

Discrimination Case Handling Review

November 2024

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Background

In September 2020, the IOPC announced its decision to focus on race discrimination as a thematic area. We aimed to do this by identifying trends and issues of concern, to help drive real change in policing practice and facilitate an open and responsive policing culture.

Following extensive consultation with our stakeholders we knew that issues involving racial discrimination and policing are a significant area of concern among Black, Asian and minoritised groups.

However, in contrast, the complaint statistics showed that complaints about racial discrimination were low, and only a very small proportion resulted in a formal disciplinary sanction for the police officer and/or staff member. Through a review of IOPC appeals and reviews, there was an indication that complaint handlers struggled to address more nuanced racial discrimination complaints, particularly where the alleged discrimination was not obvious – or ‘overt’.

As part of the IOPC’s 2023/24 Race Discrimination Thematic the Oversight team has led a project focused on improving police handling of complaints involving race discrimination, with the aim of bringing some consistency and standardisation to complaint handling.

Over a 12-month period, the Oversight team have delivered race discrimination case handling workshops, created a [Discrimination toolkit](#) to support case handlers and conducted dip-sampling of cases where race discrimination was a factor.

Workshops

The goal of the workshops was to address the nuanced challenges of handling discrimination cases and to enhance the capabilities of Professional Standards Departments’ (PSDs) case handlers and Appropriate Authority (AA) decision makers.

We ran six discrimination complaint handling workshops to include all regions within England and Wales. The workshops covered the following areas:

- Sharing of local initiatives for complaint handling.
- Reviewing case studies of the handling of race discrimination complaints.
- Discussing engagement, handling, learning and outcomes.

Toolkit

The [Discrimination toolkit](#) offers practical support and guidance for external case handlers and IOPC internal staff alike dealing with cases that involve race discrimination.

The toolkit includes FAQs, a prompt sheet, a list of resources, bitesize guidance on adultification and discrimination, local initiatives, workshop presentations from the IOPC and police forces, case studies, and the findings and recommendations from this case handling review report.

Dip sampling methodology

To improve police handling of complaints involving race discrimination, the IOPC conducted a dip-sampling of cases where race discrimination was a factor.

The aim was to identify areas for improvement, and to bring some consistency and standardisation to complaint handling.

Seventy-seven cases were dip sampled from four forces. The forces included in this review were:

- Metropolitan Police Service
- Cumbria Constabulary
- Thames Valley Police
- West Midlands Police

We reviewed 12 conduct investigations and 65 closed complaint files (Schedule 3 complaints) that were either investigated or handled otherwise than by investigation.

We would like to thank these forces for their participation in this project, for the information shared with us, and their support to complete the dip sampling work.

We wrote a proposal on the scope and methodology of the case handling review including how cases would be identified, what the focus of the review would be and how data would be collected.

Cases were selected by the IOPC from a list provided by the forces which had discrimination as a case factor. We completed our file review remotely, examining the case papers.

Data was captured on a spreadsheet for analysis purposes.

After each file sampling, we held feedback meetings with the individual forces to share our findings, areas for improvement and positive practice.

Case Criteria

Cases were selected by the IOPC from a list provided by the police force. The force was asked to provide the force reference number and a brief summary of the allegations. The allegation summary allowed cases to be selected to ensure a cross-section of allegation types. The list of cases requested met the following criteria:

- Complaint and conduct matters recorded under the *Police Reform Act 2002* during August 2022 to March 2024.
- Where discrimination was a case factor.
- Closed cases where an outcome has been decided. This excluded cases waiting for a review decision, so as not to prejudice the review outcome.

(A review is a method of having a case reconsidered if the person making the complaint is not happy with the outcome of their complaint or the way the police handled it.)

In scope

The file sampling review concentrated on the quality of complaint handling and considered whether complaint and conduct matters are handled appropriately.

We reviewed cases from a broad range of subject areas. Case handlers at our workshops indicated they would benefit from advice based on a varied range of cases involving race discrimination such as those reflecting **poor levels of service**.

The dip sampling has also reviewed cases that involved known areas that affect trust and confidence in the police. In one force, discrimination complaint cases in three key areas of public and community concern were selected for review:

- Children
- Stop and search
- Use of force

Children:

Adultification, a form of race discrimination predominantly affecting Black children, and how the police interact with children, has become a concern highlighted nationally in recent times. However, issues of adultification by the police as been an ongoing concern within Black communities for many years.

