

# Police under investigation

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## Complaint

If a public complaint is made against the police, corporate communications departments (CCDs) should confirm this and the nature of the complaint on an 'if asked' basis.

An officer who is the subject of a complaint will not normally be identified by name. If the complaint refers to a specific individual or individuals, their rank and operational command unit (OCU) may be given, unless this would specifically lead to their identification.

Where a complaint leads to an investigation into the actions of particular officers, this should additionally be confirmed together with which unit is investigating the complaint.

When an officer is suspended or restricted as a result of a complaint, this should be confirmed on an 'if asked' basis.

A complainant should not normally be identified. On occasions where the complaint has been made public by the complainant themselves or their representatives, confirmation may also be given that a complaint was made by that individual. The specifics of the complaint itself should not be discussed but the nature of incident from which it arose – for example, number of arrests and charge particulars – may be confirmed. Police action that gave rise to the complaint should not be directly discussed.

If known, details of who will investigate the complaint should be included – for example, OCU, an outside force or the Independent Office for Police Conduct (IOPC). If a complaint is being investigated, managed or supervised by the IOPC, this fact should be included so it is clear to which organisation the media should direct their enquiries.

At the conclusion of the investigation, and if the complaint has previously received significant publicity, the findings of the investigation should be proactively released, even if the complaint is not upheld.

If the inquiry leads to criminal proceedings against a police officer, consideration should be given to the **criminal investigations** section of this guidance. Disciplinary aspects of a case would then normally be stayed until the conclusion of the criminal proceedings. Where a complaint leads to a misconduct process, the guidance below will apply.

## Misconduct

Misconduct matters may follow as a result of allegations being raised internally (a conduct matter) or through a complaint. The same principles as outlined above are a useful guideline. The starting point should be that, in many cases, it is in both the police's and the public's interest to be as open as possible about the disciplinary process.

During an investigation, misconduct matters will normally be dealt with on an 'if asked' basis. They may be released proactively in exceptional circumstances, where an incident or topic is already generating media enquiries or where information may lessen community concern or tension.

Confirmation may be given that an unnamed officer is, or officers are, the subject of an investigation, as well as their rank and OCU – provided that this does not identify the officer(s) – the nature of the allegations under investigation, the circumstances in which they arose and who is investigating the allegations.

## Misconduct notices

An officer who is the subject of an investigation, either as a result of a public complaint or a conduct matter, is served with a misconduct notice informing them that they are being investigated. Many in the media are aware of this process and the number of notices served may be confirmed on an 'if asked' basis. Individual officers are not normally identified, although details of rank and OCU may be provided if they do not identify the officer(s).

## Suspension and restrictions

If an officer is suspended or restricted as a result of a misconduct matter, this should be confirmed on an 'if asked' basis. The officer is not normally named but their rank and OCU may be given.

## Support

If needed, the force CCD can give the officer under investigation advice and support on how to deal with intrusive media attention as a result of publicity surrounding a case. They should not give advice on how an officer under investigation should respond to allegations or questions put by the media about their case.

## Proactive operations

Operations involving specialist professional standards units may be supported by a designated press officer from the CCD.

In the case of large-scale or high-profile operations, the presumption should be that media lines will be proactively released. This includes arrests made as a result of intelligence-led integrity testing.

The information should normally be released to publicly demonstrate the police service's commitment to preventing and removing corruption, to deter wrongdoing within the police service and those attempting to corrupt its officers and staff, or to prompt further information by way of an appeal to the public through the media.

For lower-level operations, it is at the discretion of the investigating officer, in consultation with the CCD, whether information is released proactively or only 'if asked' for. Where arrests or charges are made, consideration should be given to the **criminal investigations** section below.

## Criminal investigations

Any information given should be broadly consistent with that given by the CCD to the media in the case of any other crime. In line with these guidelines, the person should not be named on arrest, but they may be referred to by their age, rank or grade and the section in which they work. Lines must be carefully phrased so as not to provide too much information that may identify those arrested by a process of elimination. For example, an officer should not be identified as female if there is only one female officer in the relevant unit.

The IOPC has agreed the position that officers (of all ranks) will not normally be named during an ongoing investigation, unless:

- they are first named by a third party acting on their behalf (for example, appropriate authority, membership organisation, solicitor)
- the investigation is unambiguously considering the conduct of a specific senior officer (for example, chief constable) and announcing the investigation effectively confirms the individual's identity
- having been notified of the announcement of an investigation, the appropriate authority makes representations to the IOPC to confirm an individual's name (for example, to avoid speculation)

Officers may be named at the conclusion of an investigation, in line with the [\*\*IOPC naming policy\*\*](#).

This policy outlines the main considerations in determining whether to name an officer.

All arrests involving police officers or police staff – as well as the reasons for, and the circumstances of, the arrest – should be confirmed if the media enquire about the case.

