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STATUTORY RULES OF NORTHERN IRELAND

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**2000 No. 315**

**The Royal Ulster Constabulary (Conduct) Regulations 2000**

**Part II**

**Suspension and Investigation**

**Suspension**

5.—(1) Where there has been a report, allegation or complaint which indicates that the conduct of a member did not meet the appropriate standard, the Chief Constable may suspend the member concerned from duty and from his office of constable whether or not the matter has been investigated.

(2) The Chief Constable may exercise the power to suspend the member concerned under this regulation at any time from the time of the receipt of the report, allegation or complaint until—

- (a) the supervising member decides not to refer the case to a hearing,
- (b) the notification of a finding that the conduct of the member concerned did meet the appropriate standard,
- (c) the time limit for giving notice of intention to seek a review under regulation 34 has expired, or
- (d) any review under regulation 35 has been completed.

(3) Where the member concerned is suspended under this regulation, he shall be suspended until there occurs any of the events mentioned in paragraph (2)(a) to (d), or until the Chief Constable decides he shall cease to be suspended, whichever first occurs.

(4) When the member concerned who is suspended is required to resign under regulation 31 he shall remain suspended during the period of his notice.

(5) The Chief Constable may delegate his powers under this regulation to another senior officer.

**Suspension of investigations where there are outstanding criminal proceedings**

6. Where there are criminal proceedings outstanding against the member concerned, proceedings under these regulations, except the power to suspend under regulation 5, shall not take place unless the Chief Constable believes that in the exceptional circumstances of the case it would be appropriate for them to do so.

**Investigation**

7.—(1) Subject to paragraph (2), where a report, complaint or allegation is received which indicates that the conduct of a member did not meet the appropriate standard the case may be referred to an officer, who shall satisfy the conditions in paragraph (3), to supervise the investigation of the case (the supervising member).

(2) Paragraph (1) shall not apply where the case arises from a complaint to which section 54 of the Act of 1998 applies.

- (3) The supervising member shall be—
- (a) a member;
  - (b) of at least the rank of superintendent;
  - (c) at least one rank above that of the member concerned; and
  - (d) not an interested party.

#### **Appointment of investigating officer**

- 8.—(1) The supervising member may appoint an investigating officer to investigate the case.
- (2) The investigating officer shall be—
- (a) a member, who shall not be serving in the same sub-division or branch as the member subject to investigation or, if, at the request of the supervising member, the chief officer of a police force in Great Britain agrees to provide an investigating officer, a member of that other force;
  - (b) of at least the rank of inspector, or where the member concerned is a superintendent, at least the rank of assistant chief constable;
  - (c) of at least the same rank as the member concerned; or
  - (d) an officer of the Ombudsman; and
  - (e) not an interested party.

(3) The provisions of this regulation are without prejudice to the powers of the Ombudsman with regard to the approval of the investigating officer under section 57(3) of the Act of 1998 or the appointment of an investigating officer of the Ombudsman under section 56(1) of the Act of 1998.

#### **Notice of investigation and giving of caution**

9. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter),—
- (a) cause the member concerned to be given written notice—
    - (i) that there is to be an investigation into the case;
    - (ii) of the nature of the report, complaint or allegation;
    - (iii) informing him that he has the right to seek advice from his Staff Association; and
    - (iv) informing him that he has the right to be accompanied by a member of a police force selected by him, who shall not be an interested party, to any meeting, interview or hearing;
  - (b) in all cases give that member in writing the caution set out in paragraph 1, of Schedule 2,
  - (c) where he reasonably believes that the presence of any object, substance or mark found on the person of that member or in or on his clothing, footwear or otherwise in his possession or in any place in which the member was present at a time material to the subject matter of the report, complaint or allegation may be attributable to the member's having breached the Code of Conduct, inform the member that he so believes and give him in writing the caution set out in paragraph 2, of Schedule 2,
  - (d) where he reasonably believes that the presence of that member at a place at or about the time the breach of the Code of Conduct was alleged to have been committed may be attributable to his involvement in that breach, inform the member that he so believes and give him in writing the caution set out in paragraph 3, of Schedule 2.

### **Investigating Officer's report**

**10.**—(1) At the end of his investigation the investigating officer shall submit a written report on the case to the supervising member or to the Ombudsman.

(2) If at any time during the investigation it appears to the investigating officer that the case is one in which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall, whether or not the investigation is at an end, submit to the supervising member or in the case of an investigation conducted under Section 56 or 57 of the Act of 1998 to the Ombudsman—

- (a) a statement of his belief that the case may be one in which regulation 39 applies and the grounds for that belief; and
- (b) a written report on the case so far as it has been investigated.

### **Procedures on receipt of investigating officer's report**

**11.**—(1) Subject to paragraphs (2) and (3), on receipt of the investigating officer's report the supervising member may refer the case to a hearing.

(2) Where—

- (a) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998; or
- (b) the member concerned has received two written warnings about his conduct within the previous twelve months, and has in a statement made under regulation 9, admitted that his conduct failed to meet the appropriate standard,

the supervising member shall refer the case to a hearing.

(3) Where the supervising member or Ombudsman, on receipt of a report submitted by the investigating officer under paragraph (2) of regulation 10, is of the opinion the case is one in respect of which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall refer the case to the appropriate officer, who shall—

- (a) if the conditions specified in Part I of Schedule 3 are not satisfied, return the case to the supervising member or Ombudsman as appropriate;
- (b) if the conditions specified in Part I of Schedule 3 are satisfied—
  - (i) certify the case as a special case and refer it to a hearing, or
  - (ii) if the circumstances are such as, in his opinion, make such certification inappropriate, return the case to the supervising member or Ombudsman as appropriate.

(4) Where a case is not referred to a hearing no reference to it shall be made on the member's concerned personal record.

(5) Proceedings at or in connection with a hearing to which a case is referred under this regulation shall, for the purposes of section 50 of the Act of 1998 be disciplinary proceedings.

### **Withdrawal of case**

**12.**—(1) At any time before the beginning of the hearing the supervising member may direct that the case be withdrawn, unless—

- (a) the case is one to which regulation 11(2)(b) applies, or
- (b) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998.

(2) Where a case is withdrawn it shall be treated as if the supervising member had decided not to refer it to a hearing.