

GET JUSTICE AND COMPENSATION
WITHOUT HAVING TO GO TO COURT

TAKE ON

THE POLICE



AND WIN!

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Legal Disclaimer

As much as we strive to keep our information accurate and up to date, we cannot be held liable for any errors or omissions that may occur in this Ebook. Nor can we be held accountable for any action that you may choose to take in relation to the information contained within.

This work has been written in good faith, with the intention of helping the reader get a better advantage over the police complaints process. We do not advocate criminality of any kind, nor suggest that this information should be used to help the lawless evade detection or defeat justice. Nor would we ever knowingly mislead, misinform or impart irresponsible advice.

We encourage you to apply discretion and common sense when acting upon any of the the information outlined here. If in any doubt, we urge you to do your own research. Much of the material and legislation we used in compiling this document are listed within the text..

If you have any questions regarding police complaints that is not covered by this Ebook, then feel free to e-mail us at:

t@crimbodge.com

Why Complain?

First off, let us shatter some preconceptions you may already have about the police complaints process...

You may have heard that it is biased in favour of the police, that it rarely punishes officers complained about and that very few people ever achieve a satisfactory outcome from using it.

Well, let us tell you now, that those rumours are true.

Next, you may have heard that there is an Independent body called the IPCC whose job it is to deal with any complaints made against the police.

Well, that is not true. On the whole, the IPCC do not investigate police complaints. The police themselves do. The IPCC only investigate appeals against complaints. Or, to put it simply: COMPLAINTS about complaints. And even then they will only do so under limited circumstances. Worse still, those tasked with investigating complaints and appeals at the IPCC - 'adjudicators' as they are known - are made up almost entirely of ex-police officers!

You may also have heard that if you have a complaint to make against the police then you can do so through your local MP, solicitor or Citizen's Advice Bureau.

This is only partly true, because as soon as you have brought your complaint to them they will just pass it directly to the police force you are complaining about. These third parties will take no part in the handling of your complaint whatsoever!

Except for extreme cases (such as death in custody) nobody but the police will handle your complaint.

What you may be pleased to know however is that every force in England and Wales has its own dedicated complaints department, called the **Professional Standards Department**. Staffed with officers who are trained specifically to deal with allegations made by the public.

So it stands to reason that this will be the department that deals with your complaint, yes?...

Well, no. The Professional Standards Department only deal with serious complaints that could result in disciplinary action against an officer if upheld.

And it's up to the police themselves to decide which complaints these might be.

The vast majority of all complaints made to the police are dealt with by serving rank and file police officers. And in all likelihood not only will this officer work in the same department as the officer complained of, he is likely to be his direct superior. A colleague. A friend. Someone who may even have advised the officer to act in the way that caused the complaint in the first place!

So with all that in mind, the next logical question would be: WHY BOTHER TO COMPLAIN? When it is so clear that the complaints process is loaded in the police's favour. And in the unlikely event you do have a complaint upheld any penalty imposed upon the officer concerned is likely to be paltry; consisting of nothing more than a few words of advice or a bit of management training.

The answer is that the police complaints process should not be treated as an end in itself, but rather as a means to an end. A necessary first step in a much more effective legal strategy. One that with a certain skill and determination could result in a compensation payout, or proper disciplinary action against the officer involved.

This Ebook is the result of our own extensive experience with the police complaints process. Through our website [Crimebodge](http://Crimebodge.com), we have helped thousands of people who have experienced countless abuses of authority, and in that time we have developed a working method of how to get the best possible resolution from the complaints process.

By following the methods outlined in this Ebook, you will not only learn how to make effective complaints against the police that work, but potentially achieve compensation for any civil wrong that has been done to you, without ever having to step foot in court.

And where the police refuse to accept wrongdoing and the civil wrongs that you have suffered are many or complex, we explain how to bring the police to court without having to incur the expense of a solicitor.

To our knowledge, there is no other book that explores the police complaints process as thoroughly as this. We have done our utmost to make it as comprehensive as possible so that any ordinary member of the public who may have been treated unlawfully by the police can bring an action against them.