The dip sample considered whether vulnerabilities were recognised and considered, and what support has been put in place or offered to assist complainants through the complaints process.

Stop and search / Use of force:

Concerns about disproportionate use of stop and search and use of force have been significant and ongoing. How the police respond to complaints involving these types of cases is vital to building trust and confidence.

The IOPC has made recommendations in the 2022 [National stop and search learning report](#) and the 2021 [Review of IOPC cases involving the use of Taser](#). This project did not aim to revisit or to duplicate the findings of those reports but to improve confidence in police accountability in those areas.

Areas of focus	
Engagement and communication	Review the forces' engagement and communication with the complainant from the initial contact through to the conclusion of the process, particularly where the complainant has been identified as vulnerable.
Reasonable and proportionate handling / quality of the handling	<p>To review whether the decisions and actions taken to handle the complaint or conduct matter is reasonable and proportionate to the allegations being made.</p> <p>To consider how case handlers use investigative tools to consider issues such as:</p> <ol style="list-style-type: none">1. Discriminatory bias, assumptions, and stereotypes2. Discriminatory bias in poor levels of service3. Complaints about discriminatory use of police powers4. Courtesy and respect
Learning / outcome	To review whether outcomes are reasonable and proportionate.

Out of scope

This review does not consider the following:

- Cases that did not have discrimination as a case factor.
- Open cases where no decision has been made.
- Closed cases that are within the review period or where a review has been submitted, but a decision has not been made.
- The handling of, or decision making at, disciplinary proceedings that follow a complaint or conduct matter involving discrimination.

Limitations

The review focused on key aspects of discrimination complaint and conduct matter handling. Any information relevant to these cases held elsewhere on other police systems (such as crime files or personnel records), were not reviewed. In a number of cases, insufficient information was available from the case file to make an informed assessment in some of the areas reviewed. This has led to 'unable to determine from case file' answers.

Key findings

- 85% of cases reviewed did not use race discrimination investigative tools such as reviewing patterns of behaviour or comparator evidence.
- In 50% of complaint investigations across three forces, no account was obtained from the subject officer. In one force, in 73% of complaint cases no account was obtained.
- Overall, there was a lack of probing in complaint investigations of the subject officer by the case handler, which may have affected the quality of handling.
- In one force, there was a notable disparity in the quality of the handling between conduct investigations and complaint investigations.

Part One: Communication and engagement

In most cases that were reviewed case handlers communicated and engaged with the complainant with empathy and compassion.

Discrimination questionnaire

In one force, a discrimination questionnaire was sent to the complainant. In all instances the questionnaire was generic and not tailored to the complaint.

In some cases, the complainant did not complete the questionnaire, and this was given as a reason by some case handlers why the allegation of discrimination was not investigated. In cases where the questionnaire was completed, the questions and answers were cut and pasted into the final report and outcome letter without analysis.

It would be more effective to tailor such questionnaires to the incident, removing anything that is irrelevant. If the case handler explains how the questionnaire will be used this might encourage the complainant's continued engagement. For example, the questionnaire could be used to help the case handler identify potential evidence that might point towards discrimination, such as comparator evidence or breaches of local and national policy.

Case handlers should be mindful that recounting a traumatic incident can be difficult and retraumatising for some. Case handlers should ask themselves:

- What additional information do I need from the complainant that is not in their account?
- What specific questions do I need to ask the complainant?
- How will I use their responses?

Contact with the complainant

In another force, all complainants received a telephone call. In most of the cases this resulted in a conversation between the case handler and complainant. In instances where telephone contact was not possible, efforts were made to contact the complainant by other means such as email. Speaking with the complainant is an opportunity for the case handler to understand the complaint, ask specific questions and consider impact.

However, despite this proactive approach, in some instances where the complainant had chosen not to engage further with the process, the lack of continued engagement was used as a justification not to handle the complaint further.

As the complainant has already engaged in the complaint process by making their complaint, case handlers should consider if they already have enough information to assess the allegation of discrimination.

The complainant's account

There were some instances where the complainant's account was not regarded as evidence in its own right, and was dismissed. A complaint alleging discrimination is key evidence to consider and can be drawn on to inform an assessment about whether discrimination was a factor in police actions or behaviour.

In many cases case handlers were expecting the complainant to provide evidence of overt discrimination, such as discriminatory language. The complainant's description of how they experienced the incident was not considered or acknowledged.

