

POLICE REFORM ACT 2002

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Schedule 3 Part 2: Handling of conduct matters

Paragraph 10: Conduct matters arising in civil proceedings

87. This paragraph applies where a chief officer or a police authority receives notification that civil proceedings are being brought or are likely to be brought by a member of the public and that those proceedings arise from what could be described as a conduct matter. The purpose of this is to ensure that any matter that would otherwise be dealt with as a complaint or a conduct matter is recorded and dealt with as though it was a complaint or a conduct matter. This provision will ensure that such matters are dealt with appropriately, particularly where civil proceedings are settled out of court.
88. On becoming aware of such a conduct matter, if a chief officer or a police authority is satisfied that he or it is the appropriate authority, that conduct matter must be recorded. If not, it must be passed to the appropriate authority to be recorded. Thus, unlike conduct matters in other cases, where the test in paragraph 11 must be satisfied for a conduct matter to be recorded, all conduct matters arising from civil proceedings will be recorded. The appropriate authority need not record the matter if it is satisfied that the matter has been or is being dealt with satisfactorily by means of criminal or disciplinary proceedings. The reason for this is that in such a case, an investigation will have been carried out and there would be no need for a second investigation.