
STATUTORY INSTRUMENTS

2004 No. 645

The Police (Conduct) Regulations 2004

Appointment of investigating officer

- 8.—(1) A supervising officer may appoint an investigating officer to investigate the case.
- (2) Where an appropriate authority receives a report, complaint or allegation which indicates that the conduct of a senior officer did not meet the appropriate standard, it shall take the steps set out in paragraph (4).
- (3) Paragraphs (1) and (2) shall not apply where the case arises from a complaint or conduct matter to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act applies.
- (4) In the case of a senior officer, unless the appropriate authority decides, in the light of such preliminary enquiries as it may make, that no proceedings under regulation 14 need be taken, it shall refer the matter to an investigating officer who shall cause it to be investigated.
- (5) If the matter concerns the conduct of the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis—
- (a) the appropriate authority shall notify the Secretary of State; and
 - (b) the Secretary of State shall appoint a person (whether a police officer or not) as the investigating officer.
- (6) In any other case which concerns the conduct of a senior officer, the investigating officer shall be appointed by the appropriate authority.
- (7) In a case which concerns the conduct of an officer other than a senior officer, the investigating officer shall be—
- (a) a member of the same police force as the officer concerned or, if the chief officer of some other force is requested and agrees to provide an investigating officer, a member of that other force;
 - (b) of at least the rank of sergeant;
 - (c) if the officer concerned is a superintendent or chief superintendent and—
 - (i) if the investigating officer is a member of the City of London or metropolitan police force, of at least the rank of commander;
 - (ii) if the investigating officer is a member of any other force, of at least the rank of assistant chief constable.
- (8) In a case which concerns the conduct of a senior officer, neither—
- (a) the chief officer concerned; nor
 - (b) in a case where the person who is the subject of the investigation is a senior officer in a force other than the metropolitan police force, a member of the same force as that person; nor
 - (c) in case where the person who is the subject of the investigation is a senior officer in the metropolitan police force, a person serving in the same division as that person;
- shall be appointed as the investigating officer for the purposes of paragraph (5) or (6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (9) An investigating officer shall be—
- (a) other than in a case falling within paragraph (5), of at least the same rank as the officer concerned; and
 - (b) not an interested party.
- (10) A reference in this regulation to a member of a police force shall include a reference to a special constable appointed for the area of that force.