
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 3

Investigations and subsequent proceedings

Special procedure: severity assessment

16.—(1) Where paragraph 19A of Schedule 3 (special procedure where investigation relates to police officer or special constable)(**1**) applies to an investigation, the person investigating must proceed with the investigation in accordance with this regulation and regulations 17 to 22 (special procedure).

(2) In the case of an investigation under paragraph 18 of Schedule 3 (investigations directed by the Director General), the person investigating must, as soon as is reasonably practicable—

(a) form an opinion as to—

(i) whether the conduct of the person concerned(**2**), if proved, would amount to misconduct that is so serious as to justify disciplinary action or gross misconduct(**3**), and

(ii) if that conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take;

(b) notify the Director General of that opinion, and

(c) refer the case to the Director General for the Director General to make a severity assessment in relation to the conduct of the person concerned.

(3) In the case of an investigation under paragraph 19 of Schedule 3 (investigations by the Director General) other than by the Director General acting personally, the person investigating must, as soon as is reasonably practicable, refer the case to the Director General for the Director General to make a severity assessment in relation to the conduct of the person concerned.

(4) In any other case, the person investigating must, as soon as is reasonably practicable, make a severity assessment in relation to the conduct of the person concerned.

(5) A severity assessment may only be made after consultation with the appropriate authority.

(1) Paragraph 19A was substituted by paragraphs 9 and 21 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

(2) Paragraph 19A(7) of Schedule 3 defines “the person concerned”.

(3) Paragraph 29 of Schedule 3 defines “misconduct” and “gross misconduct”.