



A guide to making police complaints about stop and search

Introduction

You have a right to complain about the conduct of a police officer during a stop and account, a stop and search, or a strip search, where you believe their behaviour fell below the required standard. This may include situations where you think excessive force was used or, perhaps, where you believe you were stopped or searched without good reason.

The system

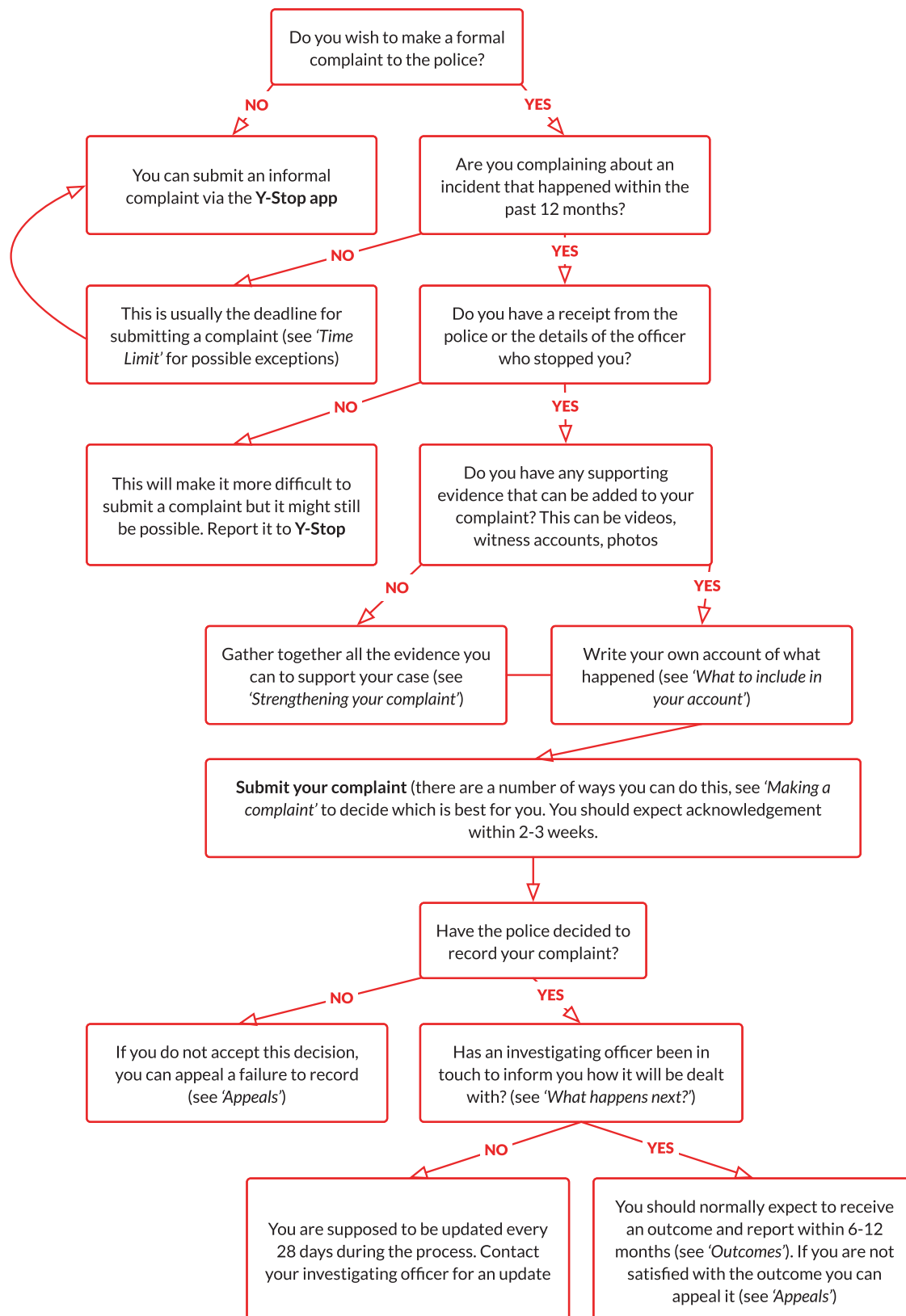
The police complaints system can play a valuable role in improving standards of policing. The system is designed to address problems in the behaviour of individual officers, and problems with the practices and policies of police forces as a whole. By making a complaint, you can engage in a dialogue with the police about how you, as a citizen, should be policed.

