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STATUTORY INSTRUMENTS

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**2020 No. 2**

**The Police (Complaints and Misconduct) Regulations 2020**

**PART 2**

Handling of complaints, conduct matters and DSI matters

**Handling of complaints by the appropriate authority: exception to the duty to investigate**

6. The duty imposed by paragraph 6(2C) of Schedule 3 (duty to make arrangements for complaint to be investigated)<sup>(1)</sup> does not apply where the appropriate authority determines that—

- (a) the complaint concerns substantially the same—
  - (i) conduct or other matter as a complaint made previously (“the previous complaint”),  
or
  - (ii) conduct as a conduct matter recorded previously (“the previous conduct matter”);
- (b) there is no fresh indication in respect of that conduct or other matter that—
  - (i) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or
  - (ii) there may have been an infringement of a person’s rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998<sup>(2)</sup>);
- (c) there is no fresh substantive evidence in respect of that conduct or other matter which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded, and
- (d) as respects the previous complaint or previous conduct matter—
  - (i) it has been or is being investigated, or
  - (ii) in the case of a complaint, it has been or is being otherwise handled in accordance with Schedule 3 or the provisions of Part 2 of the 2002 Act ceased to apply to it in accordance with regulation 38 (withdrawn complaints) or regulations 38 and 39 (withdrawn complaints: no written signed notification).

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<sup>(1)</sup> Paragraph 6(2C) was inserted by paragraphs 5 and 6 of Schedule 5 to the Policing and Crime Act 2017.

<sup>(2)</sup> 1998 c. 42.