Dismissing the account of the complainant

I have asked if there is anything specific to suggest any discrimination but have not been provided any evidence to indicate that this is the case. Whilst there are a number of points listed in the complaint as to why this is believed, I cannot identify any evidence to suggest this is in fact the case.

Limited engagement from the complainant

This case involves a complaint about poor service where the case handler found that the level of service was not acceptable. After a phone conversation with a caseworker the complainant then chose not to engage further with the process.

"Caseworker xx called you on the xx to discuss your complaint and offered you an apology for the poor service you received. During this conversation you stated that you felt that you had been discriminated against because you were Black and not a police officer and that if you were a police officer your report would have been dealt with properly. Caseworker xx was unable to determine why you felt that you had been discriminated against because of your race on the call and subsequently sent you an email on the xx requesting some further context and details. However, no reply has been received by him."

The outcome of the discrimination aspect of the complaint was service level 'cannot be determined'.

No account was taken from the subject officer, there was no consideration of poor levels of service as a potential indicator of discrimination and no other

discrimination investigation tools such as patterns of behaviour or comparator evidence was analysed or whether the police actions fell short of expectations.

Impact on the complainant

In many cases there was a missed opportunity to use the information that the complainant had given, to understand the impact the incident had on them.

The complainant's account can help the case handler:

- Recognise impact.
- Consider evidence of what happened and how the incident was experienced.

If the complainant feels that their complaint is not being taken seriously this can have a negative impact on their continued engagement, and can also impact trust and confidence that communities have in the complaints process.

Without support some accounts may not provide the case handler with the necessary information for the handling. For some complainants articulating why they feel discriminated against can be difficult.

Case handlers might need to ask specific questions or adopt a different approach to assist the complainant to describe the incident in a way that will help to identify any potential evidence.

Not acknowledging the impact on the complainant

“You have told PC xx [caseworker] that you feel that had this incident involved a White family from Solihull, officers would have acted differently.

You have told PC xx [caseworker] that this allegation stems from your work experience and having previous dealings with police officers. You have said that you believe the officers acted like animals.

You have not informed PC xx [caseworker] of anything you specifically heard, saw, or felt to indicate officers discriminated against you due to your race.

The officers were present to deal with an incident which they did, there was a large number of police officers present at this address, not all of them White, and they dealt with the incident they had been sent to.”

No account was taken from the subject officers in this case.

The comment made by the case handler stating that not all the officers that attended the incident were white shows a lack of understanding of what racism

is, how racism can present in large organisations such as the police and through behaviours such as, micro aggressions, or courtesy and respect.

The case handler is dismissive of the impact the incident has had on the complainant.

The complainant has said that they believe that if the incident had involved a white family the officers would have acted differently. By comparing the officers' actions to local and national policy, a hypothetical comparator could have been used to consider this allegation.

Acknowledging the impact on the complainant

Apologising that the complainant has felt the need to complain and for any distress caused can help the complainant feel heard.

"I offered an apology to Mr X that he has had to complain about [the force] and for any distress caused. I have forwarded his complaint to supervision of one of the officers, at the scene, I have requested that he communicate directly with Mr X to discuss his complaint with him.

This is a proportionate, timely and effective way of hopefully resolving his issues or of providing him some clarity in response to his concerns.

I have informed Mr X that I have noted his dissatisfaction on our systems for reference purposes and sincerely hope that the matter is addressed to his satisfaction and that ends the complaints process."

1. Recommendation

- Consider what additional information you need from the complainant that is not in their account and how you will use their responses.
- Tailor the discrimination questionnaire to the incident.

Part Two: Supporting vulnerable complainants

In the majority of cases where complainants had been identified as being vulnerable, for example as a child or having mental health needs, case handlers communicated and engaged with the complainant with empathy and compassion.

There were some examples where case handlers took steps to make reasonable adjustments and provide support. However, in most cases where complainants were vulnerable or had additional needs there was no safeguarding or additional support being considered as part of the complaints process.

2. Recommendation

- Consider how you might support vulnerable complainants through the complaints process.
- Offering to speak to the complainant over the phone, in person or via an ABE interview could support vulnerable complainants.

No support offered to a vulnerable complainant

This case involved a person under 18 years old who was suffering a mental health crisis when her mother called the police asking for assistance. The police restrained her for her own safety as there was a concern that she might run into the road.