We hope this book empowers you to do just that.

What You Can Complain About

If you feel that you have been treated unfairly, rudely or unlawfully by the police then you have a right to complain. You can complain as a victim, witness or bystander. You can even complain on somebody else's behalf if they give you the authority to do so (such as a child or vulnerable person).

Here are some examples of what you can complain about:

- Police officer or police staff being rude, aggressive or unhelpful
- Their refusal to investigate a crime
- Botching the investigation of a crime
- A harassment warning made against you that you regard as untrue
- Police officers assisting bailiffs or TV licensing
- Failure to act (such as to apprehend or arrest)
- Discriminatory behaviour
- Being stopped in the street or in your vehicle for no good reason
- Police demanding entry to your home when no crime has been committed
- Police using unreasonable force
- Police vehicles parked unlawfully
- Off duty officers using their warrant card to gain advantage
- Off duty conduct which discredits the force
- Demands by officers in the street to hand over a phone or camera for their inspection
- Police officers detaining you needlessly

Who you can complain about

Complaints aren't limited to uniformed police officers. You can also complain about any of the following police staff:

- PCSOs
- Special Constables
- Civilian staff
- Desk staff
- Call handlers

There is no limit to the rank of police officer you can complain about: from police constable all the way up to Chief Constable.

Police complaints can also be made against other law enforcement, military and detention officers such as:

- The Ministry of Defence Police
- British Transport Police
- National Crime Agency
- Civil Nuclear Constabulary
- Officers of HM Revenue and Customs

Police code of conduct

The police aren't just governed by law as to acceptable standards of behaviour, they also have a national [Code of Conduct](#) and statutory rules listed within the **Complaints and Misconduct Regulations 2012**. This determines how the police should interact with the public at all times. If they breach this code then they could be disciplined for misconduct.

Police manners aside, the reason so many people *don't* complain is because they are unsure if the police acted outside of their lawful authority. Unless you have a good understanding of the law, it's not always easy to know if the police have actually done something wrong.

Did a police officer have a right to detain you on the street? Was it a valid stop and search? Did they have a right to demand entry? Was a search warrant in order?...

If you are unsure if a police officer had a right to act the way he did, then don't let that prevent you from making a complaint. You have every right to express your discontent about how you were treated, and ask what lawful right or authority the police had to act in a certain way.

Complaints about policy or procedure

As well as individual staff members you can also complain about general aspects of policing, such as decisions made, detection rates or the lack of police presence in your area. These are known as **direction and control** complaints.

Examples of direction and control complaints would be:

- Police spending
- Police equipment
- Local detection rates or crime figures
- Police policy and decision making
- Police tactics

Unlike complaints against individuals, there are no penalties imposed on the police if a **direction and control** complaint is upheld. Nor can you appeal against how the complaint was handled.

Time limits for making complaints

You have 1 year of the event occurring in which to make a complaint.

If your complaint falls outside of this timeframe the police will refuse to record it, unless you can demonstrate a good reason for your delay.

One valid reason would be that you were **unaware of the officer's misconduct** until recently; such as making a subject access request for all of your personal data from the police and finding comments made about you that were malicious, rude or just unprofessional.

Note: Subject access falls outside of the scope of this Ebook but is imperative to finding out everything that the police have recorded against your name. For more information on subject access requests please see our Ebook "[What Do The Police Have On You.](#)"

Another valid reason for delaying your complaint would be **genuine fear of the officer** who you were complaining about. An unreasonable paranoia that the officer would retaliate if you dared complain would not be enough to satisfy this. You would have to demonstrate that through threats, intimidation or coercion, an officer or his colleagues genuinely prevented you from making your complaint.

The third category of valid delay is **sub judice**.

As the police cannot investigate complaints that concern ongoing criminal (or civil) matters, any complaints made during this time are held pending the outcome of any legal process. This is known as **sub judice**.

