



This Procedure links into the Policy for Professional Standards

**PD 284 – PROCEDURE FOR SUSPENSION OF POLICE OFFICERS**

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## **SECTION 1 TITLE**

### **Procedure for Suspension of Police Officers**

## **SECTION 2 VERSION CONTROL**

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## **SECTION 3 PROCEDURE**

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## **1.0 INTRODUCTION**

- 1.1 The Police (Conduct) Regulations 2004, Section 4, empower the Chief Officer to suspend a member of a Police Force from membership of the Force and from his office of constable where there has been a report, complaint or allegation which indicates that the conduct of a member of a Police Force does not meet the appropriate standard whether or not the matter has been investigated.
- 1.2 This document gives guidance to the Force as to how this power is to be exercised in Nottinghamshire Police. It should be noted that the guidance is not a legal document and is not intended to cover every eventuality.
- 1.3 It must be strongly emphasised that the act of suspension should not be taken as an implication or presumption of guilt.

## **2.0 AIM**

- 2.1 The suspension policy has four aims:
- (i) to ensure that decisions to suspend an officer are taken objectively, against set criteria
  - (ii) to ensure that alternatives to suspension are considered
  - (iii) to provide for a system of review of suspensions
  - (iv) to ensure that the welfare needs of suspended officers and their families are properly met.

## **3.0 CRITERIA**

- 3.1 Suspension is a serious step, which inevitably causes stress to the officers concerned, and to their families. It is also very costly in both financial and operational terms
- 3.2 Suspension should therefore be considered on a case by case basis and be limited to those cases where it is absolutely necessary:-

(i) that the effective investigation of the matter may be prejudiced unless the officer concerned is so suspended;  
or

(ii) that the public interest, having regard to the nature of the report, complaint or allegation, and any other relevant considerations, requires that the officer should be so suspended

3.3 Redeployment on other duties must be given constructive consideration as an alternative to suspension (see Section 7 below)

3.4 Suspension should only be considered if one or more of the criteria at 3.2 applies and there is some evidence to support the report, complaint or allegation made and redeployment on other duties has been considered but rejected for valid reasons.

#### **4.0 PROCEDURE**

4.1 The Police (Conduct) Regulations 2004 allow the decision to suspend an officer to be delegated to the Deputy Chief Constable.

4.2 The decision to suspend will be taken formally, following consultation between the Deputy Chief Constable and the Head of the Professional Standards Unit. When practicable, Divisional Commanders/Departmental Heads will be consulted and involved in the decision making process.

4.3 Notice of Suspension will be served personally upon the officer concerned, against signature by the Head of the Professional Standards Unit or if not available an officer of at least the rank of Superintendent.

4.4 An opportunity will be given to allow the officer concerned to contact a representative of a Staff Association. However, any action deemed necessary by the officer suspending to seize or preserve evidence or to further the investigation will not be hindered or delayed by the officer exercising this opportunity.

4.5 Upon being suspended, the officer concerned should be given a copy of the Suspension Policy together with a copy of the "Notes for the Guidance of Officers Suspended from Duty" thereby ensuring that they are fully aware of their rights and responsibilities.

- 4.6 The officer concerned should be specifically advised that the suspension will be subject to regular review in accordance with paragraph 5 of this Policy Document.
- 4.7 At the time of suspension the officer's warrant card, pocket books/work diaries and police keys together with all items of police uniform will be handed over to the Head of the Professional Standards Unit. In addition the officer must be informed that during the period of suspension any attendance at any police station within the Force will only be by prior appointment and whilst supervised.
- 4.8 Officers must also be reminded that despite being suspended from duty that they remain subject to Police Regulations and The Police (Conduct) Regulations during the period of suspension and as such must make themselves available as and when required.
- 4.9 Officers are **not** permitted without the consent of the Chief Constable to take any form of employment whilst suspended from duty. Where an officer has previously been authorised to undertake secondary employment, this authorisation will be reviewed upon suspension, and the authority may be revoked by the Deputy Chief Constable. Applications for secondary employment following suspension will not be considered under any circumstances.
- 4.10 Whilst suspended from duty an officer **may not**, without the consent of the Chief Constable, give notice of their retirement/resignation, or retire/resign from the Force in pursuance of a notice previously given.