When you make a complaint, you are asking the police to investigate whether the officers behaved in the manner you allege. The complaints system is overseen by the *Independent Police Complaints Commission (IPCC)*. Although the IPCC does have the power in exceptional cases to undertake complaint investigations itself, the police still investigate the majority of complaints themselves.

Unfortunately this means that many view the complaints system as biased in favour of police officers. Those who make complaints are often disappointed with the complaints procedure for other reasons. Complaints are rarely upheld, and, even when they are, it is unlikely that officers face serious disciplinary action. The system can be inadequate to bring about meaningful change. The procedure can also take a long time to conclude.

Despite these disadvantages, complaints are an important way to address police wrongdoing. A complaint will be recorded and kept by the police force, even when it is not upheld, and a repeated pattern of complaints can look bad for an officer. By making a complaint, you are asking an officer to explain their actions, which can lead to difficult conversations between that officer and his / her superiors. Although the system is not perfect, it will only improve if people continue to make complaints and see them through.

A guide to making police complaints about stop and search



First steps

If you decide to make a complaint, the first steps are:

- Considering the time limit (12 months);
- Writing your account down;
- Thinking about whether there are other people, videos or documents that could support what you say.

What to expect

An officer (called an *'investigating officer'* or *'supervising officer'*) will usually be allocated to your case. You should expect to be contacted by the officer dealing with your complaint who will explain the process, discuss their plans on how to investigate your complaint, and take further details from you. That officer is likely to be from the same police force/ police station as the officer who is subject to the complaint. However they should not be someone who is implicated in the complaint itself.

Upon commencing the investigation, the investigating officer should ensure that he/ she has your full account of the incident (and where there may be disciplinary or criminal proceedings, a statement must be obtained). When the officer is satisfied that s/he has sufficient information, they should obtain further evidence regarding

your complaint, and often the officer(s) involved in the incident(s) complained of will be interviewed. Usually they will agree to answer questions; however, on rare occasions, the officer(s) may decline to answer questions about the incident or about a particular aspect of your complaint.

Many people who complain against the police tell us they are treated with suspicion, rather than as victims. You might be asked questions you do not expect, for example about whether you have a criminal record. You might feel that the police are trying to put you off making your complaint. You should not be deterred by this, as it is no reflection on how important or strong your complaint actually is. Even if you have a criminal record, or have been in trouble with the police before, this should not, in most cases, be relevant to your complaint. If you do not see that a question is relevant, you can always ask politely how it affects your complaint.

How you approach a complaint is up to you. The more written information you provide at the outset, the less need there should be for the investigating officer to ask you questions. You may prefer to write your own full statement to submit when you make your complaint, to control the information you present and reduce the need to be interviewed by the investigating officer.

However you might prefer to provide just the minimum information needed, and let the investigating officer do the rest of the work. The minimum you need to do is to give your account of what happened, in your own language, and explain why you are unhappy.

One night friend and I were pulled over by a police wagon with at least eight officers who surrounded us and immediately began verbally abusing us and the senior officer was making suggestive comments about our relationship, it felt like they were using their power to bully us as we were outnumbered and intimidated by them

Of course this was unacceptable so I went ahead and made a complaint with the police, which turned out to be a pointless exercise as I just received a generic reply saying there was not enough evidence to investigate it. In order to continue I found out I had to contact a solicitor and complain through a legal action, which seemed like a long and intimidating process for someone who was recently out of school and with no experience of the system.

I decided to leave the complaint where it lay as I couldn't muster the time or energy to continuously relive my bad experience and like anyone had plenty of things I needed to focus on which wouldn't have been helped by such a long process.

