



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART IX

#### POLICE COMPLAINTS AND DISCIPLINE

##### *Handling of complaints etc.*

#### **90 Steps to be taken after investigation-general**

- (1) It shall be the duty of the appropriate authority, on receiving—
  - (a) a report concerning the conduct of a senior officer which is submitted to them under section 86(6) above ; or
  - (b) a copy of a report concerning the conduct of a senior officer which is sent to them under section 89(6) above,to send a copy of the report to the Director of Public Prosecutions unless the report satisfies them that no criminal offence has been committed.
- (2) Nothing in the following provisions of this section or in sections 91 to 94 below has effect in relation to senior officers.
- (3) On receiving—
  - (a) a report concerning the conduct of an officer who is not a senior officer which is submitted to him under section 85(9) above ; or
  - (b) a copy of a report concerning the conduct of such an officer which is sent to him under section 89(6) aboveit shall be the duty of a chief officer of police—
  - (i) to determine whether the report indicates that a criminal offence may have been committed by a member of the police force for his area; and
  - (ii) if he determines that it does, to consider whether the offence indicated is such that the officer ought to be charged with it.
- (4) If the chief officer—

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*Status: This is the original version (as it was originally enacted).*

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- (a) determines that the report does indicate that a criminal offence may have been committed by a member of the police force for his area ; and
- (b) considers that the offence indicated is such that the officer ought to be charged with it,

he shall send a copy of the report to the Director of Public Prosecutions.

(5) Subject to section 91(1) below, after the Director has dealt with the question of criminal proceedings, the chief officer shall send the Authority a memorandum, signed by him and stating whether he has preferred disciplinary charges in respect of the conduct which was the subject of the investigation and, if not, his reasons for not doing so.

(6) If the chief officer—

- (a) determines that the report does indicate that a criminal offence may have been committed by a member of the police force for his area ; and
- (b) considers that the offence indicated is not such that the officer ought to be charged with it,

he shall send the Authority a memorandum to that effect, signed by him and stating whether he proposes to prefer disciplinary charges in respect of the conduct which was the subject of the investigation and, if not, his reasons for not proposing to do so.

(7) Subject to section 91(1) below, if the chief officer considers that the report does not indicate that a criminal offence may have been committed by a member of the police force for his area, he shall send the Authority a memorandum to that effect, signed by him and stating whether he has preferred disciplinary charges in respect of the conduct which was the subject of the investigation and, if not, his reasons for not doing so.

(8) A memorandum under this section—

- (a) shall give particulars—
  - (i) of any disciplinary charges which a chief officer has preferred or proposes to prefer in respect of the conduct which was the subject of the investigation; and
  - (ii) of any exceptional circumstances affecting the case by reason of which he considers that section 94 below should apply to the hearing; and
- (b) shall state his opinion of the complaint or other matter to which it relates.

(9) Where the investigation—

- (a) related to conduct which was the subject of a complaint ; and
- (b) was not supervised by the Authority,

the chief officer shall send the Authority—

- (i) a copy of the complaint or of the record of the complaint ; and
- (ii) a copy of the report of the investigation.

at the same time as he sends them the memorandum.

(10) Subject to section 93(6) below—

- (a) if a chief officer's memorandum states that he proposes to prefer disciplinary charges, it shall be his duty to prefer and proceed with them ; and
- (b) if such a memorandum states that he has preferred such charges, it shall be his duty to proceed with them.