## **5.0 REVIEW**

- 5.1 Suspension will be reviewed by the Deputy Chief Constable (Reviewing Officer) on a monthly basis or immediately following a fundamental change in circumstances during the investigative process, e.g. at the conclusion of all interviews with the officer. (In the event of the Deputy Chief Constable being directly involved in the investigation into the suspended officer such reviews will be conducted by the ACC(O).
- 5.2 The Deputy Chief Constable will accept representations from the suspended officer's Federation Friend immediately before a Suspension Review is to take place. Any points or issues raised by the Federation Friend will be considered by the Deputy Chief Constable within the review process. The Federation Friend will not be allowed access to the suspension review process. The Deputy Chief Constable will communicate his decision to the

- 5.3 The Investigating Officer conducting the investigation into the suspended officer will be required to fully complete and sign a "Review of Suspension" form (copy at Appendix 1) providing the Deputy Chief Constable with all available current information concerning that particular case.
- 5.4 Examples of the types of information required may include the following:
- Evidence gathering ongoing
  - Interference with potential witnesses
  - Brief details of additional discipline/criminal offences
  - Brief details of additional Regulation 9 Notices served
  - Interviews ongoing/completed or planned (i.e. before next review date)
  - Reasons for planned interviews being cancelled
  - Current status of investigator's report (e.g. being compiled/completed etc)
  - Have interim or final reports been submitted to CPS/IPCC?
  - Available evidence tends to substantiate allegation(s)
  - Have CPS/IPCC requested further enquiries/interviews?
  - Circumstances which tend to suggest the continued suspension may need to be amended before the next Review
  - Brief details of criminal/discipline charges preferred
  - After consideration of the report by the CPS/IPCC
  - When criminal proceedings are to be commenced
  - When disciplinary charges are to be preferred.

This list is not exhaustive but is a guide to the type of information required.

- 5.5 The completed form will be submitted by the Investigating Officer to the Head of the Professional Standards Unit one week in advance of the review date. The Head of the Professional Standards Unit will also append his/her comments. This will allow the Deputy Chief Constable to assess the information, require further or clarifying information prior to making a decision.
- 5.6 The Head of the Professional Standards Unit will be responsible for retaining these forms and informing the Investigating Officer of the decision made following the review.

## **6.0 REVOCATION**

Suspension will be revoked at any time when, in the opinion of the Reviewing Officer, the criteria set out in paragraph 3.2 cease to be met

in any particular case, or when the provision of Regulation 4(5)a-e, Police (Conduct) Regulations, 2004 apply.

## **7.0 REDEPLOYMENT**

- 7.1 Redeployment will be considered as an alternative to suspension in all cases.
- 7.2 Redeployment allows a member of a Police Force to retain the office of constable and can be an extremely effective and efficient alternative in suitable cases. In practice this will often mean removing the officer from duties which involved contact with the public, or use of police powers.
- 7.3 A decision to redeploy will be taken only after consultation between the Head of Personnel, the Head of the Professional Standards Unit and the Divisional Commander/Departmental Head of the officer concerned. Redeployment is more likely to be successful if it is done in agreement with the officer concerned.

## **8.0 WELFARE**

- 8.1 All welfare facilities of the Force are available to suspended officers and they are still covered, in accordance with the terms of the policy by any insurance/accident schemes sponsored by the Force or the Joint Branch Board of which they may be a member, including the Police Convalescent Home.
- 8.2 The Head of the Occupational Health Unit together with the respective Divisional Commander/ Departmental Head will be responsible for ensuring the well being of suspended officers. In this respect the Divisional Commander must ensure that a liaison officer is appointed who is acceptable both to the suspended officer and the Head of Occupational Health Unit. The nomination should come from the suspended officer, but the nominee should not be connected with any matter subject of the investigation. The liaison officer must visit the suspended officer at monthly intervals or more frequently if necessary.
- 8.3 The liaison officer must maintain a record of such visits. Appendix 2 is produced for this purpose and will be taken into use by the Division/Department concerned. The record of welfare visits must be available at all times for examination by the Head of the Occupational Health Unit. At the conclusion of the suspension period the document will be returned to the Professional Standards Unit for filing. Officers making these visits should be prepared to update the suspended officer with alterations in legislation, police procedures, and departmental changes to ensure that the suspended officer retains

However, other officers should be aware of the misinterpretations or other difficulties that sometimes arise from these circumstances. In particular, officers who have provided written witness evidence in a case involving a suspended colleague, or are aware that they may be called upon to do so should seek advice before embarking on this course of action.

- 8.4 Nothing in this suspension procedure is designed to place restrictions on friendships with officers suspended, who may find themselves isolated from their colleagues at work, at a time when their colleagues' support is particularly needed. Officers and members of Support Staff alike should be encouraged to maintain their friendships and associations with suspended officers, subject to those practical observations set out above directed at the preservation of integrity of evidence.
- 8.5 A Welfare Officer must, as a matter of course, make contact with the suspended officer either personally or by other means thereby ensuring at the very least that the ready availability of welfare support is well understood.
- 8.6 The officer suspending will ensure that the availability of welfare facilities is brought to the suspended officer's notice.
- 8.7 The role of the Head of the Occupational Health Unit will be to offer support and guidance to Divisional/Departmental Personnel Managers and the liaison officer in respect of any issues the latter identifies or has referred to them by the suspended officer. These would be matters requiring other professional help/assistance or issues which the liaison officer was unable to resolve or progress. Divisional/Departmental Personnel Managers must take opportunity of reviewing the visits to the suspended officer with the liaison officer on a regular basis to ensure Divisional/Departmental support is afforded to both the suspended officer and liaison officer. In the event of the liaison officer being unable to make the required visits due to sickness or other reasons, Personnel Managers should make arrangements for another officer to visit.
- 8.8 **Reinstatement** – A reinstatement notice will be served on the officer upon their return to work, by a member of the Professional Standards Unit. The notice is an authority signed

In either case the issue of posting is a management decision made by the Deputy Chief Constable, and will not be altered without the permission of the DCC or Head of the Professional Standards Unit.