— Jay jay Spinks, 25

Advantages and disadvantages of lodging a complaint

Advantages	Disadvantages
<p>Lodging a complaint is the only way in which you can seek to have police officers disciplined for their conduct.</p>	<p>The police will normally investigate themselves, and can be biased.</p>
<p>The officers you complain about may be formally interviewed. This may make them think about what they have done.</p>	<p>Very few complaints result in an officer being formally punished.</p>
<p>Whether your complaint is upheld or not, the process of making a complaint can provide answers to your questions about what really happened.</p>	<p>Complaints may take over a year to conclude. If criminal or disciplinary proceedings are taken against the officer it can take longer.</p>
<p>Making a complaint makes your concerns official, and a record will be made of those concerns and kept by the police force.</p>	<p>When responding to a complaint, the officer involved may make allegations about your own behaviour in order to justify their actions, which can be upsetting.</p>
<p>Your complaint might help other people making complaints against the same officer to show a pattern of abuse or misconduct.</p>	<p>Giving evidence in disciplinary and/or criminal proceedings can be an unpleasant experience, as you will be cross - examined by lawyers acting for the officers complained about.</p>

Common myths about police complaints

“Complaints are investigated by the IPCC”

Only the most serious complaints are investigated by the IPCC, and most will be investigated by the police force itself. The IPCC will usually decide appeals.

“It is not worth complaining”

Although not as many complaints are upheld as we would like, some are, especially after an appeal to the IPCC. Even where a complaint is not upheld, it has still been recorded against the officer and might help to show a pattern if this behaviour is repeated in the future.

“Making a complaint might lead to me being targeted by the police in future”

Although this is often a concern held by those who want to complain, it is not, in our experience, something that is common. A complaint can in fact lead to officers being more careful not to unfairly target those who complain, where they are known to police.

“The officer was rude and insulting but that is not enough to make a complaint”

Police officers are public officials and must meet high standards of professional behaviour. Police officers are under a duty to act with “*courtesy*” towards members of the public. If they have been rude or insulting then they have failed to meet that high standard and it is worth complaining

What if I decide not to make a complaint?

If you decide the complaints system is not for you, then you could still register what happened with the Y-Stop. Y-Stop has produced an app that allows you to register your concerns in different ways without necessarily making a complaint to the police (although it lets you do that too). If you do not wish to complain to the police, you can still report what happened only to Y-Stop, who monitor incidents with the police and can provide support and advice if follow up action could be taken. For more information visit <http://y-stop.org/complaints>.

Making a complaint

You can make a complaint in any of the following ways:

1. Completing the online form on the IPCC website at https://secureforms.ipcc.gov.uk/Pages/form_complaint.aspx.
2. Visiting your MP, who can help you to make your complaint. You can find out who your MP is on the Parliament website <http://findyourmp.parliament.uk/> or by calling 020 7219 4272. You can refer your MP to this guide or even give them a copy.
3. Attending the police station to make a complaint in person. This should be the police station of the officer(s) you want to complain about.
4. Drafting your own statement and sending it to the 'department of professional standards' at the police force where the relevant officer was from.
5. Using the Y-Stop app, by completing a short survey, which will then be sent directly to the police. For more information visit <http://y-stop.org/complaints>.

Time limit

A complaint must be made to the police within one year (12 months) of the act you are complaining about. This deadline

may be extended but only if you have very good reasons for the delay. If you are running out of time, you should make your complaint as soon as you can, even if you are still collecting evidence or writing your account of what happened. The most important thing is that you let the police know you want to complain before the 12 months runs out. You should then have an opportunity to provide more information and evidence once the complaint has started.

What happens next?

Upon receiving the complaint, the police must make a decision about whether to record it. A complaint must be recorded unless the complaint has already been made before, is 'fanciful', or is an 'abuse'. These occasions will be very rare, so you should expect to receive a record of your complaint from the police within around four weeks.

Once you receive the record, you should check that it accurately covers all the points you wish to complain about. If anything is missing, you should raise this with the police. If they still refuse to record the complaint, you can appeal a failure to record your complaint properly (see the section on '**Appeals**' below).

The force must then make a decision as to

how the complaint should be dealt with. The following options are available:

Referral to the IPCC

Only very serious complaints will be referred to the IPCC. Complaints involving allegations of the following must be referred to the IPCC: serious assault, serious sexual offence or serious corruption.

Local investigation

The majority of complaints should be dealt with in this way. Local investigation is a formal investigation which can result in disciplinary proceedings against the officers complained about. An investigating officer will be appointed. That investigating officer will usually be from the same police force as those against whom you complain.