Overall, this case was handled well by the case handler – comparator evidence and officer history were reviewed; there was effective probing of officers' accounts, and the final report contained a clear rationale.

However, there was no additional support for the child who was asked to answer the questions in the discrimination questionnaire.

“On 12/03/2023, a list of questions was emailed to you by PC xxx, that were related to the discrimination alleged within this complaint, although police did not receive a response from you, therefore no further investigation into these questions could be conducted.”

Supporting a complainant with additional needs

This case involved a complainant in mental health crisis.

“I have read through the complaint and all the additional emails sent up to and including the email on 13/06/23. I note the complainant reports having learning disabilities along with MH issues. I have contacted the MH STT within [the force] to establish if they have had any contact from the complainant and if there is anyone who is a point of contact and who I can liaise with to try and assist the complainant with the complaints process.

The MH STT have confirmed having knowledge of the complainant and have had recent contact with her. They do not have any details of anyone who acts as a point of contact.

I note the complainant said she does speak with doctors and mental health teams, which I have encouraged her to continue to do and I have asked her if there is anything I can do to support her through the complaints process.”

Part Three: Use of investigative tools

85% of cases reviewed did not use race discrimination investigative tools such as reviewing patterns of behaviour or comparator evidence.

In most cases Body Worn Video (BWV) was relied on as the main evidence. As noted in the communication and engagement section, case handlers were looking for evidence of 'overt' discrimination. If this was not present in the BWV the discrimination element was dismissed. Case handlers seemed to have limited awareness of how racism can manifest. Complainants often described in detail why they believed the actions of the officer/s were discriminatory. However, if the officer/s had not used discriminatory language, none of their behaviour was linked to discrimination, and this was not further explored through seeking and probing the subject's account

BWV can be useful for case handlers when considering indicators of discrimination such as microaggressions, tone, demeanour or assessing whether or not de-escalation techniques were used by the officer/s. It can also help to determine if a child was treated appropriately during an incident.

Discriminatory bias, assumptions and stereotypes were not considered in most cases. Indicators such as lack of courtesy and respect or poor levels of service also were not considered. This led to investigations that failed to recognise the nuance of discrimination. In many cases, such as those examples highlighted in this report, the complainant cited a lack of courtesy and respect or poor levels of service as reasons for believing the officer/s actions were discriminatory. Effectively addressing these allegations may require additional investigative tools, such as patterns of behaviour evidence.

Local and national policy

Although many cases referenced legislation, they did not compare the officers' actions to local and national policy during their analysis of the discrimination allegation.

Legislation was used to explain if the actions of officers were lawful rather than an assessment of whether the actions were discriminatory. An effective investigative tool is to compare actions and decisions against local and national policy to assess the evidence in terms of it pointing away from or towards discrimination.

Effective use of local and national policy

The complainant was dissatisfied with the bail conditions her partner received after a domestic incident, including not to speak to her or be at their home. She believed that the police discriminated against them because they are Irish.

After reviewing the BWV, the case handler considered if there was any evidence of discriminatory bias, assumptions and stereotypes or issues with courtesy and respect. The BWV footage showed evidence that the officers were respectful and empathetic in their approach, including making an effort to understand, empathise and de-escalate. This pointed away from discrimination being the reason for any less favourable treatment.

The case handler then compared the actions of the officers to local force policy on domestic violence and found that that officer had complied with it, which again pointed away from discrimination being the reason for any less favourable treatment. Comparing local and national policy against the actions of the officers is key in assessing such a complaint.

Comparator evidence

Missed opportunity to use comparator evidence

This complainant made four complaints about the level of service that she had received. In three of the complaints, the case handler found that the service she received from the police was not acceptable.

However, when it came to the fourth and final complaint of discrimination the case handler failed to consider the poor service that the complainant had received as a whole and there was a missed opportunity to explore comparator evidence.

No account was taken from the subject officers in this case.

“You state that whilst you have not been a subject of direct discrimination by [the force], you feel that you have been treated differently to other persons within your family who are White. You have stated that as a result of them contacting the police, they have had a more positive outcome than you have and your only rationale for this is that you are being treated differently due to the colour of your skin.

I am sorry that you feel this way, however, there is no evidence to support your allegation that the way in which you have been dealt with is due to racial discrimination.

