



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 2

#### POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

### CHAPTER 1

#### POLICE COMPLAINTS

#### **18 IPCC power to require re-investigation**

- (1) In Part 2 of the Police Reform Act 2002 (complaints and misconduct), after section 13A (as inserted by section 13) insert—

#### **“13B Power of the Commission to require re-investigation**

- (1) This section applies where—
- (a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the Commission has been submitted to it under paragraph 22(3) or 24A of Schedule 3, or
  - (b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the Commission has been submitted to it under paragraph 22(5) or 24A of Schedule 3.
- (2) The Commission may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if it is satisfied that there are compelling reasons for doing so.
- (3) Where the Commission makes a determination under subsection (2), it must determine that the re-investigation is to take the form of an investigation by the Commission unless subsection (4) applies, in which case the Commission must determine that the re-investigation is to take the form described in that subsection.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This subsection applies where the Commission determines that it would be more appropriate for the re-investigation to take the form of an investigation by the appropriate authority under the direction of the Commission.
- (5) Where—
- (a) the Commission determines under subsection (3) or (7) that a re-investigation is to take the form of an investigation by the Commission, and
  - (b) at any time after that the Commission determines that subsection (4) applies in relation to the re-investigation,
- the Commission may make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the Commission.
- (6) Where the Commission determines under subsection (3) or (5) that a re-investigation is to take the form of an investigation by the appropriate authority under the direction of the Commission, the Commission must keep under review whether subsection (4) continues to apply in relation to the re-investigation.
- (7) If, on such a review, the Commission determines that subsection (4) no longer applies in relation to a re-investigation, the Commission must make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the Commission.
- (8) Sub-paragraphs (6) and (7) of paragraph 15 of Schedule 3 shall apply in relation to a further determination under subsection (5) or (7) as they apply in the case of a further determination under sub-paragraph (5A) or (5B) of that paragraph.
- (9) The other provisions of Schedule 3 shall apply in relation to any re-investigation in pursuance of a determination under this section as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- (10) The Commission shall notify the appropriate authority of any determination that it makes under this section and of its reasons for making the determination.
- (11) The Commission shall also notify the following of any determination that it makes under this section and of its reasons for making the determination—
- (a) every person entitled to be kept properly informed in relation to the complaint, recordable conduct matter or DSI matter (as the case may be) under section 21;
  - (b) where the determination is made in relation to a complaint, the complainant;
  - (c) the person to whose conduct the re-investigation will relate.
- (12) The duty imposed by subsection (11) on the Commission shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.

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

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- (13) Subsections (6) to (8) of section 20 apply for the purposes of subsection (12) as they apply for the purposes of that section.
- (14) In relation to a matter that was formerly a DSI matter but was recorded as a conduct matter in pursuance of paragraph 21A(5) of Schedule 3, the reference in subsection (10) to the appropriate authority is a reference to the appropriate authority in relation to the person whose conduct was in question.
- (15) The reference to a report in subsection (1) includes a report on a re-investigation by virtue of this section or paragraph 25 of Schedule 3.”
- (2) Part 3 of Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc: investigations and subsequent proceedings) is amended as follows.
- (3) In paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), after sub-paragraph (1) insert—
- “(1A) But if, following the submission of such a report, the Commission determines under section 13B that the complaint or recordable conduct matter is to be re-investigated the provisions of this paragraph other than sub-paragraph (2)(a) do not apply, or cease to apply, in relation to that report.”
- (4) In paragraph 24A (final reports on investigations: DSI matters), after sub-paragraph (5) (as inserted by Schedule 5) insert—
- “(6) But sub-paragraphs (4) and (5) and paragraphs 24B and 24C do not apply, or cease to apply, in relation to a report submitted under sub-paragraph (2) if, following the submission of the report, the Commission determines under section 13B that the DSI matter is to be re-investigated.”
- (5) In paragraph 27 (duties with respect to disciplinary proceedings etc), after sub-paragraph (1) insert—
- “(1A) But where this paragraph would otherwise apply by virtue of sub-paragraph (1)(c), it does not apply, or ceases to apply, in relation to the investigation if the Commission determines under section 13B that the DSI matter is to be re-investigated.”
- (6) In paragraph 28B (response to recommendation by the Commission under paragraph 28A), at the end insert—
- “(12) This paragraph does not apply, or ceases to apply, in relation to a recommendation made by virtue of paragraph 28A(1) if the Commission determines under section 13B that the complaint, recordable conduct matter or DSI matter that the Commission received a report on is to be re-investigated.”