Local resolution

Local resolution is not a formal investigation and will not result in disciplinary proceedings against any of the officers involved in the incident(s) complained about; however, it can lead to management action or formal action under the “*unsatisfactory performance procedures*”.

Local resolution is intended to be a quicker, more flexible process than formal investigation. It involves a supervising officer (who is based at the same police

station as the officers involved in the incident complained of) taking your account and then talking to the officers who are the subject of your complaint.

How to strengthen your complaint

The amount of information you provide in support of your complaint is up to you, and you may just decide to provide a short account of what happened.

However the burden is on you, the complainant, to prove your complaint. You should therefore submit all the relevant information/documents you have to the police in support of your complaint.

If you want to make your complaint as strong as possible there are a few steps that you can take:

- 1.** You can ask the officer conducting the search for his/her name, and police station, and for a copy of any search record. You should then keep these safe and submit them with your complaint.
- 2.** You can write your own account as soon as possible afterwards.

The police may be able to use this as your statement. Even if the police want to take their own statement, you can refer to your own written account to check that their statement covers everything you want to

include.

3. You can ask witnesses to write their own accounts as soon as possible. You should write your accounts separately so that the accounts are independent from each other.

4. Video or mobile telephone footage can be key to proving what an officer has done. If you or another witness has taken any footage, you can submit this with your complaint, or let the police know that you have it when they come to look into your complaint.

You should not have to provide your mobile phone, and we would recommend instead that you:

- Transfer the footage to a computer and burn it onto a CD-ROM, USB stick, or something similar; or
- Email the footage directly to the investigating officer once they start looking into your complaint.

If you choose to hand over your mobile phone, you may not get this back for several months.

5. The police might have video footage which shows what happened. This could be from a camera attached to an officer's uniform (called a "body-worn camera") or from inside a police station or a police van.

If you think the police have footage that

could help you, you should immediately request a copy of the footage from the relevant police station. This will be the police station where the officer who searched you works, or the police station where any CCTV cameras are fixed.

If you do not get a copy of the footage, you can still ask the police to find the footage and look at it as part of your complaint. You should tell them where the camera was and what you think it captured.

When completing either of these steps (asking for a copy of police footage or asking the police to find and view their own footage) you should give the following details:

- The location of the camera;
- The date and time of the stop/search.

6. You can check for CCTV cameras and try to get a copy of any footage. You may want footage that shows the stop itself, or what was happening before.

CCTV might be operated by local companies (such as offices or shops), the local council, or the police. It is a good idea to call around any organisations that might have CCTV and ask them to keep any relevant footage.

Remember to do this as soon as you can – CCTV is deleted very quickly and in some cases within 24 hours.

Local councils might keep footage for longer than this. You can find out which local council operates the CCTV in the place where you encountered the police by entering the postcode of that place on the following webpage: <https://www.gov.uk/find-your-local-council>

Once you know which local council to contact, you can try to contact their CCTV manager or department.

If you believe someone (or an organisation) may have footage of the incident, you can write to them to request a copy of any footage that identifies you. If you wish to do this you should write a letter stating:

- The time, date, and location of the stop.
- The fact that the footage identifies you.
- The fact that you are requesting a copy under “*section 7 of the Data Protection Act 1998*”.

If you do not get a quick responses to your request for CCTV, you can follow this up with a telephone call to make sure the right person has received your letter and is dealing with it.

If you cannot get the footage yourself, you can ask the officer investigating your complaint to do this for you as soon as possible.

See **Appendix 1** at the end of this guide for

an example letter requesting CCTV.

What to include in your account

The basic facts of your account should cover the “*Five Ws*”:

Where?	Where were you stopped? Can you give an address or describe any nearby landmarks or shops?
When?	When were you stopped? Can you give the date and time?
What?	What happened? Keep things simple and describe what happened in chronological order (starting with what happened first and ending with what happened last).
Who?	Who was there? How many officers? Were there any other witnesses?
Why?	Why do you think this happened? Why were you unhappy with what happened?

