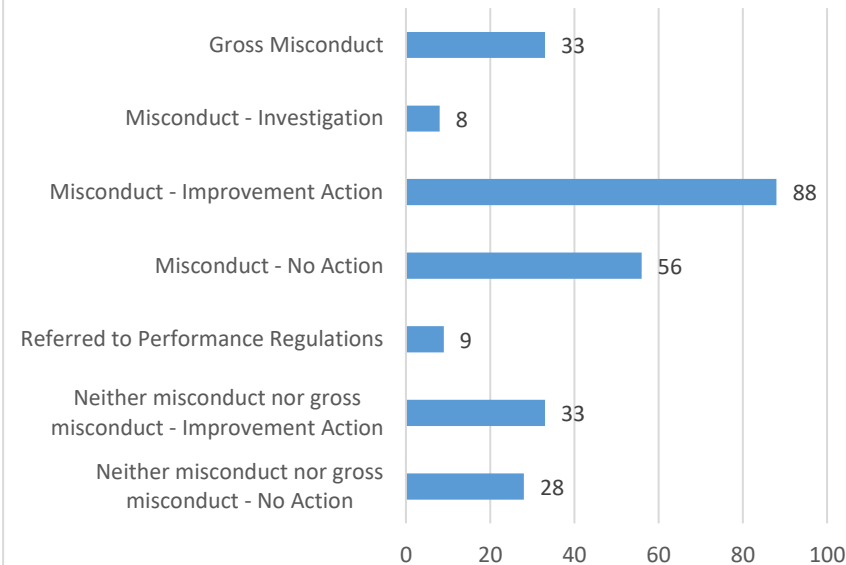


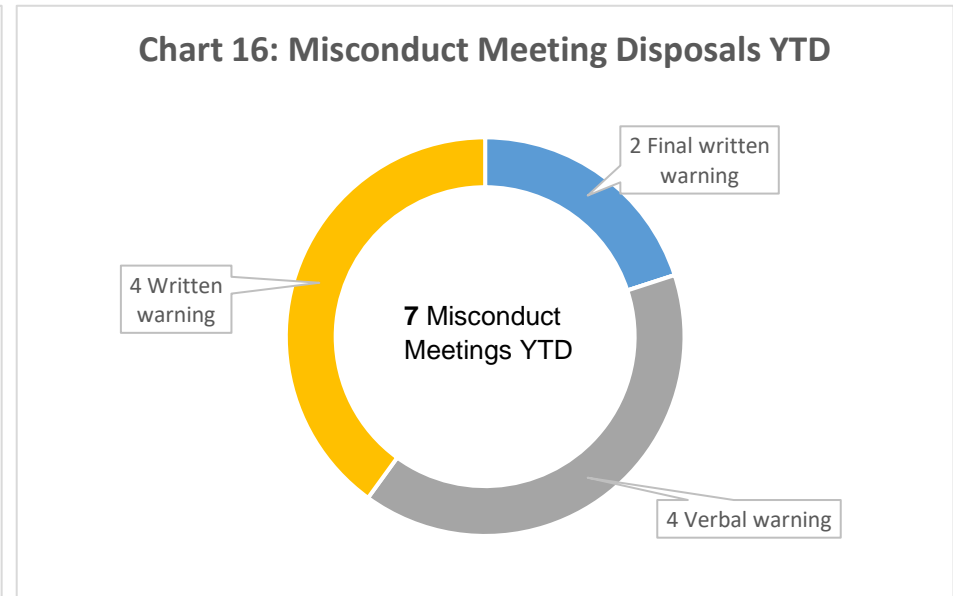
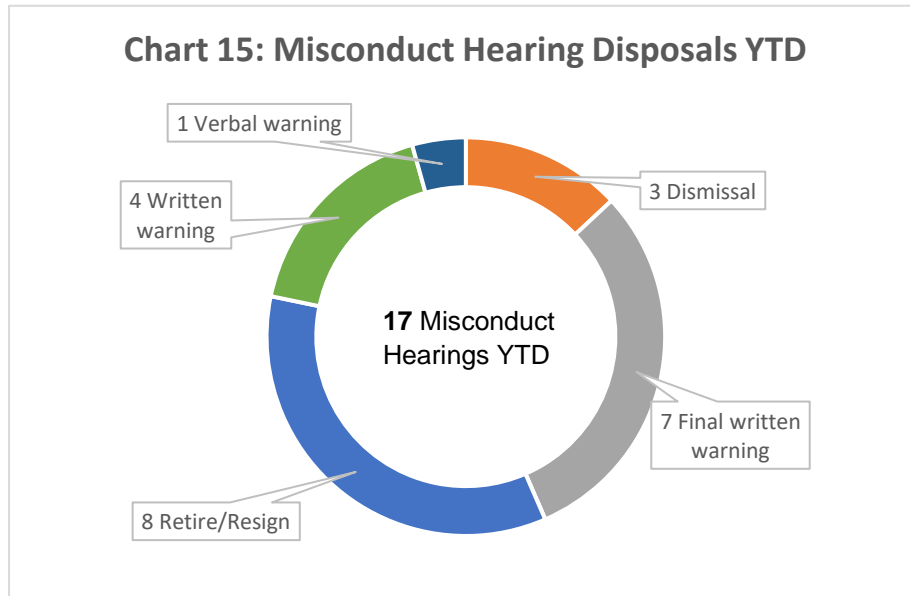
Chart 14: Conduct Assessments YTD