- 8.9 **Return to Work Policy** – Following a period of suspension upon return to work, the suspended officer will be seen by the Divisional Commander and the Divisional Training Officer for the purpose of identifying and addressing any development or training needs which the officer has. This meeting should result in the production of an action plan developed by the line manager to facilitate the officers re-integration to the Division/Department taking account of new legislation, policy etc. The details of the plan will form part of the PDR process.
- 8.10 **Management issues – complainants.** In the circumstances where the complainants are other serving officers or members of staff, there will be a need to ensure that they are updated in respect of the suspended officers impending return to duty. The Investigating Officer will do this from the Professional Standards Unit together with a Senior Staff Member for the Division/Department involved. The complainant will be advised of the result of the enquiry and any action taken against the officer.

## **9.0 PLACE OF RESIDENCE**

- 9.1 A suspended officer should at all reasonable times be available to be contacted by the Investigating Officer or Supervisors. To ensure this is possible, an officer will be expected to be available at their usual place of residence, i.e. the address where they live when normally on duty, although special dispensation may be given on request for officers living in single quarters to temporarily reside elsewhere.
- 9.2 If an officer wishes to leave that address for a period exceeding 3 days they must inform the Deputy Chief Constable and also provide details of the address at which they can be contacted during the period of absence.

## **10.0 RECALL TO DUTY**

- 10.1 Where an officer suspended from duty is recalled to perform a specific duty, e.g. to give evidence at court, this should be referred to the administration department of the Professional Standards Unit. Any duty will be subject to overtime regulations, if applicable, by virtue of the number of hours worked. Court expenses will be met in the same way as if the officer were on usual duty.
- 10.2 All cases in which suspended officers are likely to be called as witnesses will be brought at once to the attention of the Crown Prosecution Service, via the Administration of Justice Department. The suspended officer will give details of all outstanding cases to a supervisory officer as soon as possible.
- 10.3 Suspended uniform officers who are called, as witnesses at court will attend court in uniform, unless their uniform has been surrendered. In that instance officers will attend court in suitably smart clothing. A supervisory officer must ensure that the officer's pocket book and other documents to which the officer may have had to refer to during trial are retrieved at the conclusion of their evidence.

## **11.0 ANNUAL LEAVE AND REST DAYS**

- 11.1 A suspended officer cannot take annual leave, but may be granted 'leave of absence'. In such cases a report should be submitted by the suspended officer giving details of the proposed leave and a contact address. This request must be processed through the Professional Standards Unit, authorised by the Deputy Chief Constable, and thereafter conveyed to the respective Divisional Commander/Departmental Head.
- 11.2 In the event of a suspended officer being reinstated before the expiration of the appointed annual leave year, he/she will be entitled to apply for, and be granted, any outstanding period of annual leave due to him/her. However, in the event of there being insufficient time left in the appointed annual leave year for the officer to be granted their full period of annual leave, it will be open to them to apply for it to be carried forward into the ensuing annual leave year in accordance with Force instructions.

## **12.0 RESTRICTION ON ENTRY TO POLICE PREMISES AND SPORTING ACTIVITIES**

- 12.1 Suspended officers are **not** allowed on police premises unescorted without the express permission of the Deputy Chief Constable, and if required to visit such premises they must, on arrival, report their presence to the officer in charge.

- 12.2 Suspended officers will **not** be allowed to participate in Force sporting activities, nor will they be eligible for selection by the Police Athletic Association during the period of suspension.

#### **SECTION 4 LEGISLATIVE COMPLIANCE STATEMENT**

This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection Act, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing.

**MONTHLY REVIEW OF SUSPENSION**

**Name:**

**Division:**

**Date Suspended From Duty:**

**Investigating Officer:**

**Review Date:**

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**Investigating Officer's Report**

**Date:** ..... **Signature:** .....

**Head of Professional Standards Unit Comments**

**Chief Officer's Comments and Decision**

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**Date :** ..... **Signature:** .....

**Investigating Officer informed on** .....

**by** .....

**WELFARE VISIT TO SUSPENDED OFFICER**

**Name:**

**Division:**

**Date Suspended From Duty:**

**Welfare Officer:**

**Div/Dept Personnel Manager:**

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**Welfare Officer's Report**

**Any specific needs/issues identified details:**

**Date.....**

**Signature.....**

**Comments of Div/Dept Personnel Manager**

**Any subsequent action/referral**

**To:-**

**Date:-**