You can also think about including the following details in your account:

- Specific details: Time/ date/ precise location.
 - Factual descriptions:
 - What you were doing before the search, and how you acted during the search.
 - What the police did/ said before, during and after the search.
 - Details of how the experience affected you afterwards.
 - Specific problems to raise about the search:
 - Was the name and nature of the legal power used given to you by the officer(s)? Did the officer(s) give adequate reasons for the action taken? Did you understand what was happening and why?
 - Were the grounds explained? Did the officer say that a “section 60” or “schedule 5/TPIM notice” was in force? If not, did s/he say why s/he believed that you might be carrying drugs or other items?
 - Why did you disagree with the grounds? Examples could be:
 - *“They said I had been acting suspiciously but did not explain how”*
 - *“They said they were looking for stolen car parts but my pockets were too small to carry anything like that”*
 - *“They said they were looking for a group of Asian teenagers but I am Black African and over 40”*
 - *“They said I matched the description of a suspect but did not say how”*
- Were you offered a copy of the search record? The officer is legally required to offer this.
 - Does the search record match what the officer said at the time?
 - How was the search conducted?
 - Was the officer conducting the search the same sex as you?
 - Was it conducted with courtesy, consideration and respect?
 - Was unreasonable force used to conduct the search?
 - Was the search conducted within a reasonable time? Or did it take longer than necessary?
 - Were you asked to remove any clothing in public other than outer coat, jacket, or gloves?
 - Was the officer in uniform, and if s/he was not, did s/he produce a warrant card?
 - Were you given the name of the officer and their police station?

Remember to keep a copy of your complaint as you may need it later.

The professional standards

Police officers are public officials and their behaviour should meet high standards imposed by their professional obligations at all times. They have a wide range of powers, but must also follow certain rules and standards when using those powers.

The key standards that might apply to a stop and search are:

- **Honesty and Integrity**
Police officers should be honest, and act with integrity. They should not compromise or abuse their position.
- **Authority, Respect and Courtesy**
Police officers should act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. They should not abuse their powers or authority. They should respect the rights of all individuals.
- **Equality and Diversity**
Police officers should act with fairness and impartiality. They should not discriminate unfairly.
- **Use of Force**
Police officers should only use as much force as they need to in all circumstances. They should not use force unless they have to, and should then not use an excessive or unnecessary amount of force.
- **Discreditable Conduct**
Police officers should behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

If you believe that an officer may have failed to meet one or more of the above standards, you can say so in your complaint.

Having been stopped many times in the past I finally decided to complain the day it happened and I knew the only reason for it was that the officer saw a black guy driving a car. My friends, family and other police officer friends were all encouraging me to complain but as a serving officer it is a difficult thing to do.

The process was painful, lengthy and I did not feel my complaint was being taken seriously or handled with care on multiple occasions; firstly the webform on the police force's website didn't work and it took them six weeks to fix, then when I emailed my complaint in they replied by post but sent their response, which included confidential information, to my neighbour's address. I informed them of their mistake but they sent a further three letters to my neighbour. On top of this, the investigating officer's summary said I was driving a BMW instead of a Ford Focus; not only was it inaccurately recorded it felt like they had lazily inserted a stereotype associated with black men in its place. If this is how they would treat a senior serving officer I wonder how they would treat a member of the public? Even the outcome was unsatisfactory.

The following year I had another stop and search encounter with two sergeants that I had good reason to complain about but I did not want to put myself through it again. Police officers often say these problems don't exist because hardly anybody complains about them but from my experience you can see why people don't bother to complain.

– Nick Glynn, retired senior police officer

The outcome of a complaint

You should expect to receive the outcome of your complaint within 6 – 12 months. In most cases you should receive a written report, which will explain whether the complaint is upheld and why, and set out any actions to be taken as a consequence of the complaint.

If your complaint is upheld, depending upon the nature of the conduct complained of, the following disciplinary action may be taken against the police officers:

- Constructive advice / training
- Fines

- Formal warnings
- Dismissal

Alternatively, if the behaviour complained of is considered to relate to performance and not conduct, the officer(s) may be subject to '*unsatisfactory performance procedures*'. These procedures involve one or more meetings with an officer's line manager designed to improve the performance of the officer concerned. They might lead to the officer's line manager reviewing the officer's next few stops and searches, to check these are being performed correctly, or to the officer being required to complete additional training.