However, just because a police matter is ongoing does not prevent you from making a complaint. You can complain while under investigation, while on trial or even while in prison. Investigation of that complaint will be suspended until the sub judice elapses.

Making A Complaint

Preparing your complaint

You don't have to complain the day an incident occurred, and in our experience it is always best to leave at least a few weeks before doing so. Not only does this give you time to prepare your complaint and gather supporting evidence, it will protect you against any 'malicious' retaliation.

Unfortunately there are always a small contingent of police officers who think they are above the law and have a right to penalize those that do complain. We have heard accounts of people who have made complaints within 24 hours of an incident, just to have the police subsequently arrest them for (or threaten to arrest them) for a minor offence that allegedly arose from that incident. For similar reasons we recommend that you never let a police officer know of your intentions to complain about him in advance.

Allowing several weeks to elapse before making your complaint prevents the police from retaliating with a malicious arrest. Once the immediacy of the event has passed any subsequent arrest would be extremely hard for the police to justify, especially if such an arrest was made directly after them having received a complaint.

This two week window also gives you a good time to distance yourself from the event, get some objective insight into it and prepare a carefully worded complaint.

Gathering evidence

Remember, you don't always need to know the names of the officers or their collar numbers to make your complaint. You can just as adequately give a description of those that dealt with you. As long as you can give an exact time and place that the event occurred, it will be up to the police force to establish who the offending officers were.

If you have the registration number or roof identity number of any vehicles the police travelled in, these will also suffice. You should also try to get the names of any other witnesses to the event. Or better still, find others who may also wish to complain about the officer's actions.

It's important to write down as much detail as you recall *right after* the event. If the incident was captured on CCTV then you should contact the owner of the CCTV immediately after and request a copy. If the CCTV is owned by a business or local authority then you have a right under the **Data Protection Act** to obtain a copy if your image has been captured upon it. Any business or authority that refuses to hand it over will be breaking the law.

Unfortunately this right does not stretch to CCTV cameras monitoring private houses or driveways, nor to individuals that may have filmed the incident on their mobile phones. The best you can do to secure a copy of such privately filmed material is to ask nicely! Or, where the information recorded contains important evidence, obtain a court order to have the material seized.

Writing your complaint letter

Try to keep your complaint focused without resorting to personal opinion or insult. This does not mean that you should not express how you *felt* about the incident. Quite the opposite, as describing your emotional reaction to what happened is crucial and cathartic. For some people, just being able to 'sound off' at the police is all the resolution that they need. But the more drawn out your letter is, the less likely your complaint will be handled fully. Remember, you do not want to give the police any reason to throw their focus away from the important issues to focus on trivia.

In principal, your letter should set out the following details:

- What happened and where.
- Which police staff were involved.
- What your concerns are regarding the incident.
- What you would like to happen as a result of your complaint.
- How you wish to be communicated with.

The last two bullet points are important as they may make a significant difference to how your complaint is handled...

Make it clear that you expect the officer to be disciplined

When the police ask what you would like to happen as a result of your complaint, there is only one true answer you should give: 'That they should be disciplined appropriately in relation to their acts of misconduct.' There's no point in outlining your own wants and desires of how an officer should be punished, because unless you want the officer excused, anything you suggest will be ignored.

The police have their own internal disciplinary procedures which they do not deviate from and, in most cases, will not even share the details of. However, if you fail to make it clear you expect the officer to be disciplined then this in itself may be used as an excuse to avoid doing so.

Always communicate your complaint in writing

In some cases, where you don't regard the matter as particularly serious or just want an explanation regarding a minor point, it may be suitable to make your complaint by phone. In which case you should ask to speak to a superior officer for any explanation you feel you are owed. Although you are totally within your rights to speak to the offending officer himself and ask for an explanation, this could just result in further disagreement. In any case only a superior officer could give the necessary 'words of advice' to a subordinate officer.

If you genuinely regard an officer's actions as misconduct, then you should only communicate your complaint in writing. The most important reason for doing so is that it obligates the police to handle the complaint officially under the [Police Reform Act](#) and the [Police Reform and Social Responsibility Act 2011](#); legislation that sets out rules on how complaints must be handled.