Conduct Unit (continued)

Misconduct Hearing and Meetings

- Please note that each meeting or hearing may involve multiple subject officers and multiple allegations, with a disposal attached to each allegation.



Organisational Learning

Learning from PIRC investigations, CHRs, PSD investigations and other sources are disseminated through bulletins, individual feedback and used to inform training packages. In the last quarter, PSD has disseminated learning from a variety of incidents. The following learning outcomes are of particular note:

<p>Police Scotland should review their policy and guidance to officers in respect of post incident Taser discharge aftercare and the potential conflict with human rights to require those subjected to a discharge to receive medical assessment.</p> <ul style="list-style-type: none"> • Work is ongoing to update and review current policy. 	<p>Police Scotland should consider whether formal documented guidance is required relating to the process for dealing with crime reports involving serving officers, particularly those reports of a sensitive nature. Guidance similar to that contained in the Complaints SOP, which states that the investigating officer must be suitably independent, would help to mitigate against allegations of bias during a criminal investigation where a serving officer is the alleged victim. This approach would serve to improve public confidence in policing.</p> <ul style="list-style-type: none"> • This is being progressed by Support & Service Delivery, PSD.
<p>Police Scotland and the Civil Nuclear Constabulary (CNC) should review their current Collaboration Agreement to address the identified lacuna and strengthen the obligation that CNC officers must comply with PIRC investigations when CNC officers are deployed under the command of Police Scotland to potentially life threatening incidents, even where no criminal offence is suspected and no death has occurred.</p> <ul style="list-style-type: none"> • Work is ongoing to address this recommendation. 	<p>Subject officers should submit their own, independent statements to the complaint enquiry.</p>
<p>During Quarter 2 of 2023/24 further PIRC Investigation reports have been received where no organisational, or individual, learning has been found, but the positive conclusions highlights areas where Police Scotland can take confidence and reassurance from the procedures in place and the actions of officers. Examples of some positive learning taken from PIRC concluding remarks are presented below:</p>	
<p>Taser Discharge</p> <p>The use of Taser by officers was considered to be necessary, proportionate and justified and in accordance with the Police Scotland Specially Trained Officer Standard Operating Procedure.</p>	<p>Taser Discharge</p> <p>The response by the STO and the decision to discharge Taser ensured the safety of the subject and the police officers in attendance.</p>

Appendix B – The Standard – Issue 3 – October 2023



Issue 3 – October 2023

Welcome to the third edition of The Standard with a focus on road traffic matters, both on and off duty, as this continues to raise complaints and conduct investigations.



COMPLAINTS TO PSD

During 2022/2023 there were **142 off duty** allegations of speeding involving police officers and **29 on duty**, when the statutory exemption for officers did not apply.

During the same time period, there were **22** allegations of other road traffic offences off duty and **176** on duty, including traffic irregularities.

SPEEDING

Speeding on and off duty is becoming a more common issue and the following advice is offered to prevent you from becoming the subject of a complaint or conduct investigation.

On Duty – If you are caught speeding while on duty, without the appropriate training or legal exemption for doing so, you will be reported to the Criminal Allegations Against the Police Division (CAAPD) at COPFS for consideration.

What will happen?

