



Race discrimination case studies

The following case studies have been gathered from our dip sampling of complaint and conduct cases during August 2022 to March 2024.

We reviewed cases from a broad range of subject areas. Case handlers that attended the IOPC discrimination complaint handling workshops indicated they would benefit from examples based on a varied range of cases involving race discrimination such as those reflecting poor levels of service.

If you are a case handler managing a case where race discrimination is a factor, we hope that the case studies listed in this document are useful to you.

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Communication and engagement

Contact with the complainant

The complainant described being belittled, sworn at and the object of insensitive comments by an officer about how he described his racial identity. The complainant provided the date the alleged incident took place, the approximate time and the officer's name and number. The complainant then chose not to engage further with the process.

“PC xx [caseworker] asked you to provide more information to ensure that she was identifying the correct incident and to prevent a breach of data protection. PC xx [caseworker] asked you to provide the following information:

- *Full name and date of birth*
- *Address*
- *What your involvement in the incident was and if you have any reference numbers*
- *You state you were in a vehicle. Can you tell me where in the vehicle you were sat?*

PC xx [caseworker] asked you to provide this information no later than xx. To this date, no response has been received to that email and as such, I am unable to progress this complaint any further.”

The complaint was NFA'd with no account taken from the officer. There was no review of the officer's BWV or their pocket notebook/record of contact for the date and time provided.

Case handlers should consider if they already have enough to assess the allegation of discrimination based on information the complainant has provided or if the additional information they need can be obtained in other ways.

Level of service

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 investigative tools such as patterns of behaviour or comparator evidence were analysed.

Dismissing the account of the complainant

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.”

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.

The complainant may not be able provide evidence of overt discrimination, such as discriminatory language or more nuanced forms of discrimination, for example, bias or assumptions. The complainant’s description of how they experienced the incident should be considered and acknowledged.

Impact on the complainant

Acknowledging the impact on the complainant

Apologising because 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."

Not acknowledging the impact on the complainant

"You have told PC xx [caseworker] that you feel that had this incident involved a White family, 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, microaggressions, 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.

Supporting vulnerable complainants

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] police 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."

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 rational.

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

Use of investigative tools

Local and national policy

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 use comparator evidence.

No accounts were 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 an effective way of exploring this potential difference in treatment.

Allegation of racial profiling

Allegation of racial profiling: 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...”

Subject officer(s) account and probing

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 was 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.

Adultification

Adultification and 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..!”

The information included in the complaint handler’s report was based on what members of the public had 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 and whether this was reasonable.

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.

Indications pointing towards and away from discrimination

"I write in response to your complaint about your 15-year-old son who sustained injuries when he was apprehended by PC xx.

*[The child] initially came to police attention after he was seen riding a bike in an area well **known for gang activity**, he then continued to ignore PC xx request to stop and **continued to speed up on his bike** in an attempt to make off from police.*

*It was at this point that PC xx **recognised [the child] from a previous incident** where he had stopped him whilst in possession of a knife.*

With this in mind, and the fact that [the child] did not stop for police on request, PC xx decision to chase [the child] on foot, was in line with best practice, as at this stage it was unknown whether [the child] was in possession of a weapon that could potentially harm others or himself. I have found no evidence that the stop was discriminatory"

A more effective way for the case handler to consider this would have been to weigh up the evidence in terms of indicators pointing towards and away from discrimination:

1. Area well known for gang activity

Points towards discrimination: This on its own is weak grounds. The case handler should ask for intel reports/information to confirm that an area has been highlighted as a gang/drugs area or a recent incident.

Points away from discrimination: intel reports/information might confirm officer's account that the area is known for gang activity.

2. Continued to speed up on his bike

Points towards discrimination: This is weak grounds on its own.

Points away from discrimination: This might be reasonable grounds for suspicion as part of other intel that officer has received.

3. Recognised the child from a previous incident

Points towards discrimination: On its own previous knowledge of a member of public is weak grounds

Can someone that is repeatedly stop and searched be perceived as harassment?

Points away from discrimination: This might be reasonable grounds for suspicion as part of other intel that officer has received for example: a recent incident involving a knife and that the suspect matches the child's description.

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

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

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

Outcomes

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"

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