

# DEFINITIONS OF COMPLAINT CATEGORIES: ON DUTY, QUALITY OF SERVICE, OFF DUTY



**ON DUTY Allegations****Assault**

Allegation that a member of a police force was responsible for a criminal attack on another person as defined by the common law crime of assault. There must be an inference of criminal intent and not merely the use of force to effect a police duty.

**Excessive Force**

An allegation that a member of a police force used excessive force to effect an arrest or at any other time during the course of their duty and there is no inference of criminality.

**Incivility**

Allegation that member of a police force was uncivil in manner of speech, language or demeanour – less than that which may construe an allegation of the crime of Breach of the Peace.

**Neglect of Duty**

Allegation that a member of a police force failed or neglected to perform a duty set out in common / statute law or under Force procedures.

**Irregularity in Procedure**

Allegation that a member of a police force performed a duty in a manner not in accordance with standard / accepted practice or set out in force policy / standing orders / standard operating procedures. Therefore if an officer did something differently it would fall into this category, while if the officer had not done it at all, it would fall into Neglect of Duty.

**Traffic Irregularity / Offence**

Allegation that a member of a police force contravened road traffic legislation, force procedures or codes of practice relating to police vehicles and would include an officer driving or being in charge of a motor vehicle.

**Oppressive Conduct / Harassment**

Allegation that a member of a police force acted in a manner that was oppressive or pursued a course of conduct that was deemed to be harassment towards a member of the public but would not include allegation encompassed by Neglect of Duty or Irregularity in Procedure

**Unlawful / Unnecessary Arrest or Detention**

Allegation that a member of a police force effected / assisted in an arrest that was not provided for in law or that was unnecessary in all the prevailing circumstances

**Discriminatory Behaviour**

Allegation that a member of a police force engaged in a course of action interpreted as discriminatory towards an individual or group.

**Corrupt Practice**

Allegation that a member of a police force abused his/her role or position for personal gain or gain for others.

**Other (criminal)**

Allegation that a member of a police force committed any other crime known to the Law of Scotland, common law or statute, but not contained under the other headings.

**Other (non-criminal)**

A non-criminal allegation not encompassed by the above headings.

**OFF DUTY Criminal Allegations****Crimes of violence**

Includes; Causing death by dangerous driving, serious assault, cruel and unnatural treatment of children.

**Crimes of indecency**

Includes; Unnatural crimes, rape, assault with intent to ravish, indecent assault, lewd and libidinous practices and indecent exposure., Procuration and other sexual offences.

**Crimes of dishonesty**

Includes; Housebreaking, theft, theft of motor vehicle, theft by shoplifting, breach of trust and embezzlement, fraud.

**Fire-raising, malicious mischief, etc**

Includes; Fire-raising, vandalism

**Other crimes**

Includes; Resisting arrest, possession of offensive weapon, having in a public place an article with a blade or point. Drugs offences.

**Miscellaneous Offences**

Includes; Breach of the peace, petty assault, urinating, racially aggravated harassment, racially aggravated conduct, children and young persons offences, drunkenness, post office, telecoms and data protection.

**Dangerous and careless driving**

Includes; Dangerous and careless driving, drunk driving, vehicle excise licence offences, speeding, driver's neglect of traffic directions, driver's contravention of pedestrian crossing regulations, parking offences, accident offences, driving whilst disqualified, driving with no insurance, MOT, failing to provide the identity of the driver of a motor vehicle, construction and use offences, seat belt offences, mobile telephone offences, motor vehicles, other offences.

**OFF DUTY Non-Criminal Allegation****Incivility**

This category applies when a member of a police force was uncivil in manner of speech, language or demeanour – less than that which may construe an allegation of the crime of Breach of the Peace.

**Other**

This category applies when a member of a police force was responsible for any non-criminal action not encompassed by the heading.

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| <b>QUALITY OF SERVICE Allegations</b>  |
| <b>Policy / Procedure</b><br>This category would encapsulate quality of service complaints in respect of policing policy, practice or procedure where the complaint is about the latter rather than the action of any particular officer / member of staff.                                      |
| <b>Service delivery</b><br>This category would encapsulate quality of service complaints in respect of the policing response. This would include policing presence, time of response and type of response.   |
| <b>Service outcome</b><br>This category would encapsulate quality of service complaints in respect of the outcome of policing action. It would also include quality of service complaints where the complaint was one of failure to take action or a lack of satisfaction with the action taken. |