

POLICE (CONDUCT) REGULATIONS 2004

HOME OFFICE/ACPO JOINT GUIDELINES

POLICE OFFICERS CONVICTED OF DRINK DRIVING OFFENCES

The Home Office and Police Service are committed to reducing incidents of drink driving, both generally and within the Service.

The damage done to the reputation of the Service by officers convicted of these offences cannot be overstated and detracts from the credibility of the Service in this crucial area of law enforcement.

An officer convicted by a Court of a drink driving offence can expect to face a formal misconduct hearing. The usual sanction to be applied or, in the case of a senior officer recommended by the tribunal and applied by the police authority, is either dismissal or a requirement to resign to reflect the serious view which is taken, both inside the Service and by society generally.

A misconduct panel will always treat each case on its merits but officers or tribunals presiding at **such** hearings and thereafter, in the case of senior officers, the police authority, must apply their judgement to the facts of the case to consider whether an alternative sanction could be justified. Aggravating factors in considering the seriousness of an offence include where:

- the offence was committed on duty;
- there is an attempt to avoid arrest;
- there is an attempt to interfere with due process, particularly by leaving the scene or improperly using his position as a police officer;
- the alcohol reading is particularly high; or
- the offence derives from a traffic accident or other incident involving a member of the public.

Only in cases where none of these circumstances exist and there are exceptional circumstances should a lesser sanction be imposed. When this happens the reasons should be clearly set out and recorded.