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**Changes to legislation:** Policing and Crime Act 2017, Paragraph 21 is up to date with all changes known to be in force on or before 04 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

#### COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

#### PART 3

##### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

21 For paragraphs 19A to 19E (special procedure where investigation relates to police officer or special constable) substitute—

“19A(1) This paragraph applies to an investigation where condition A, B or C is satisfied.

(2) Condition A is that—

- (a) the investigation is an investigation of a complaint, and
- (b) during the course of the investigation it appears to the person investigating that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.

(3) Condition B is that—

- (a) the investigation is an investigation of a complaint being carried out by a person appointed under paragraph 18, and
- (b) during the course of the investigation the Commission determines that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.

(4) Condition C is that—

- (a) the investigation is an investigation of a recordable conduct matter, and
- (b) the investigation relates to the conduct of a member of a police force or a special constable.

(5) Where this paragraph applies to an investigation the person investigating must proceed with the investigation in accordance with regulations made by the Secretary of State under this sub-paragraph.

(6) Regulations under sub-paragraph (5) may (amongst other things) make provision—

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- (a) as to the procedure to be followed in connection with any interview of the person concerned, including provision requiring the person concerned to attend an interview;
  - (b) requiring the person investigating to supply information to the appropriate authority.
- (7) In this paragraph “the person concerned”—
- (a) in relation to an investigation of a complaint, means the person in respect of whom it appears to the person investigating that there is the indication mentioned in sub-paragraph (2)(b) or (as the case may be) the person in respect of whom the Commission determines that there is the indication mentioned in sub-paragraph (3)(b);
  - (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates.”

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**Commencement Information**

- I1** [Sch. 5 para. 21](#) in force for certain purposes at Royal Assent, see [s. 183](#)
- I2** [Sch. 5 para. 21](#) in force at 1.2.2020 in so far as not already in force by [S.I. 2020/5](#), [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)