

Scenario 1

Introduction

Within this scenario, I would invite the Ethics Committee to consider the reach of the Standards of Professional Behaviour to police officers who may have conducted themselves in a discreditable manner **prior** to their employment as a police officer. How should the Force respond via misconduct proceedings to an allegation that a police officer committed a sexual assault as a child, when it comes to the attention of the Appropriate Authority many years later due to the aggrieved reporting the matter to the police?

The standards of professional behaviour refer to the actions of those that hold the office of constable. Therefore, these cannot be readily applied to actions of a person **prior to them** holding the office of constable. Is it appropriate for the Force to commence a misconduct investigation for matters of discreditable conduct for such cases prior to conviction at court?

Where the officer admits the criminal allegation in police interview, but is yet to appear at court, should the police pursue a case for dismissal of the officer prior to conviction?

How does the Force ethically manage reputational risk from such an incident, whilst still maintaining the rights of the officer concerned?

Legislation / Guidance

Police (Conduct) Regulations 2012 (Schedule 2)

Discreditable Conduct:

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty. (emphasis added).

Discredit can be brought on the police by an act itself or because public confidence in the police is undermined. In general, it should be the actual underlying **conduct of the police officer** that is considered under the misconduct procedures, **whether the conduct occurred on or off duty**. However, where a police officer has been convicted of a criminal offence, that alone may lead to misconduct action, irrespective of the nature of the conduct itself. In all cases, it must be clearly articulated how the conduct or conviction discredits the police.

Circumstances

Sergeant A is a police officer who joined the Force in 2000. They have completed fifteen years of service with the Force, during which there has been no suggestion of poor performance or misconduct. On the contrary, they are an officer who is well regarded and has received much in the way of exceptional comment from supervisors, peers and the community for their work. They currently supervise a team of officers on the Local Policing Directorate, undertaking 24/7 shifts and general policing duties.

Yesterday, the Force Child Abuse Investigation Unit (CAIU) received an allegation from a member of the public who claims that in 1993- 1994, they were repeatedly sexually assaulted on several occasions by the same Sergeant when they attended the same house at family functions. The person reporting the sexual assaults has been video interviewed and was 11 years of age at the time of the alleged assaults. Sergeant A would have been 12 years of age.

The Force Professional Standards Department have been notified that Sergeant A has been arrested, interviewed and totally denied the offences. They have been released on police bail while further enquiries are undertaken by the Child Abuse Investigation Unit.

The Professional Standards Department now need to consider how they will deal with the officer while the criminal enquiry continues and prior to any decision from the Crown Prosecution Service. In particular, the PSD will need to consider whether there is a case for discreditable conduct at:

1. This stage of the enquiry
2. In the event that Sergeant A makes admissions to the police in a subsequent interview
3. In the event that Sergeant A is charged to attend court on the advice of the Crown Prosecution Service
4. In the event that Sergeant A attends court and is found guilty

The ethics committee are invited to consider apply the Standard of discreditable conduct to this scenario and consider the stages 1 – 4 above, along with any considerations as to the when / if the officer should be suspended from duty.