CAAPD may decide to issue a Fixed Penalty Notice (FPN) or you may be required to attend court. Any disposals will affect your personal driving licence and, consequently, your private car insurance.

Off Duty – If you are issued with, and accept, a FPN for speeding while off duty you must notify PSD at the earliest opportunity. Please speak to your Supervisor as soon as possible and submit a [Notification of Receipt of Fixed Penalty Notice \(Police Officers\)](#)

What will happen?

- No Action will generally be the outcome for first offenders where compliance with the FPN has resulted in the officer's licence being endorsed with three penalty points, and there are no other relevant factors.

- Improvement Action will generally be for officers where the FPN involves more than three penalty points, where the officer's total points are greater than three, or where there are other aggravating factors.

Appendix B – The Standard – Issue 3 – October 2023

DAMAGE TO POLICE VEHICLES

From 01 July 2022 to 31 July 2023, **966 accidents** have been reported to Fleet Management at a **cost of £778,689.62**. This figure is likely to increase as many repairs from this period are still ongoing. A number of these accidents can be attributed to the manner of police driving.

Did you know that **127** of these accidents occurred within police parking areas? Approximately **13%** of damaged vehicles hadn't even left the station. Please ensure you take extra care.

ARE YOU FIT TO DRIVE?

Case study - An officer started to take over the counter medication to assist with pain. They recognise the medication was making them feel tired and not as responsive as usual. They had just started on a new team and did not want to mention anything or cause any issues. The officer took a vehicle out on patrol and fell asleep while stationary at a set of traffic lights. They were pictured by a member of the public and the matter was reported. On checking the side effects of the medication there were clear warnings advising not to drive while taking the medication. Their [Fitness for Duty](#) was considered under the Police Service of Scotland Conduct Regulations 2014.

If you have concerns about your fitness for duty you must speak to your supervisor who, with your consent, can submit a referral to Optima Health to enable you to receive additional support and guidance.

Further information about wellbeing support can be found at [Your Wellbeing matters](#).



DISCUSSION – WHAT WOULD YOU DO?

The following scenario is based on a recent case in England. Please give it some thought and take the opportunity to discuss this at briefings and with your colleagues;

Colleagues have just attended an address to execute an arrest warrant for a housebreaking suspect. The suspect makes good their escape in their own vehicle. The VRM is passed via the radio for local officer awareness.

You are on duty, driving a marked police vehicle, held at a set of red traffic lights and the suspect vehicle goes past you at high speed through the red light. You are a standard driver with no pursuit capabilities, as is your colleague. Your colleague is telling you to follow the suspect vehicle, you also notice members of the public, who were trying to cross the road when the car went through (narrowly missing them) now watching to see what you are going to do next.

Appendix B – The Standard – Issue 3 – October 2023

CHECK YOUR VEHICLE BEFORE USING IT AND UPDATE YOUR NOTEBOOK / PDA

Daily vehicle checks should include:

- All emergency equipment, including warning lights and sirens;
- Brakes, lights, horns, mirrors, wipers/washers, and speedometer;
- Ensuring tyre tread depth it is greater than the minimum tread bars, and inspecting tyres for any wear or damage;
- Fluids, including oil, water, brake fluid, and windscreen washer fluid, are all at appropriate levels.

If you believe your vehicle is not road worthy please highlight this to a supervisor for appropriate action to be taken.

Do not feel pressured to drive a vehicle which you do not believe to be safe or road worthy.

Case Study: On commencing their shift a probationer starts to complete vehicle checks. Their tutor told them the vehicle checks can wait as they need to complete urgent enquiries before being assigned to an incident. An immediate incident comes in, with the tutor officer driving while utilising blue lights and sirens. The officer proceeded with caution through a red light and was struck by another driver. All parties sustain minor injuries and both vehicles sustain heavy damage. The police vehicle is found to have a defective blue light bar and two bald tyres. Enquiries show no vehicle checks had been recorded for a number of weeks and no supervisory footprint was present on the vehicle checklists. The member of the public claims he did not see the blue lights. Both the bald tyres and defective light bar were found to be contributing factors to the road crash. The officer was subject of a Conduct investigation in respect of breaching their [Duties and Responsibilities](#).

ALL OFFICERS MUST DRIVE IN ACCORDANCE WITH THEIR LEVEL OF TRAINING.

