

# Police under investigation

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Allegations of misconduct or crimes by police officers are a matter of considerable and legitimate public interest.

There should be a presumption of openness and transparency in police misconduct cases held in public, in line with the principles of open justice.

## Complaints

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. This may include complaints termed 'expressions of dissatisfaction'. In a media context, 'if asked' means to respond to a question reactively if requested.

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 or business area should 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 should 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, the PSD, an outside force or the Independent Office for Police Conduct (IOPC). This should be included so it is clear which organisation the media should direct their enquiries to.

At the conclusion of the investigation, and if the complaint has previously received significant publicity, the findings of the investigation should usually be proactively released, including 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 following guidance will apply.

## Misconduct and gross misconduct

Misconduct matters may follow because of allegations being raised internally (a conduct matter) or through a complaint. The same principles that apply for complaints apply to misconduct. The starting point should be that it is in both the police's and the public's interest to be as open as possible about the disciplinary process, unless there is a legitimate reason for not doing so.

During an investigation, misconduct matters will normally be dealt with on an 'if asked' basis.

Misconduct matters 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. This decision should be taken by the senior operational lead, usually gold commander, in consultation with the head of PSD and head of communications.

Confirmation may be given for the following:

- that an unnamed officer is the subject of an investigation
- the officer's rank and operational command unit (OCU), provided that this does not identify the officer
- the nature of the allegations under investigation
- the circumstances in which these allegations arose
- 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.

## Suspension and restrictions

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

## Support

If needed, the force's CCD can give the officer under investigation general advice and support on how to deal with 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 communications officer from the CCD.

In the case of large-scale or high-profile operations, the presumption should be that a public update will be released proactively. 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
- deter wrongdoing within the police service and those attempting to corrupt its officers and staff
- 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 following [criminal investigations section](#).

# 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 or 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 any of the following conditions apply:

- it is made following a high-profile investigation
- it is of particular public interest due to the seriousness or circumstances of the alleged offence
- it 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. This should balance:

- the particular circumstances of the case
- the individual's rights
- the public interest
- 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
- the court at which they will appear
- the date when they will appear at court

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 unit at which they are based. However, officers or staff charged with (or summonsed for) offences should 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.

## Public statements

Public statements should also be proactively released if officers are charged in relation to off-duty activities that involve:

- serious criminality (sexual offences, serious assaults, fraud or corruption)
- matters that could seriously damage trust and confidence in 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 the circumstances of – the arrest or charge.

When making a judgement on whether or not to release a public statement proactively, the senior investigating officer (SIO) and the head of corporate communications should consider:

- the rank or grade of the individual concerned
- 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. 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, a proactive public update should be issued. The spokesperson should be confirmed prior to the conclusion and agreed between PSD and the unit or division.

## Misconduct hearings

Officers and staff should refer to [Home Office Statutory Guidance](#) on misconduct hearings for additional information, including statutory publication guidelines.

## Misconduct hearing outcomes

At the conclusion of a misconduct hearing, there is a requirement that the outcome of a case is published within a predetermined timeframe. The chair or 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's PSD – 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 an updated public statement. 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.

## Police staff

The misconduct and discipline system for police staff is conducted separately from that for officers and is not subject to the same statutory regulation. Forces should have local guidance in place to outline the communications approach for police staff misconduct.

## Internal communications

Police forces should take care not to publish any information internally about ongoing misconduct or gross misconduct cases against its police officers or police staff that would have the effect of undermining the external communications approach. For example, it may lead to the jigsaw identification of the officer or staff member concerned beyond those with legitimate access to this information.

## Incidents investigated by the IOPC

The police service and the IOPC have shared responsibility for communications in IOPC independent and managed investigations. A [media relations protocol between the IOPC and the NPCC](#) sets out the respective roles and responsibilities of the IOPC and police forces in dealing with the media in the context of such investigations. It also includes guidance on communications issues, such as the naming of police officers and publication of reports.

For further information go to the [APP guidance on media releases](#) for incidents where death and/or serious injury has resulted from armed police deployment.

## Tags

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