Outcome

I have considered your complaint and the steps taken by PC xx and I believe the service you received from the police was acceptable.”

The case handler could have asked specific questions about how and when other White family members were treated differently for comparison. Taking an account and probing the subject officers would also be part of exploring this potential difference in treatment.

Effective use of comparator evidence

“From the footage, it is my view that PCSO xx approached you with honest intentions, believing you to be drinking from the alcohol container that was next to you. From speaking with you, this was clearly incorrect, which PCSO xx later admitted, however he would not have known that without approaching and speaking with you first.

Prior to speaking with you, PCSO xx spoke with three White males to advise them that they could not drink on the High Street. He then approached a White female to check that she was not begging outside WH Smiths.

After speaking with you PCSO xx approached and spoke with six White males and a White female, who were having a BBQ in the town centre, where he advised them that they could not drink there and that would have to pour their drinks away or go elsewhere.

I am sorry that you felt you were discriminated against by PCSO xx, However I have found nothing to substantiate this...”

Cumulative picture of evidence

In some discrimination cases it may not be necessary or proportionate to conduct other lines of enquiry when the case handler has clear evidence such as BWV that they can rely on.

However, it may be appropriate to examine patterns of behaviour where the available information points to concerns about the propensity to behave in a discriminatory way or there is limited objective evidence available. This may involve a review of the officers’ complaint history, their use of force records or stop and search records. Other lines of enquiry could include comparing the subject officers’ actions to local and national policy.

A range of investigation tools may be helpful in instances where, for example, a complainant describes what they consider to be microaggressions which could be an indicator of discrimination. Microaggressions are subtle instances of discrimination against those from marginalised groups. Microaggressions are not innocuous or harmless, they can be exhausting to those who have to deal with them repeatedly over time. Case handlers may need to consider using other investigative tools such as patterns of behaviour evidence alongside the BVW to investigate such an allegation.

Considering the cumulative picture of evidence, for example, any concerns relating to courtesy and respect together with a poor level of service could also be an indicator of discrimination.

Reasonable and proportionate

A reasonable and proportionate response includes providing a clear and evidence-based rationale for any decisions taken.

Our statutory guidance states that 'reasonable and proportionate' means doing what is appropriate in the circumstances, taking into account the facts of the matter and the context in which it has been raised, within the framework of legislation and guidance.

See the [IOPC Statutory guidance 2020](#) (Chapter 3).

What needs to be considered is the seriousness of the complaint and its potential for learning, against using policing resources efficiently. When considering the seriousness of the complaint, considerations should be: the nature of the incident; actual or potential impact, or harm to individuals, communities or the wider public; and also the potential impact on confidence in the police and in the police complaints system.

3. Recommendation

- Case handlers to review [IOPC Discrimination guidelines](#) on using patterns of behaviour evidence and other lines of enquiry.
- To consider what resources or training might be needed for case handlers to improve their awareness and confidence in using a range of evidence when considering indicators of discrimination.

Case handlers:

- Use BVW to consider indicators of discrimination such as microaggressions, tone or demeanour, or when assessing whether or not de-escalation techniques were used by the officer(s).

- Use local and national policy when assessing the officer(s) decisions.
- Assess the evidence in terms of it pointing away from or towards discrimination.
- Consider the cumulative picture of evidence, for example, any concerns relating to courtesy and respect together with a poor level of service.

