



<u>Policy Title</u>	CRITERIA FOR SUSPENSION FROM DUTY (POLICE OFFICERS AND SPECIAL CONSTABLES)
<u>CCMT Sponsor</u>	DEPUTY CHIEF CONSTABLE
<u>Department/Area</u>	PROFESSIONAL STANDARDS

1.0 Rationale

- 1.1 To ensure a uniform approach is applied to the question of suspension from duty of police officers and Special Constables.

2.0 Intention

- 2.1 To set out the criteria to be considered when making a decision whether or not to suspend an officer from duty.

3.0 General Principles

- 3.1 This policy should be read in conjunction with Regulation 4 of the Police (Conduct) Regulations 2004. Additionally, Home Office circular 8/2005, paragraphs 3.22 - 3.26 give further advice on suspension and removal from normal duties (re-produced at paragraph 5.5 below). The authority vested in the Chief Constable has been delegated to the Deputy Chief Constable or, in his/her absence, to any other Chief Officer.
- 3.2 The Police (Conduct) Regulations 2004 defines a police officer as 'a member of a police force or a special constable'. For the purposes of this policy, references to 'police officer' shall include special constables. Regulation 4 of these Regulations state that officers shall not be suspended unless the following applies:
- (a) the effective investigation of the matter may be prejudiced unless the officer concerned is so suspended; and
 - (b) the public interest, having regard to the nature of the report, complaint or allegation, and any other relevant considerations, requires that he should be so suspended.
- 3.3 If the officer concerned is a senior officer (ACC or above), the decision of the appropriate authority should be sent to the Independent Police Complaints Commission, who will, if satisfied that the conditions are fulfilled, approve of the suspension of that officer.
- 3.4 Before an officer is suspended from duty, it is important that the following additional criteria are also considered:

- (i) the nature and seriousness of the criminal/disciplinary offence alleged and the apparent evidence available to support the allegation;
- (ii) whether the continued presence of the officer on duty might be detrimental to the investigation;
- (iii) the likely outcome of a conviction or a finding of the case proved before a disciplinary tribunal;
- (iv) the desirability to put the officer in a position where he/she is likely to become a witness and be exposed to cross-examination on his/her integrity/reliability as a witness;
- (v) whether the officer has been convicted of a serious criminal offence;
- (vi) the Chief Officer has serious doubts about the officer's suitability to deal with the public or work effectively with colleagues; and
- (vii) cases falling short of the very serious category but nevertheless attracting widespread media attention, where the public confidence in the reputation of the force could well be placed in jeopardy. In such cases consideration should first be given to the re-deployment of the officer to perform alternative duties. Whenever possible, the Superintendent's Association, Police Federation or 'friend' (a serving police officer) should also be consulted with the aim of gaining the officer's acceptance of such a decision.

3.5 Conviction of a criminal offence will automatically focus attention on the suitability of an officer to hold rank and/or be a police officer. In the majority of such cases, the officer is likely to appear before a disciplinary tribunal. The decision of the tribunal following the discipline hearing cannot be guessed at, but the evident circumstances of the offence for which the officer stands convicted will be considered when making a decision whether or not to suspend.

4.0 Challenges/ Representations

4.1 Challenges and representations in respect of decisions made in applying this policy should be addressed to:

The Deputy Chief Constable
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon. OX5 2NX

4.2 Challenges and representations in respect of the policy should be addressed to:

Head of Professional Standards and Performance
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon. OX5 2NX

5.0 Guidance, Procedures and Tactics

- 5.1 The decision to suspend will be taken by the Deputy Chief Constable or, in their absence, another Chief Officer. A record of the decision to suspend an officer will be made and retained on the complaint/misconduct investigation file retained in the Professional Standards Department. A record of the monthly review of suspension, as at paragraph 5.2 below, will be similarly recorded and retained.
- 5.2 When an officer is suspended from duty, his/her suspension will be reviewed monthly by the Deputy Chief Constable. The Area Commander will attend to the officer's welfare requirements, as outlined in the guide issued at the time of suspension.
- 5.3 The Chairman of the Thames Valley Police Federation Joint Branch Board or Head of the Special Constabulary will be informed by the Detective Chief Superintendent, Professional Standards Department, of the decision to suspend an officer as soon as possible after the decision has been made. Force policy is to encourage Staff Association representatives and/or a Welfare Officer to be available to an officer at the time of suspension. This is intended to reduce the inevitable feeling of isolation experienced by an officer in such circumstances, and to create an opportunity for answering any questions which the officer may have. It also alerts these bodies to the welfare needs of the suspended officer. Additionally, if the officer is known to belong to one of the diversity groups, consideration should be given to notifying a representative from that group, in order that they may provide additional support. This should be done after consultation with the suspended officer.
- 5.4 Suspension will not be entered into lightly. Other options may be appropriate, such as temporary transfer to another area, restricted duties or relieved of supervisory duties. Where mobility or other physical issues arise, the needs of the officer must be taken into consideration.
- 5.5 Extract from Home Office Circular 8/2005:

“In serious cases, it might be decided that the officer concerned should be removed from his or her normal duties or be suspended during the course of the formal investigation or pending the outcome of criminal or misconduct proceedings. Consideration should be first given to a temporary transfer to other duties rather than suspension, which should not be used as a matter of routine. The decision to suspend should be taken only where one of the ‘suspension conditions’ is satisfied, namely that the presence of the officer on duty might be detrimental to or hinder an investigation or proceedings (criminal or disciplinary), or that it is in the public interest to do so. That will normally apply only to cases where the complaint or allegation is of a serious nature, likely to result in a criminal conviction or disciplinary conviction, which would be likely to lead to dismissal from the service, requirement to resign or reduction in rank. In such serious cases, or in cases where the completion of disciplinary proceedings is necessary for the maintenance of public confidence, the public interest may require that an officer should be required to face disciplinary proceedings, notwithstanding that the officer may wish to retire from the service. Retirement should not be a means of avoiding disciplinary action in such cases. However, where the decision to suspend an officer in such circumstances is based on the necessity to maintain public confidence, the officer should be advised in writing of the specific factor(s) relevant to this decision.” Thames Valley Policy will be to extend this principle to officers wishing to resign as well as retire.