If there is sufficient evidence to show that the officers may have broken the criminal law and/or breached the 'standards of professional behaviour, the officers may be brought before a criminal court and/or a police misconduct hearing. If the officers are found guilty in a criminal court they could be sent to prison and/or dismissed from their jobs. If they are found to have breached the '*standards of professional behaviour*', they can be dismissed in serious cases or receive a warning in less serious cases. If your complaint gets this far, you will probably be asked to give evidence at the criminal and/or misconduct hearings. It is extremely rare however, for complaints to get this far and most complaints do not result in any action whatsoever being taken

against the officers.

Where a misconduct hearing is held as a consequence of a complaint, the complainant is normally entitled to be present at such a hearing. The IPCC can decide, in the public interest, whether a particular hearing should be heard in public.

Appeals

Where your complaint is not upheld, nothing will happen to the officers. You do, however, have a right of appeal against the outcome of the investigation.

If your complaint is partly upheld, but partly not upheld, you can still appeal about the part that has not been upheld.

You should not feel disheartened if your complaint is not upheld, as many good complaints are not upheld for bad reasons. Many more complaints are successful after an appeal, so you should consider making one.

You must submit any appeal within 28 days of the outcome of the complaint.

You can appeal about any of the following:

- You did not receive adequate information to enable you to understand why the police came to their decision.
- The complaint outcome is inadequate

because it has not covered all parts of your complaint.

- You disagree with the findings of an investigation. This might be because you feel the investigator hasn't interviewed the right witnesses, or understood the complaint properly, or made the right decision based on all the evidence.
- You disagree with the action the police plan to take after an investigation. This could be a disagreement about the action they propose to take against those officers involved in the complaint, or about changes proposed to the way the police force operates.
- You do not think the police have made the right decision about whether an officer you complained about has a case to answer for misconduct, gross misconduct, or whether their performance was unsatisfactory.
- You disagree with a decision the police have made not to refer the investigation of a complaint to CPS.

The outcome of your complaint should state (1) the deadline for submitting your appeal and (2) where your appeal should be sent – this will be either the IPCC or the chief officer/commissioner of the relevant police force.

The level of detail you include in your appeal is up to you. As a minimum, you

should explain briefly why you disagree with the complaint outcome. The IPCC (or chief officer, depending on who is to look at the appeal) should then consider the outcome and decide whether there is anything wrong with it.

The most common reasons for appealing a complaint outcome are:

- The findings in the report contradict the evidence. This could mean that the findings are not consistent with what you, an officer, or another witness has said in a statement, or with CCTV.
- The findings in the report are not backed up by evidence. This could be because the outcome gives reasons for the stop that were not given by any of the officers at the time of the stop. The complaint outcome should not make up its own justifications for what happened. It should only assess the justifications given by the officers.
- You are unable to understand the findings because you do not have enough information. This could be because you have not been provided with the documents considered in the complaint (which should be listed or mentioned in the outcome itself).

You can also appeal some decisions made within a complaint process such as:

- A failure to record a complaint, or part of a complaint;
- A decision to discontinue an investigation.

Time line

Once you make your complaint, you should expect the police to take certain steps. The timings may vary, but the following is a rough guide to when those steps take place:

- You should expect to receive an acknowledgment of your complaint within two to three weeks.
- You should expect to hear from the investigating officer, or person dealing with your complaint, within two to six weeks.
- The investigating officer will then collect all the necessary information and evidence. This stage could take several months. In some exceptional cases this stage has been known to take up to one year, if the complaint is complex and involves a number of officers.
- Once the investigating officer has gathered all the necessary information, there may be a long wait before you receive the complaint outcome. The complaint outcome should normally be typed out into a report, which is then approved by senior officers. This stage should take approximately one month.

Throughout the investigation, you are supposed to receive an update on progress from the investigating officer every 28 days. If you do not hear anything for more than 28 days, you can contact the investigating officer to ask for an update.

Compensation

No compensation is payable under the police complaints system, even if your complaint is upheld. The aim of a police complaint is to achieve some disciplinary accountability against officers for wrongdoing.

Compensation can be sought in certain cases under a separate system in the civil courts. It is possible to make a complaint and claim compensation. If so the police will want to rely on all of the information you give them as part of your complaint at any future civil court proceedings. It is extremely important therefore, that any information you give to the police during the complaint is accurate.