Basic drivers frequently come to the attention of Driver Training for exceeding speed limits or using blue lights and sirens when they have no legal authority to do so.

Case study: In a recent case, an officer was charged with Section 2 of the Road Traffic Act 1988 for continually choosing to drive with blue lights and sirens and exceeding the speed limit. In this case, the officer was found guilty at court, fined £950 and had six penalty points added to their driving licence.

You must always drive in accordance with your level of training and remember to book your re-certification.

INCIVILITY DURING ROAD TRAFFIC VEHICLE STOPS

Having a bad day? Remember incivility includes being rude or impolite, or causing a member of the public to feel you do not care or are not interested in what they are saying. These complaints are on the rise.

Ensure your PDA/STORM incident is fully updated with your rationale for conducting the stop and your interactions to enable PSD to conduct a thorough assessment of any complaints made. This may prevent a complaint from being upheld.

CONTACT US

We welcome any comment, feedback or suggestions you have for future editions of The Standard. You can speak to a member of the team directly at:



Appendix C – Misconduct Outcomes Publication – September 2023



MISCONDUCT OUTCOMES

The [10 Standards of Professional Behaviour](#) set out the standards expected of police officers while on and off duty, as legislatively outlined in the [Police Service of Scotland \(Conduct\) Regulations 2014](#). The regulations govern all police conduct matters.

Officers who breach these standards run the risk of finding themselves subject to misconduct proceedings, which may result in dismissal.

This is the third publication of gross misconduct outcomes where officers were either dismissed or resigned prior to a hearing.

In the second quarter of this year, five officers were scheduled to attend a gross misconduct hearing before an independent chairperson of the rank of Chief Superintendent. All five officers resigned in advance of their attendance at a gross misconduct hearing.

Below are summaries of the circumstances which led to gross misconduct proceedings being instigated:

- Two of the cases related to officers using controlled drugs while off duty. Both cases related to the consumption of cocaine, with one being identified through lawful analysis of mobile phone data, and the other through intelligence which was received. The officers were requested to provide 'with cause' samples. One officer refused to provide a sample and later resigned prior to a gross misconduct hearing. The other officer provided a sample and the results of the analysis of the sample were positive for cocaine. He later resigned prior to attendance at a gross misconduct hearing.

Due to the links with criminality, including organised crime, using illegal drugs is behaviour which is not compatible with the role of a police officer and can impact on fitness for duty. Such activity can place officers in vulnerable positions, putting themselves and the organisation at risk. Where there is reason to suppose an officer is misusing a controlled drug, a 'with cause' sample will be required. This is an opportunity to disprove any such allegation and where a requirement to provide a sample is refused, consideration will be given to gross misconduct proceedings.

- An officer resigned prior to attendance at a gross misconduct hearing relating to a report of him abusing his position and using inappropriate sexual behaviour towards a member of the public. The officer met the woman in the course of his duty and it was reported he touched her inappropriately, before accessing her number from police systems and contacting her while off duty. He attended at her home address and acted in a sexually inappropriate manner towards her. The officer was suspended immediately. The matter was not proven at court and he resigned before his misconduct hearing.

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Any officer identified as abusing their position for a sexual purpose will be dealt with robustly. It is a serious breach of the standards to act in this way and it will not be tolerated. An officer must never abuse the power and authority they have.

- A probationary officer resigned prior to attendance at a gross misconduct hearing following reports he acted in an inappropriate manner towards colleagues while at the Scottish Police College. There were six different matters reported, which included inappropriate behaviour, acts of aggression, using inappropriate terms towards colleagues and having inappropriate conversations. The officer was suspended as soon as the matter was reported and he later resigned.

Officers must treat colleagues with respect and courtesy at all time, recognising that our behaviour and language must be appropriate and reflect the values of the organisation and not alarming colleagues around us. Banter and naivety is not an excuse, and if you see a colleague acting in an inappropriate way, please appropriately challenge them about it.

- An officer resigned prior to his attendance at a gross misconduct hearing for matters relating to him sharing video footage on a pornographic website of a female, involved in sexual acts, without her permission. He resigned prior to his hearing.

Sharing sexual images, without permission, when on or off duty, is a clear breach of the Standards of Professional Behaviour. Officers must be careful at all times about the content of what they share online and ensure it shows respect and courtesy for others at all times. This is a reminder the Standards of Professional Behaviour apply both on and off duty, and online.