Also by insisting on written communication, you will have a permanent record of everything that was said. None of which can be disputed by the police at a later date. This is especially important if you intend to pursue the police for damages outside of the complaints process, more of which we explain later.

Example complaint letter

Below is an example of a complaint letter that has been set-out using the key points. Feel free to use it as a guide to laying out your own complaint:

Today's date

Your Name

Your Street Address

Your Town

Postcode

COMPLAINT REGARDING CONDUCT OF D.C. (OFFICER NAME)

On Friday 10th June 2015 at around 4pm I was with my wife in Nottingham City Centre with our 5 year old daughter.

My wife and I had a heated disagreement outside Tesco's which resulted in myself walking inside with my daughter to calm the situation.

As I walked into the store I noticed that a man in a suit followed me inside. I stopped to talk with a security guard about what had happened outside and I noticed that the man was stood watching me.

After a minute of talking to the security guard this stranger interrupted. He began talking to me in an obnoxious and rude manner, telling me he had seen

me arguing. I told him the matter had been dealt with and was nothing to do with him. He then insisted he was a police officer.

As he was wearing a suit I asked him to show me a warrant card. He told me that he had left it at work, but flashed a two way radio which I was supposed to accept as proof. He told me that that if I didn't answer his questions then he would arrest me and have my daughter taken into care. When I asked him what offence I had committed, he told me breach of the peace.

He insisted I answer a whole series of personal questions about myself which he jotted down onto a pad. Whenever I declined to answer a question he told me I'd be arrested if I didn't comply. After about 10 minutes of these questions he left and told me I would be reported to social services.

I was shocked and shaken by this encounter, I could not believe this man was a police officer, his actions were so unprofessional and aggressive. However when I called the local station, they confirmed who he was.

I therefore wish to make a formal complaint about the conduct of this officer:

- 1) He had no right to insist I remain detained by him along with my 5 year old daughter, when he could not even prove he was a police office.
- 2) He had no right to insist I answer his questions, without ever cautioning me, and violating my right to silence by insisting I would be arrested if I didn't speak.
- 3) The officer was rude and aggressive throughout the entire encounter. He also projected an air of implied violence.

4) He made threats of taking my child into care if I refused to accept he was a police officer, even though I had committed no offence.

Please consider this an official complaint of misconduct. This officer behaved as a thug and a bully and I want to ensure that he is disciplined to stop him treating other members of the public in this way.

You have 14 days to notify me that this complaint been recorded. I would further request that all communication regarding this matter is made strictly in writing.

You can contact me at the above address or you may email me at emailaddress@domain.com

Yours sincerely

A. Complainant

Who to complain to

Many people assume that the **IPCC (Independent Police Complaints Commission)** deal with initial complaints against the police and investigate them. They do not. The IPCC will only investigate *appeals* concerning complaints that have already been handled by the relevant force. Even then they will only do so under the following conditions:

- The complaint the appeal relates to is about a senior officer
- If proved, the complaint would justify criminal and/or misconduct proceedings
- The complaint involves the infringement of a person's rights under Article 2 of the Human Rights Act (Right to life: I.E. A death in custody)

If you are not happy with how the force have dealt with the complaint, or what action - if any - they have taken regarding your complaint then you can appeal to the IPCC. Although just as with the original complaint, they may automatically refer any appeal back to the respective police force.

