**Appendix 1**

**Scenario 1**

**Introduction**

Within this scenario, I would invite the Ethics Committee to consider the implications of an officer receiving a police caution for public order offences (disorderly conduct and malicious communications) for matters of off duty conduct.

The Committee are invited to consider whether or not the issue of a police caution for the matters described (in the circumstances described) amounts to misconduct, Gross Misconduct or neither (Discreditable Conduct) and the appropriate outcome in the event that misconduct proceedings are pursued.

**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.

**Code of Ethics**

9.3 It is recognised that the test of whether behaviour has brought discredit on policing is not solely about media coverage and public perception but has regard to all the circumstances**.**

**Circumstances**

Constable A entered into an extra-marital affair with another serving police officer (Constable B). This relationship deteriorated over time, and at its most acrimonious point, Constable A began to send abusive and offensive SMS messages to the partner of Constable B, in which the officer declared the nature and presence of their affair in graphic and distressing detail. On one occasion, whilst both officers were off duty, Constable A forced their way into the house of Constable B, engaged in an argument with those present, and assaulted relatives of Constable B. The conduct was experienced and witnessed by those within the house of Constable B, but also more broadly within the street and neighbouring properties. The officer was arrested after police were summoned.

Constable A was interviewed under caution and admitted to malicious communications and disorderly conduct. Constable B, and those witnesses affected by the conduct, declined to support a prosecution for assault.

As a result of admitting the conduct, Constable A was issued with an adult caution for:

1. Section 5 Public Order Act 1986 (an offence of being threatening or abusive in a way which is likely to cause harassment, alarm or distress) - Summary: fine not exceeding level 3

2. Malicious Communications Act 1988 (Legislation which makes provisions in relation to the sending or delivering of letters, electronic communications or other articles for the purpose of causing distress or anxiety) - Summary: maximum 6 months Imprisonment and/or a fine

The Professional Standards Department commenced misconduct proceedings for Discreditable Conduct due to the fact that a serving officer had been issued with a police caution, upon their admission, for criminal offences.

Detective Chief Inspector Simon Hurst