“Where an officer is suspended this will be with pay, except where the officer is in custody following conviction, or is absent without permission, or when his or her

whereabouts are unknown, in which case the suspension should be without pay. Neither the removal from normal duties nor suspension implies any decision about the misconduct case.

Where an officer is suspended, the chief officer or police authority/service authority will ensure that the continuing need for suspension is subject to, at least, monthly reviews. The purpose of each review will be to determine whether the conditions that required the suspension still apply. The officer concerned should be notified of the outcome of each review.

A police authority/service authority may also consult with Her Majesty's Inspectorate of Constabulary for professional advice on the suspension of a senior officer. A police authority/service authority must obtain prior IPCC approval before suspending a senior officer, except in urgent cases, where approval must be obtained within 24 hours of the suspension beginning. When considering the appropriateness of suspending a senior officer, the IPCC must be satisfied that either of the 'suspension conditions' is met.

An officer ceases to hold the office of constable or, in the case of a special constable, to be a member of a police force whilst suspended. However, a senior officer who is suspended should be supplied with such briefing documents as may help to keep his or her knowledge of policing matters up to date. This may, for example, include force orders (including policy changes), police authority minutes, Home Office circulars and other relevant briefing documents to be agreed between the police authority/service authority and the officer concerned. The clerk to the police authority/service authority should take possession of the warrant card of a senior officer who has been suspended and return it at such time as the senior officer returns to duty."

- 5.6 Where an officer is suspended, they will not normally be allowed to seek promotion or further development. However, each case will be considered by the head of Personnel, having consulted with the Head of Professional Standards. The officer's needs will be considered, together with the nature and circumstances of the complaint, the impact upon witnesses, and public expectation and perception.
- 5.7 Some critical skills, for example, firearms accreditation, *may* be allowed to be maintained, but only with the permission of the Head of Professional Standards, who will direct what activities are allowed, and ensure that proper supervision of the officer takes place so that the objectives of the suspension are not compromised.

6.0 Communications

- 6.1 The Police Federation and Superintendents' Association have been consulted about this policy, and PAG members have agreed the contents.

6.2 Communications Strategy

- 6.2.1 This policy will be made available on the Policy Management Unit Intranet Site, and also the Professional Standards Intranet Site. The Police (Conduct) Regulations 2004 are available through the PNLD website.

7.0 Compliance and Certification

7.1 Human Rights Certification

7.1.1 Legal Basis

The statutory authority to suspend an officer from duty is contained in Regulation 4 of the Police (Conduct) Regulations 2004.

7.1.2 Human Rights Articles Engaged

It is acknowledged that this policy has the potential to engage the following articles:

- Article 3 – Prohibition on torture, inhuman and degrading treatment and punishment
- Article 6 – Right to a fair trial
- Article 8 – Right to respect for private and family life

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Article:

- Article 3 – will apply to this policy in its entirety.
- Article 6 – will apply to this policy in its entirety.
- Article 8 – there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety... for the prevention of disorder or crime... or for the protection of the rights and freedoms of others.

7.1.3 Prohibition of Discrimination

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the Convention. The enjoyment of the rights and freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any grounds, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property or birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

7.2 Diversity Impact Assessment

This policy has had a Diversity Impact Assessment carried out, it has a MEDIUM impact on the six stands of diversity.

7.3 Data Protection

It is recognised that much of the personal data gathered as a result of this policy may be 'sensitive personal data' as defined by the Data Protection Act 1998. All personal data processed as a result of this policy will be managed to ensure compliance with the principles of the Data Protection Act 1998.

7.4 Freedom of Information Act

This policy is not exempt under the Freedom of Information Act and will therefore be made publicly available. Copies of this policy can be obtained by writing to:

Policy Management Unit
Corporate Development
Thames Valley Police Headquarters
Oxford Road
Kidlington
OX5 2NX

7.5 Protective Markings

This policy has been assessed for its correct level of marking and is NOT PROTECTIVELY MARKED.

7.6 Health & Safety at Work

This policy does contain Health and Safety implications in relation to the welfare of:

- (i) the suspended officer;
- (ii) other officers who work alongside the suspended officer; and
- (iii) members of the public who may come into contact with the suspended officer.

LPA Commanders will ensure that the welfare needs of their staff are attended to throughout the suspension period, and on their return to work.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy impacts upon the delivery of policing services by the management of operational resources and correspondingly the management of abstractions. Therefore, it has the potential to impact significantly on the efficiency and effectiveness of service delivery.

8.2 Review Process

This policy document will be reviewed annually, in January, by the Administration Inspector, Professional Standards Department. The review will take into account the following criteria:

- changes in legislation;
- any Home Office or IPCC Guidance issued on the subject;
- changes to ACPO guidance;
- representations made by Police Federation/Superintendent's Association; and
- representations made by individuals.