When to seek a lawyer

The complaints system should be accessible for members of the public without the need for a lawyer. However, the facts that have led you to complain might also make it possible for you to bring a separate claim

for compensation in the courts. In that case you may benefit from the assistance of a solicitor. You should consider looking for a solicitor if:

- You may have been discriminated against by the stop –if, for example, you have reason to believe you were stopped simply because of your age or race;
- You sustained any injuries during the stop;
- There was inappropriate sexual touching during the search;
- You were detained for a particularly long time while a search was ongoing, or for some other reason.

You should also speak to a solicitor if your complaint is investigated by the IPCC.

The Law Society should be able to provide you with a list of solicitors who can help with this kind of case. You can contact the Law Society via their website <http://solicitors.lawsociety.org.uk/> or by telephone on +44 (0)20 7320 5650.

As a police actions lawyer I have worked with many people wanting to complain about the way they have been treated during a search. The complaints system is under-resourced and can be very slow; some complainants wait years for their complaints to be properly investigated and resolved. This kind of delay is disheartening, especially when strong complaints are not always adequately addressed. Officers will sometimes go to great lengths to avoid admitting that they have made a mistake and facing repercussions. However, the complaints process can at least provide some answers about what happened. Although the system is far from perfect, I have never known anyone to regret making a complaint. In registering a grievance and bringing police misconduct to light, those who make complaints can play a vital role in holding individual officers to account and improving police practices for the benefit of everyone.

– Juliet Spender, Solicitor, Fisher Meredith

Glossary

Case to answer	If an investigating officer decides there is a ‘ <i>case to answer</i> ’ this means that there is sufficient evidence to suggest that an officer might be guilty of misconduct. The complaint should be referred to a ‘ <i>misconduct meeting</i> ’ or ‘ <i>misconduct hearing</i> ’ to decide whether the officer is in fact guilty of misconduct. Alternatively the complaint should result in ‘ <i>management action</i> ’.
Codes of Practice	The codes that provide guidance on how officers meet their legal obligations under PACE. Also see ‘ <i>PACE</i> ’. Also called the ‘ <i>PACE Codes of Practice</i> ’.
Complainant	The person making the complaint
Conduct	Actions, behaviour, or words
Disapplication	This means that the police have chosen not to investigate or otherwise deal with the complaint. They can only do this in certain circumstances. They can do this if the complaint is made outside the time limit (more than 12 months after the incident), it relates to an incident that is or has already been investigated in another complaint, or they are unable to contact the Complainant.
Disciplinary proceedings	A formal procedure that can lead to an officer receiving formal discipline, such as a ‘ <i>warning</i> ’, ‘ <i>suspension</i> ’, or ‘ <i>dismissal</i> ’ from the police force.
Discontinue	This means that the police have chosen to end an investigation that is ongoing. They can only do this in certain circumstances. They can do this if the Complainant refuses to cooperate, or the complaint relates to an incident that is or has already been investigated in another complaint.

Dismissal	Complaints may in rare cases lead to an officer’s dismissal – where they are required to leave the police force permanently.
Dispense	This means that the police, on the authority of the IPCC, have chosen to end an investigation that is ongoing. They can only do this in certain circumstances. They can do this if the Complainant refuses to cooperate, or the complaint relates to an incident that is or has already been investigated in another complaint.
DPS / Department of Professional Standards	The department in a police force that deals with complaints. The department will record your complaint, and may investigate it or refer it to the local police borough for investigation.
Fanciful	A complaint is <i>‘fanciful’</i> if no reasonable person would believe it to be true.
Gross misconduct	A breach of the Standards of Professional Behaviour that is so serious as to justify dismissal. <i>Also see ‘Standards of Professional Behaviour’ and ‘Dismissal’</i>
Grounds	These are the reasons the police have for the stop.
Investigating officer	The officer who investigates a complaint
IPCC or Independent Police Complaints Commission	The organisation that oversees the complaints system, investigates very serious complaints, and decides appeals.
Local investigation	A formal investigation conducted by the police. For more information see the section on ‘What happens next’ above
Local resolution	An informal way of dealing with a complaint without the need for an investigation. For more information see the section on ‘What happens next’ above