List of E-mail addresses for police complaints

Your initial complaint should be e-mailed directly to the **Professional Standards Department (PSD)** of the associated police force, selected from the following list:

Avon and Somerset Constabulary:

professionalstandardsdepartment@avonandsomerset.police.uk

Bedfordshire Police: comp@bedfordshire.pnn.police.uk

Cambridgeshire Constabulary: psd@cambs.pnn.police.uk

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Cheshire Constabulary: professionalstandards@cheshire.pnn.police.uk

City of London Police: psd_public@city-of-london.pnn.police.uk

Cleveland Police: professionalstandardsdepartment@cleveland.pnn.police.uk

Cumbria Constabulary: PSDAdmin@cumbria.police.uk

Derbyshire Constabulary: PSDA@derbyshire.pnn.police.uk

Devon & Cornwall Constabulary:

ProfessionalStandards@devonandcornwall.pnn.police.uk

Dorset Police: complaints&misconduct@dorset.pnn.police.uk

Durham Constabulary: complaints@durham.pnn.police.uk

Dyfed Powys Police: psd@dyfed-powys.pnn.police.uk

Essex Police: concerns@essex.pnn.police.uk

Gloucestershire Constabulary:

ProfessionalStandardsDepartment@gloucestershire.pnn.police.uk

Greater Manchester Police: chief.constable@gmp.police.uk

Gwent Police: professionalstandards.department@gwent.pnn.police.uk

Hampshire Constabulary: professionalstandards@hampshire.pnn.police.uk

Hertfordshire Constabulary: r.psd@herts.pnn.police.uk

Humberside Police: ProfessionalStandards@humberside.pnn.police.uk

Kent Police: professionalstandards@kent.pnn.police.uk

Lancashire Constabulary: hq-professionalstandards@lancashire.pnn.police.uk

Leicestershire Constabulary: ProfessionalStandards@leicestershire.pnn.police.uk

Lincolnshire Police: Complaints@lincs.pnn.police.uk

Merseyside Police: carol.a.fairbrother@merseyside.pnn.police.uk

Metropolitan Police: DPSMailbox-.CST@met.police.uk

Norfolk Constabulary: psd@norfolk.pnn.police.uk

North Wales Police: ProfStandardsEnquiries@nthwales.pnn.police.uk

North Yorkshire Police: professionalstandards@northyorkshire.pnn.police.uk

Northamptonshire Police: PSDForceCommunicationsCentre@northants.police.uk

Northumbria Police: professionalstandards@northumbria.pnn.police.uk

Nottinghamshire Police: psd@nottinghamshire.pnn.police.uk

South Wales Police: professionalstandards@south-wales.pnn.police.uk

South Yorkshire Police: Complaints_and_Discipline@southyorks.pnn.police.uk

Staffordshire Police: PAU@staffordshire.pnn.police.uk

Suffolk Constabulary: dissatisfaction@suffolk.pnn.police.uk

Surrey Police: psd@surrey.pnn.police.uk

Sussex Police: psd@sussex.pnn.police.uk

Thames Valley Police: professionalstandards@thamesvalley.pnn.police.uk

Warwickshire Police:
professionalstandards@warwickshireandwestmercia.pnn.police.uk

West Mercia Police: professionalstandards.hq@westmercia.pnn.police.uk

West Midlands Police: psd@west-midlands.pnn.police.uk

West Yorkshire Police: psd.genenq@westyorkshire.pnn.police.uk

Wiltshire Constabulary: ProfStand@wiltshire.pnn.police.uk

NOTE: If you wish, you can mail your complaint (or any necessary documents) but try to use a signed for service so that you have proof of receipt. You should call the police or visit their website for any mailing addresses.

List of police website and telephone numbers

Here's a full list of local police force contact numbers including links to their respective websites:-

