



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 2

#### POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

### CHAPTER 1

#### POLICE COMPLAINTS

#### **17 Initiation of investigations by IPCC**

- (1) Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc) is amended as follows.
- (2) In paragraph 4 (reference of complaints to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 4A”.
- (3) After paragraph 4 insert—

*“Power of Commission to treat complaint as having been referred*

- 4A (1) The Commission may treat a complaint that comes to its attention otherwise than by having been referred to it under paragraph 4 as having been so referred.
- (2) Where the Commission treats a complaint as having been referred to it—
- (a) paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
  - (b) paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the Commission by the appropriate authority under paragraph 4.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Commission must notify the following that it is treating a complaint as having been referred to it—
  - (a) the appropriate authority;
  - (b) the complainant;
  - (c) except in a case where it appears to the Commission that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.”
- (4) In paragraph 11 (recording etc of conduct matters otherwise than where conduct matters arise in civil proceedings), omit sub-paragraph (5).
- (5) In paragraph 13 (reference of conduct matters to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 13A”.
- (6) After paragraph 13 insert—

*“Power of Commission to treat conduct matter as having been referred*

- 13A (1) The Commission may treat a conduct matter that comes to its attention otherwise than by having been referred to it under paragraph 13 as having been so referred.
- (2) Where the Commission treats a conduct matter as having been referred to it—
  - (a) paragraphs 10, 11 and 13 do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 13(7), and
  - (b) paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 13.
- (3) The Commission must notify the following that it is treating a conduct matter as having been referred to it—
  - (a) the appropriate authority;
  - (b) except in a case where it appears to the Commission that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (7) In paragraph 14A (duty to record DSI matters), omit sub-paragraph (2).
- (8) In paragraph 14C (reference of DSI matters to the Commission), in sub-paragraph (3), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 14CA,”.

(9) After paragraph 14C insert—

*“Power of Commission to treat DSI matter as having been referred*

- 14CA (1) The Commission may treat a DSI matter that comes to its attention otherwise than by having been referred to it under paragraph 14C as having been so referred.
- (2) Where the Commission treats a DSI matter as having been referred to it—
- (a) paragraphs 14A and 14C do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 14C(3), and
  - (b) paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 14C.
- (3) The Commission must notify the appropriate authority that it is treating a DSI matter as having been referred to it.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (10) In section 29 of the Police Reform Act 2002 (interpretation of Part 2 of that Act), in subsection (1), in paragraph (a) of the definition of “recordable conduct matter”, for “or 11” substitute “, 11 or 13A”.