Management action	Action or advice intended to improve the conduct of the officer concerned. Examples could be the officer’s line manager reviewing the officer’s next few stops and searches, to check these are being performed correctly, or the officer being required to complete additional training.
Misconduct	A breach of the Standards of Professional Behaviour. Also see ‘Standards of Professional Behaviour’
Misconduct hearing	A hearing held to decide whether an officer is guilty of ‘Misconduct’. The hearing will be before a panel of senior officers. The person making the complaint has a right to attend the hearing. The hearing may lead to disciplinary action including a ‘warning’, ‘suspension’, or ‘dismissal’.
Misconduct meeting	A meeting held to decide whether an officer is guilty of ‘Misconduct’. After the meeting the officer may be dealt with by disciplinary action up to and including a final written ‘warning’ but the meeting will not lead to ‘suspension’ or ‘dismissal’.
Not upheld	An unsuccessful complaint is one that is not upheld.
Outcome report	This contains the findings of the complaint investigation and the decision about whether it should be ‘upheld’.
PACE / Police and Criminal Evidence Act 1984	The piece of law that sets out what powers the police have, the legal restrictions on those powers, and the obligations on police when using their powers.
PACE Codes of Practice	The codes that provide guidance on how officers meet their legal obligations under PACE. Also see ‘PACE’.
Recorded	When a complaint is recorded by the police this gives it a formal/ official status.
Regulation 15 Notice	A formal record of the complaint to be investigated, that should cover all aspects of the complaint. The Notice will be sent to the ‘Complainant’ and to the officers complained about.

Standards of Professional Behaviour	The standards that all police officers should meet. If an officer fails to meet these standards, a complaint should be upheld against them.
Statement	The document setting out your account of what happened.
Sub judice	This means the incident complained about is already the subject of a criminal case, which must be decided before the complaint can be investigated (unless exceptional circumstances apply, such as the complaint is even more serious than the criminal case).
Suspension	Complaints may in rare cases lead to an officer's suspension – where they are required to leave the police force temporarily.
Unsatisfactory performance	This is less serious than a breach of the 'Standards of Professional Behaviour' but means that the officer has failed to reach a satisfactory level in performing their job.
Unsatisfactory performance procedures	One or more meetings with an officer's line manager designed to improve the performance of the officer concerned.
Upheld	<p>A successful complaint is '<i>upheld</i>'.</p> <p>A complaint might be '<i>partially upheld</i>' if one part of the complaint is successful but another is not.</p>
Warning	A type of formal discipline for officers. A warning will stay on an officer's employment record for a certain amount of time. If similar behaviour is repeated the officer may be dismissed.

Appendix 1: Example letter requesting CCTV

[Your name and address]

[Complete the **name and address of the owner of the CCTV** - this could be a shop or the local council. You can also put down an **email address** here if you are making the request by email]

[Complete the **date you send the letter**]

Dear Sir/Madam

Request for CCTV

[Give a brief description of what happened, including the **exact location, date and time** of the incident. Explain that you should be identified on the CCTV].

I write pursuant to section 7 of the Data Protection Act 1998, to request a copy of CCTV footage that you hold that identifies me. As a data controller you have an obligation under the Data Protection Act 1998 to supply me with a copy of the CCTV, which clearly identifies me as a data subject.

I can produce identification documents that prove my identity, should these be required.

I look forward to hearing from you as soon as possible.

Yours sincerely

[Complete and sign **your name**]

About StopWatch

StopWatch is a coalition, which works to:

- Promote effective, accountable and fair policing
- Inform the public about the use of stop and search
- Develop and share research on stop and search and alternatives
- Organise awareness raising events and forums
- Provide legal support challenging stop and search

Since forming in 2010, StopWatch led wide-ranging campaign against the disproportionate use of stop and search, the increasing use of exceptional stop and search powers and the weakening of accountability mechanisms. This includes legal and policy analysis, media coverage and commentary, political advocacy, litigation, submissions to national and international organisations and community organising. The unique mix of academics, activists, young people and lawyers has proved effective at challenging the current use of the tactic and drawing attention to the realities for those on the receiving end of police powers.

stop-watch.org • info@stop-watch.org • [@StopwatchUK](https://twitter.com/StopwatchUK)
y-stop.org • contact@y-stop.org

© StopWatch 2016. This guide has been funded by Esmee Fairbairn and Open Society Initiative for Europe