

Duty Statements

Where an officer is the subject of a criminal investigation (i.e. where an allegation of criminal misconduct has been made against him/her) no request to provide a duty statement “concerning the matter” should be made to that officer. If such a request is made this may be refused.

Where an allegation has been made that a misconduct offence has been committed, whether or not a Regulation 14/15 Notice has been served, a duty statement may be properly refused, it being a statement “concerning the matter”.

An express assurance that a duty statement will not be used in any subsequent criminal or misconduct proceedings arguably provides the member with the necessary protection to enable a statement to be made. The circumstances in which this may arise are, for example, where a civil action has been commenced against the Chief Officer and a statement is necessary to help the Chief Officer oppose or defend the action.

In these circumstances preface the duty statement with:

:“I have been informed that I am not the subject of a criminal or misconduct allegation. I make this statement solely for the purposes of defending the civil action. I do not consent for it being used for any other purpose.”