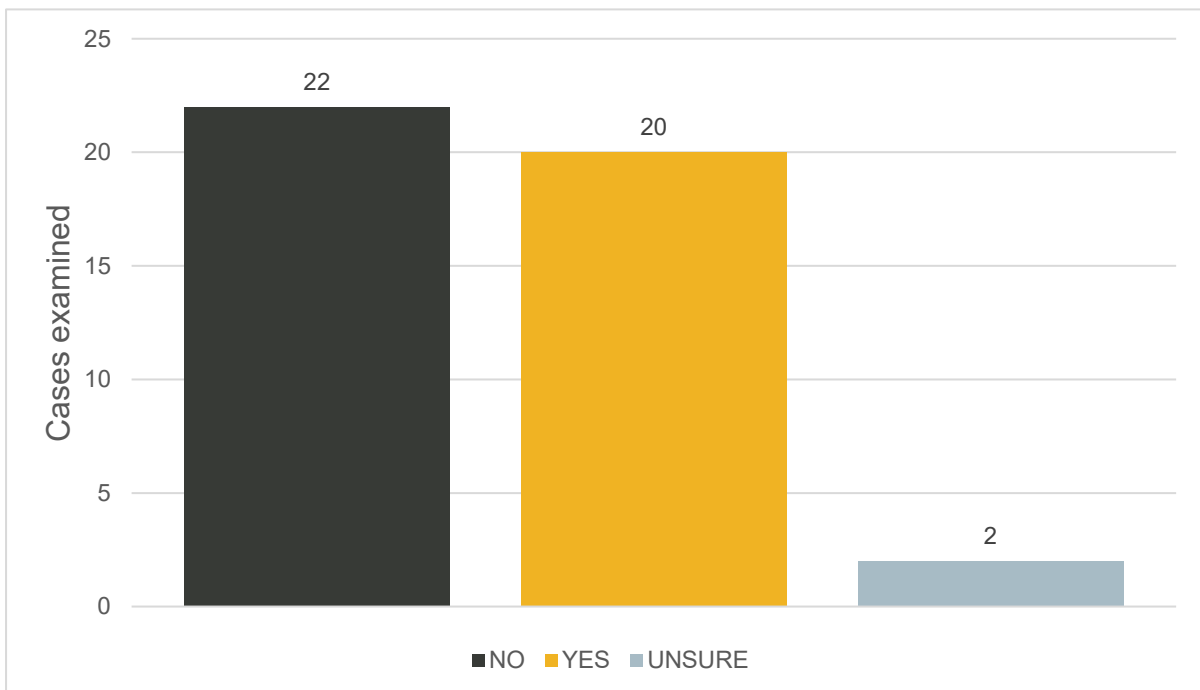
Part Four: Subject officer(s) account and probing

Obtaining the subject officer(s) account

The forces that were reviewed had varying approaches to obtaining an account from the subject officer(s). For example, one force consistently obtained an account from the subject officer in all cases that were examined. In contrast, other forces demonstrated inconsistent methods.

Excluding the data from the largest force that was reviewed, this reveals a concerning picture of the varied approaches used by other forces. An account was not taken in 50% of the 44 cases reviewed.

No - an account was not taken:	22
Yes - an account was taken:	20
Unable to determine from casefile:	2



In one force, there was a notable disparity in the quality of the handling between conduct investigations and complaint investigations.

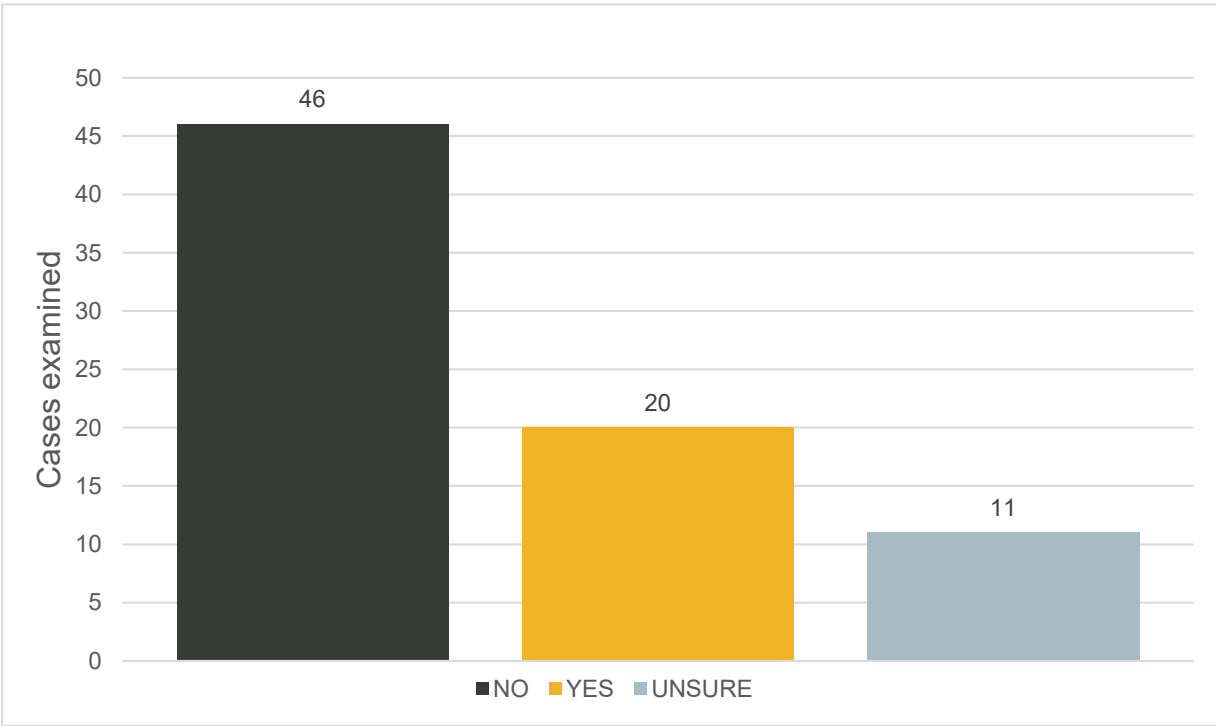
In all conduct investigations reviewed an account **was taken** from the subject officer(s) however, in 73% of complaint investigation **no account** was obtained from the subject officer.