[Avon & Somerset Constabulary](#) – 01275 818340

[Bedfordshire Police](#) – 01234 841212

[Cambridgeshire Constabulary](#) – 01480 456111

[Cheshire Constabulary](#) – 0845 458 0000 / 01244 350000

[City of London Police](#) – 0207 601 2222

[Cleveland Police](#) – 01642 326326

[Cumbria Constabulary](#) – 0845 3300 247

[Derbyshire Constabulary](#) – 0345 123 3333

[Devon & Cornwall Police](#) – 01392 420320

[Dorset Police](#) – 01202 222222

[Durham Constabulary](#) – 0345 6060 365

[Dyfed Powys Police](#) – 01267 222020

[Essex Police](#) – 01245 491491

[Gloucestershire Constabulary](#) – 01452 726920

[Greater Manchester Police](#) – 0161 872 5050

[Gwent Police](#) – 01633 838111

[Hampshire Constabulary](#) – 01962 841534

[Hertfordshire Constabulary](#) – 01707 354000

[Humberside Police](#) – 0845 6060 222

[Kent Police](#) – 01622 690690

[Lancashire Constabulary](#) – 01772 614444

[Leicestershire Constabulary](#) – 0116 222 2222

[Lincolnshire Police](#) – 01522 532222

[Merseyside Police](#) – 0151 709 6010

[Metropolitan Police](#) – 020 7230 1212

[Norfolk Constabulary](#) – 01953 424242

[North Wales Police](#) – 0300 330 0101

[North Yorkshire Police](#) – 0845 6060 247 / 01609 768000

[Northamptonshire Police](#) – 03000 111 222

[Northumbria Police](#) – 01661 872555

[Nottinghamshire Police](#) – 0115 967 0999

[South Wales Police](#) – 01443 743775

[South Yorkshire Police](#) – 0114 220 2020

[Staffordshire Police](#) – 0300 123 4455

[Suffolk Constabulary](#) – 01473 613500

[Surrey Police](#) – 01483 571212

[Sussex Police](#) – 01273 475432

[Thames Valley Police](#) – 01865 841148

[Warwickshire Police](#) – 01926 415000

[West Mercia Police](#) – 0300 333 3000

[West Midlands Police](#) – 0345 113 5000

[West Yorkshire Police](#) – 0845 6060 606 / 01924 375222

[Wiltshire Constabulary](#) – 0845 408 7000 / 01380 735735

Never use a police on-line form to make your complaint

The police often instruct people to use website forms to make a complaint. These forms are pre-formatted and limit the amount of space (and detail) afforded to the complaint, as well as requesting additional personal information about yourself.

Remember, all you need to submit for your complaint to be valid is a name and address. You do not have to submit telephone numbers, date of birth or any other personal data.

You are not obligated to fill in any pre-formatted forms to make a valid complaint.

How Your Complaint Must Be Handled

The official record sheet

Once the police receive your complaint in writing they have 15 working days in which to acknowledge and record it. Recording a complaint means that it has formal status under the **Police Reform Act**.

Note that this 15 working days is to tell you that they have received your complaint, not to investigate it. They do this by writing out a summary of your complaint onto an official record sheet and sending a copy to you. This will contain a breakdown of each allegation made against each officer that you name.

If your complaint contains multiple allegations (or multiple officer names), then each one will be listed on a separate line, with the officer's name and collar number in the adjoining column.

If you don't hear back within 15 working days

It is one of the underlying duties of the IPCC to ensure that *all* complaints against the police are recorded. In fact this is one of the few obligations they undertake extremely well.

The IPCC have little patience for any police force that does not comply with this rule and they will take immediate steps to ensure that your complaint is acknowledged.

If the police do not record your complaint within 15 working days then contact the IPCC. Although they will not look at the details of your complaint they will contact the relevant police force and instruct them to send you a complaint record.

You can notify the IPCC via their website:-

https://secureforms.ipcc.gov.uk/Pages/form_appeal_prsra.aspx

Just ensure that the statutory 15 working days have elapsed before contacting them otherwise they will just instruct you to wait the remainder of that time before they will help.

After you receive your record sheet

Once you have a copy of your record sheet, the police must investigate your complaint.

This could take anywhere from a week to six months! It all depends upon the seriousness or complexity of your complaint.

By law the police must give a **proportional investigation** to the matters you have outlined. What this means is they will only devote as much time and effort

into handling your complaint, as the allegations deserve. The more serious or complex the allegations, the more time and effort the police must expend in handling it.

Vague or trivial complaints will be handled quickly and with little investigation. Sometimes, they will be dismissed altogether. This is why it pays to write out the body of your complaint carefully and fixate on the most serious of allegations, rather than fill your complaint with a wide range of grievances.

Allegations backed up with evidence, such as witness statements, video recordings or CCTV are likely to fare better than those which consist of your word against a police officers.

