

**From:** [REDACTED]  
**Sent:** 02 October 2017 14:58  
**To:** Lloyd E (Elizabeth); Cabinet Secretary for Justice  
**Cc:** Minister for Community Safety and Legal Affairs; First Minister; Permanent Secretary; DG Education, Communities & Justice; Russell GE (Gillian); McGillivray D (Donald); [REDACTED]; McAllister C (Colin); McFarlane J (John); [REDACTED]  
**Subject:** RE: PIRC - GROSS MISCONDUCT INVESTIGATION INTO CHIEF CONSTABLE

Liz

I have discussed this further with PIRC. They have said that any media reporting suggesting that they will provide a report into the first investigation next week is inaccurate.

They also confirmed that at this stage they are not in a position to commit to any definitive timescale for reporting on these investigations.

[REDACTED]

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**From:** Lloyd E (Elizabeth)  
**Sent:** 02 October 2017 12:53  
**To:** [REDACTED]; Cabinet Secretary for Justice  
**Cc:** Minister for Community Safety and Legal Affairs; First Minister; Permanent Secretary; DG Education, Communities & Justice; Russell GE (Gillian); McGillivray D (Donald); [REDACTED]; McAllister C (Colin); McFarlane J (John); [REDACTED]  
**Subject:** RE: PIRC - GROSS MISCONDUCT INVESTIGATION INTO CHIEF CONSTABLE

All

There are media reports today that PIRC is expected to report on the first investigations next week - do we have any clarity on that timeline?

Liz

**Elizabeth Lloyd**  
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**From:** [REDACTED]  
**Sent:** 02 October 2017 12:21  
**To:** Cabinet Secretary for Justice  
**Cc:** Minister for Community Safety and Legal Affairs; First Minister; Permanent Secretary; DG

Education, Communities & Justice; Russell GE (Gillian); McGillivray D (Donald); [REDACTED]; [REDACTED]; Lloyd E (Elizabeth); McAllister C (Colin); McFarlane J (John); [REDACTED]

**Subject:** PIRC - GROSS MISCONDUCT INVESTIGATION INTO CHIEF CONSTABLE

[REDACTED]

The Cabinet Secretary will wish to be aware that PIRC are about to announce that they are launching a third investigation into gross misconduct allegations about the Chief Constable. The terms of the news release is below.

Following a referral by the Scottish Police Authority (SPA) on Wednesday 27 September 2017, the Commissioner has assessed that the conduct, which is the subject of the allegation would, if proved, amount to gross misconduct.

I have included the lines suggested by Comms colleagues earlier this morning:

“The position of the Chief Constable is a matter for the Scottish Police Authority. There is a statutory process in place which provides for independent investigation and consideration of such matters and it would be inappropriate to comment further. DCC Iain Livingston has agreed to take charge on a temporary basis and has all the powers of the Chief Constable during this period of absence.”

[REDACTED]

### **Commissioner launches third investigation into gross misconduct allegations about the Chief Constable**

The Police Investigations & Review Commissioner (PIRC) is investigating further allegations of gross misconduct about the Chief Constable.

Following a referral by the Scottish Police Authority (SPA) on Wednesday 27 September 2017, the Commissioner has assessed that the conduct which is the subject of the allegation would, if proved, amount to gross misconduct.

The Chief Constable was given notice on Monday 2 October 2017 that the allegations will be investigated. The PIRC is investigating other misconduct allegations about the Chief Constable, which are ongoing.

Once each investigation is concluded, the Commissioner will submit a report to the SPA containing a summary of the evidence and providing an opinion on whether the misconduct allegations about the Chief Constable should be referred to a misconduct hearing.

Where the Authority determines that there is a case to answer for either misconduct or gross misconduct, it must refer the misconduct allegation to a misconduct hearing.

As all three investigations are live it would be inappropriate to comment further at this time.

Each report will be submitted to the SPA in due course.