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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 60**

**The Police Service of Scotland (Conduct) Regulations 2013**

**PART 2**

**Misconduct investigations**

**Investigating officer's report**

**11.**—(1) When an investigation form has been sent to the constable, the investigating officer must—

- (a) investigate the report, allegation or complaint of misconduct (including the taking of all reasonable steps to obtain statements from witnesses); and
- (b) submit a report to the deputy chief constable.

(2) A report submitted under paragraph (1)(b) must be accompanied by—

- (a) the investigation form;
- (b) details of any representations made by the constable; and
- (c) any statements obtained from witnesses.

(3) The deputy chief constable must consider a report and any other papers submitted under this regulation and determine whether the constable is required to attend a misconduct hearing.

(4) Where the deputy chief constable determines that the constable is required to attend a misconduct hearing, the deputy chief constable must—

- (a) prepare a misconduct form containing—
  - (i) details of the alleged acts or omissions which it is considered may amount to misconduct;
  - (ii) a statement of the deputy chief constable's reasons for considering that those acts or omissions may amount to misconduct; and
  - (iii) a notice requiring the constable to attend a misconduct hearing at a specified time and place; and
- (b) send a copy of the misconduct form to the constable.

(5) The misconduct form must, where the deputy chief constable considers that a disposal mentioned in regulation 24(2)(a), (b) or (c) should be available to the constable of the misconduct hearing—

- (a) inform the constable that those disposals will be available; and
- (b) notify the constable that the constable may elect to be legally represented at the misconduct hearing in accordance with regulation 14(1)(e).

(6) Where the deputy chief constable determines that the constable is not required to attend a misconduct hearing the deputy chief constable must, as soon as reasonably practicable, send to the constable a notice of that determination.

(7) Where the deputy chief constable has made a determination as mentioned in paragraph (6), but considers that there is sufficient evidence of misconduct of a minor or trivial nature, the deputy chief constable may—

- (a) arrange for the constable to be given an opportunity to comment on that evidence; and
- (b) if it is considered appropriate, arrange for the constable to be given a warning by another constable of a rank higher than the constable.