In cases where the case handler has clear and objective evidence such as BWV the case handler may feel there is no need to take an account from the officer. However, where complaints are about less overt actions and actions based on assumptions or stereotypes, it is best practice to put the allegation to the subject. The account may reveal motives, biased attitudes, or provide additional information that the case handler may consider relevant.

Probing the subject officer(s)

Across all forces reviewed, in 60% of 77 cases there was no probing of the subject officer(s) account.

No – there was no probing	46
Yes – there was probing	20
Unable to determine from casefile	11



Regardless of whether the complaint investigation was subject to special procedures, there was a consistent lack of probing across the complaint cases.

Taking an account and probing the subject with further questions based on what the complainant said, or to clarify points or to challenge discrepancies in the subject's account, is best practice in all types of complaint handling, including handling otherwise than by investigation.

Example of not taking officer accounts and lack of probing

This case involves a complaint about disproportionate use of force following a report of criminal damage. The case handler did not obtain accounts from the officers involved in the incident and only used BWV in their investigation.

“You were advised by PC xx that you were under arrest for criminal damage and were asked to place your dog into the back of a police vehicle. You did so and were asked by PC xx and PC yy to cross your hands.

At this point you remained agitated and asked officers to look in the boot of the vehicle of the persons who had reported criminal damage and were still present and were still moving your arms around. It was therefore decided by attending officers to take you to the floor in order for them to take control of the situation.”

The case handler did not probe the officers as to why they felt the use of force was necessary, whether the force used was proportionate, and what de-escalation techniques were used. A quick escalation to force can be an indicator of discrimination - however, questions about discriminatory bias, assumptions, and stereotypes were not put to the officers.

4. Recommendation

- To consider what systems, resources or training might be needed for case handlers to improve consistency in case handling with regards to taking an account and probing the subject officer(s) account.

Case handlers:

- The subject officer(s) account may reveal motives, biased attitudes, or provide additional information, not seen on BWV, that may be relevant.
- Be prepared to follow up the subject officer(s) account with additional questions based on what the complainant has said, or to clarify points or to challenge discrepancies.

Part Five: Outcomes

In all cases that were reviewed the outcomes were appropriate and communicated to the complainant effectively. In some cases, there were some examples of good outcome letters/reports that acknowledged the impact on the complainant.

Use of reflective practice

“Complainant alleges that he was stopped due to him being Black. He calls it racial profiling. I find no evidence of racial discrimination however there are lessons to be learnt by PC xx regarding his use of stop search powers and to be aware that Black communities have no trust and confidence with the police, hence Race Action Plan is being implemented. Any bad, unjust stops could be subject to scrutiny therefore search powers to be used fairly, justified and proportionately. BWV to be worn – PC xx did not use his BWV.

Reflective Learning Practice

PC xx to read BWV Policy

PC xx to watch video about Historic Context of Racism

PC xx to revise stop and search power

PDT entry to be recorded

Areas for improvement

Use of investigative tools

- Using investigative tools, such as reviewing patterns of behaviour, comparator evidence, local and national policy, can improve the quality of case handling. Such investigative tools can also assist with the analysis of discriminatory bias, assumptions, and stereotypes which were lacking in all of the cases reviewed.
- Case handlers focused on whether the officers' actions were lawful rather than an assessment of whether the actions were discriminatory. Case handlers provided a rationale as to why the officers' actions were justified using BWV, in some cases this was done well and with empathy. However, cases did not explicitly link the complaint of discrimination or analyse the evidence in terms of it pointing away from or towards discrimination.

