

Subject: Police officer resignations whilst subject to allegations of misconduct

Background

For police forces in England & Wales, new regulations which stop police officers from resigning or retiring if they are subject to an allegation that could lead to dismissal came into force in January 2015.

Officers are now prevented from resigning or retiring until any case has concluded or has found that the officer will not face a dismissal hearing.

A chief officer (or Police and Crime Commissioner) may only consent to an officer's resignation or retirement if they are deemed medically unfit or in other exceptional circumstances, for example where a covert criminal investigation could be prejudiced.

"The regulations aim to ensure that officers are held to account for their actions, that the truth can be established, that victims of police misconduct and their families are provided justice and that the police learn the full lessons of each incidence of serious misconduct". (Home Secretary Theresa May)

However MOD Police are not governed by the same legislation as other police forces. Instead there are separate regulations which must go through a separate Parliamentary process. The issue of resigning from the MDP whilst a misconduct allegation is active must therefore await a legislative opportunity before any change can be made.

Lines to Take

- MOD Police officers are not subject to the same conduct regulations as Home Office police forces, so the new rule preventing resignations whilst allegations of misconduct are being investigated does not apply to them.
- The MOD Police regulations have always been separate, and require separate Parliamentary time if changes are required.
- Normally, legislative time is sought only when there are a number of changes to be made, so that best use is made of scarce parliamentary time.
- The matter of resignations will be considered in full when parliamentary time is next available for changes to the current regulations.

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