Confirmation should also be given as to whether or not an officer is on restricted duties or suspended in connection with any such arrest.

The arrest should be released proactively if it is made following a high-profile investigation, is of particular public interest due to the seriousness or circumstances of the alleged offence, or involves a chief officer.

The details released in relation to officers of chief officer rank, including whether the officer will be identified, should be decided on a case-by-case basis, balancing the particular circumstances of the case along with the individual's rights, the public interest, and the organisational need for transparency and openness.

If officers are charged with or summonsed for a criminal offence committed on duty, their details should be proactively released.

The details given are name, age, occupation (including rank), details of the charge(s), the court at which they will appear and on which date. Due to the unique nature of policing, it is policy not to give the home address of officers or staff charged (or summonsed), and to substitute this with the station or division or OCU at which they are based. Officers or staff charged with (or summonsed

for) offences should, however, be made aware by investigating officers that this will not necessarily prevent their home addresses being read out in public at court.

Confirmation should also be given as to whether or not an officer is on restricted duties or suspended in connection with any such charge.

Media lines should be proactively released if officers are charged in relation to off-duty activities that involve serious criminality (sexual offences, serious assaults, fraud or corruption), or matters that could seriously damage the reputation of the police service or call its integrity into question.

Confirmation should also be given as to whether or not an officer is on restricted duties or suspended in connection with any such arrest or charge.

Off-duty offences leading to charges that involve relatively minor matters should always be confirmed to the media 'if asked', along with the reason for and circumstances of the arrest or charge.

Confirmation should also be given as to whether or not an officer is on restricted duties or suspended in connection with any such arrest or charge.

When making a judgment on whether or not to proactively release media lines, the senior investigating officer (SIO) and the head of corporate communications should consider the rank or grade of the individual concerned, as well as any issues raised by the offence that relate to their particular role in the organisation – for example, a traffic officer arrested for drink-driving.

Any disciplinary aspects of a case where criminal charges are brought are usually considered after the conclusion of criminal proceedings, and this should be made clear in any media statements.

At the conclusion of a trial for offences that are of a serious criminal nature or are high-profile, media statements should be prepared for guilty or not guilty verdicts. The media lead and spokesperson on such matters would normally be provided by the force but the OCU should be updated. Other material – for example, stills of evidence or scene, surveillance footage – may be offered to the media to highlight the investigative work conducted in bringing about the prosecution. As with all other convictions, consideration should be given to releasing a picture of the defendant. Where one is requested but refused, this decision should be justified.

## Misconduct hearings

Misconduct hearings are held in public where the case to be heard applies to gross misconduct (which can lead to dismissal), in accordance with legislative changes effective from 1 May 2015.

There is a requirement that notice will be given for a hearing that is to be held wholly or partly in public in the absence of a compelling reason for not doing so.

Where notice is required, this must be published by the appropriate authority on its website at least five working days before the day on which the hearing is due to take place.

There may be certain circumstances where it would not be appropriate for an officer to be named. Examples include a firearms officer where a court has made an anonymity order, an undercover officer whose identity should be protected, or where the naming of an officer or notice of the subject matter of an investigation could risk the identification of a vulnerable victim or complainant against their wishes. Hearings are usually overseen by an independent legally qualified chair.

Notices given to the public should also contain information relating to any conditions that the person chairing or conducting the proceedings has decided to impose on attendance.

Where a decision is taken in advance to hold all of the hearing in private, then, in the interests of transparency, the person chairing or conducting the hearing may consider it appropriate to ask the relevant authority to publish a notice on its website explaining the decision.

Before a misconduct hearing takes place, only basic information about the issue involved and the subsequent allegations should be made available, to avoid the force being seen to prejudge a case. Further details would only be released if the media have inaccurate information regarding a case that needs to be corrected, or if such information may lessen community concern or tension. Otherwise, details will be proactively provided of the allegations faced and the date of proceedings, along with an explanation of how misconduct hearings generally work.

The panel is constituted of one legally qualified chair, one independent member and one officer of superintending rank or above.

At the conclusion of a misconduct hearing, there is a requirement that the outcome of a case is published within a predetermined timeframe. The legally qualified chair may determine what will be

published in this outcome notice.

Once the outcome of a misconduct hearing is known, the CCD – in consultation with the force professional standards department – may also choose to issue a statement to inform the media and the public of the result, and to comment on the officer's actions.

Officers can appeal the findings and sanctions of a misconduct hearing to a Police Appeals Tribunal. If such an appeal is successful and leads to a decision being made to reinstate an officer after a previous sanction of dismissal, this should be reflected in updated media lines. If the result of the misconduct hearing had previously been offered to the media or the matter resulted in publicity, then the result of the appeal should also be proactively released.

## Tags

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