What to do if the police ask to discuss your complaint in person

A common tactic the police use to dispose of complaints quickly is to arrange to meet up with or telephone the complainant. Sometimes the officer tasked with investigating the complaint will simply turn up at your door, uninvited and unannounced!

It pays to be on your guard with such tactics as by agreeing to them you will almost certainly prejudice your complaint.

Firstly, the police may use any opportunity to speak with you as an attempt to have the complaint downgraded or even withdrawn. By appealing to your good nature they may do their utmost to persuade you to have the matter handled 'unofficially' with the promise that they themselves will deal with it swiftly. It

should go without saying that any unofficial channel you agree to - such as the promise of a senior officer giving a subordinate 'a good talking too' - will usually be a crude attempt to dispose of a complaint as quickly as it is made, as well as avoid it from being officially recorded.

Even investigating staff from the police's own Professional Standards Department - who by law should not be using such tactics - attempt similarly swift disposals. Usually by asking complainants to meet up with them so that they can discuss the nature of the complaint and clarify the issues. These meetings are commonly used to write up a 'fresh account' which - after the complainant agrees to sign - is then substituted for the original complaint. Naturally this 'fresh account' contains a much more favourable version of what happened.

If you feel that you must meet up with the police to discuss the matter in person, then do so away from your home or a police station. Ask that they meet you in a neutral environment such as a cafe. And most importantly of all, ALWAYS INSIST ON RECORDING THE CONVERSATION. That way if there is any later dispute about what account you gave or matters you agreed too, you will have concrete evidence.

Refusal to record your complaint

Sometimes the police may write back refusing to record or investigate your complaint. When doing so, they must send you a notice informing you of this decision and their reason why.

The police are limited to a strict list of statutory reasons as to why they are rejecting your complaint:

1. The complaint has already been dealt with
2. The complaint has been withdrawn by the complainant
3. The complaint is a duplicate of a recent or earlier complaint by the same complainant
4. No name or address was attached to the complaint
5. The complaint is vexatious or oppressive. In other words the complaint has no merit as it has been clearly written in spite or anger.
6. The complaint is fanciful: I.E clearly a fiction

This list is fairly self-explanatory but we will focus on the the last two reasons.

Vexatious complaints

If you have submitted a complaint that consists of opinion or abuse - without defining what it is you are complaining about - you are likely to have your complaint rejected on the grounds of it being vexatious or oppressive.

However, it's still possible to submit a reasonable complaint and have it rejected as vexatious. Especially if you have made numerous complaints in the past about the same officer, or are making the same complaints about different officers over an extended period of time (Although such complaints are often rejected as repetitious rather than vexatious).

Never give the police the opportunity to reject your complaint in this way. Tempting though it is, keep your anger and any insults you might feel like

hurling out of your complaint and stick to the facts. Don't say anything that could be used to make you look unreasonable!

Fanciful complaints

A complaint can only be rejected as fanciful when the allegations within it are clearly out of this world. Such as the suggestion that the chief constable is electrifying your brains with a ray gun.

Only the maniacal and the truly spectacular can be dismissed out of hand as fanciful. Conspiracy theories and wild allegations, no matter how unlikely they may seem at first glance, must be recorded. Although such complaints are likely to be handled abruptly.

Making an untrue complaint about any serving officer or member of police staff is a criminal offense, therefore no matter how angry you may be at the police there is no justification whatsoever for lying and fabricating events that did not occur, simply to smear or discredit someone.

Dispensation

When the police reject a complaint using the above criteria it is called a 'dispensation'.

If you ever receive such a refusal from the police to either record or investigate your complaint then then you can appeal directly to the IPCC.

In most cases, the police too must appeal to the IPCC before they can properly dispose of a complaint.

How the Police Investigate Complaints

Although the police should keep in regular contact to let you know how your complaint is progressing, you may not hear from them again until they have completed their investigation.

During this time it's easy to think that you have been forgotten about or totally ignored, but once you have a copy of your complaint record the police have no option but to resolve it as they are required to do by law.