Taking the subject account and probing

- Obtaining the subject officer(s) account should be the starting point of an investigation. The account may reveal motives, biased attitudes, and provide additional information, not seen on the BWV, that the case handler may consider relevant.
- The inconsistency in taking an account and lack of probing in complaint investigations is an area that should be improved. Case handlers are missing the opportunity to explore whether stereotypes, bias or assumptions could have influenced the subject officers' actions.

Lack of probing

A 15-year-old victim of an assault was placed in handcuffs and searched for drugs when police arrived at the scene. The child's father believed that he was treated like a perpetrator and not a victim because of his ethnicity.

"Incident log stated the rationale for the S23 Misuse of drugs act search was that the victim owes money for a taxi – suggestion at scene was this was over a small drugs debt!"

This information included in the complaint handler's report was based on what members of the public informed the police when they had arrived at the scene. The complaint handler could have probed the officer's account regarding why this information was so quickly accepted and acted on.

The final report accepts without challenge the officer's account that the child's evasive actions and lack of communication led to the child being treated with

suspicion. Neither the officers during the incident nor the case handler reviewing the case considered the child's age and how that might affect his ability to communicate particularly after experiencing trauma as a victim of a crime. This could be considered as adultification (a form of racial bias affecting Black children): expecting a child to communicate and respond in the same way as an adult.

The case handler did not consider whether the use of force was appropriate; the officers were not probed as to why handcuffs were used on the child; and this was not considered as something that could point towards discrimination.

The use of handcuffs

- The use of handcuffs was a recurring complaint in some forces. In most instances the complainant was handcuffed immediately, even if the complainant displayed no aggression.
- Subject officers would often say that they feared that the complainant may have been carrying a weapon. Another justification that subject officers would state was that the complainant was unknown. These justifications would go unchallenged by case handlers regardless of the circumstances.

Handcuffing

A Black man made a complaint of race discrimination following his arrest for selling fake goods online. He was placed in handcuffs on his arrest although he was compliant. He complained that the handcuffs were too tight and causing him a lot of pain to which an officer replied, *"they're not made for comfort"*.

The officer continued to repeatedly refer to him as the *"prisoner"* after the complainant asked him not to.

At the police station the officer says *"you know the drill"* despite the complainant stating that he had never been arrested before.

The case handler was sent photos by the complainant of bruises to his wrist caused by the handcuffs.

In a letter to the complainant the case handler said she couldn't see any bruising in the photos. The case handler said there was *"no evidence of injury"*. She goes on to agree with the officer that the handcuffs were necessary because he was *"unknown"*.

The case handler does not probe the officer as to why handcuffs were used or address the comments made by the officer as something that could point towards discrimination.

Recommendations

Communication and engagement

1. Recommendation

- Consider what additional information you need from the complainant that is not in their account and how you will use their responses.
- Tailor the discrimination questionnaire to the incident.

Supporting vulnerable complainants

2. Recommendation

- Consider how you might support vulnerable complainants through the complaints process.
- Offering to speak to the complainant over the phone, in person or via an ABE interview could support vulnerable complainants.

Use of investigative tools

3. Recommendation

- Case handlers to review [IOPC Discrimination guidelines](#) on using patterns of behaviour evidence and other lines of enquiry.
- To consider what resources or training might be needed for case handlers to improve their awareness and confidence in using a range of evidence when considering indicators of discrimination.

Case handlers

- Use BWV to consider indicators of discrimination such as microaggressions, tone or demeanour, or when assessing whether or not de-escalation techniques were used by the officer(s).
- Use local and national policy when assessing the officer(s) decisions.
- Assess the evidence in terms of it pointing away from or towards discrimination.
- Consider the cumulative picture of evidence, for example, any concerns relating to courtesy and respect together with a poor level of service.

Taking an account and probing of subject officer(s)

4. Recommendation

- To consider what systems, resources or training might be needed for case handlers to improve consistency in case handling with regards to taking an account and probing the subject officer(s) account.

Case handlers:

- The subject officer(s) account may reveal motives, biased attitudes, or provide additional information, not seen on BWV, that may be relevant
- Be prepared to follow up the subject officer(s) account with additional questions based on what the complainant has said, or to clarify points or to challenge discrepancies.

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