It's worth understanding how the investigation process works, so you at least know what obligations the police must fulfill and what part you continue to play in the process.

STEP 1. Your complaint goes directly to the force concerned.

If you have e-mailed your complaint to the relevant force, this goes without saying. However the IPCC invites people to submit complaints via a form on their website. Many people mistakenly assume that this means the IPCC will then handle the complaint. But they are merely acting as a forwarding service for all the police forces in England and Wales. This is the same for any complaints made through MPs, senior officers or other legal advisory services. Even if you send your complaint to the chief constable it will be passed back down the line to the force complaints department.

We cannot reiterate enough that any third party you submit your police complaint too will NOT handle it. All complaints, by law, must be dealt with by the force the problem originated from. Only a death in custody, or serious corruption allegations will be handled by the IPCC.

STEP 2. An officer is assigned to your complaint

After a record sheet is returned to you, an officer at the respective force is assigned to your complaint.

Again, just because you e-mailed your complaint directly to the Professional Standards Department does not mean it will be handled by them. In all likelihood it will be handed by a serving police officer. Albeit one which is senior in rank to the officer complained about.

If you are complaining about a police constable this complaint must be handled by a sargeant. If you are complaining about a sergeant, this complaint must be handled by an Inspector. Inspector complaints go to a Chief Inspector. Chief inspector to superintendant, all the way up the ranks until you reach the Chief Constable.

Complaints about a Chief Constable are handled by the Police Commissioner of that particular county.

Not only will your complaint be dealt with by a serving police officer, it may also be sent to the very department that the offending officer or member of staff

works at. If you are complaining about a PCSO for instance, then the investigation will be handled by the line manager that tasks the PCSO with his duties. And if you are complaining about a police constable, then that complaint will most likely be handled by his sergeant who oversees his duties.

Even if you complain about someone in the Professional Standards Department itself, in all probability, your complaint will be handled by someone who sits just a few desks away and is on first name terms with the officer in question!

Conflicts of interest

In some circumstances you can object to an officer handling your complaint and ask that it be given to someone else if you believe there to be a conflict of interests. Such appeals must be made *before* the investigation begins.

For instance, if the officer tasked with your complaint turns up at your door unannounced, or makes suggestions that your complaint should be withdrawn, or offers to handle it unofficially, these are good grounds to reject that investigating officer and insist that it be passed onto someone else.

You can even ask the investigating officer himself to disclose any conflicts of interest that may prejudice the handling of your complaint. Once they write to tell you that they will be handling your complaint you can write back to ask what their working relationship is with the officer concerned, how long they have known the officer and what reassurances they can give that their professional relationship will not prejudice the investigation.

STEP 3. The police decide which resolution process to use

There are currently 2 processes that the police use to resolve complaints:

- **Local resolution**
- **Local investigation**

In the past the complainant could choose which resolution process to use, but since 2012 it has been up to the police to decide.

Local resolution

This is the process whereby a complaint is resolved in a fairly informal manner.

The complainant discusses the matter with the investigating officer and they come to an agreement on what type of (soft) outcome would be satisfactory. The complainant gets to voice his or her concerns regarding the matter and the investigating officer takes 'criticism' on board and maybe tries to explain it all from the police's point of view. You can even request that the officer who has been complained about discusses your concerns with you. However they are free to decline such requests (and commonly do).

According to the IPCC only a third of complaints are handled via local resolution. But in our experience this is the process that the police most commonly choose, simply because, regardless of outcome, the officers concerned will face no misconduct proceedings of any kind. They are also not required to participate in or even acknowledge the complaint!

Some people do make petty and irrelevant complaints about police officers, which the local resolution process is ideal for. The real problem is that the police opt for local resolution process even for serious complaints because of how quick and non-punitive it is. As a result it does nothing more than pay lip service to the complainant, by giving the misleading impression that the allegations are being taken seriously when the officer will *never* be dealt with in respect of them. If anything the complaints are absorbed by the force on behalf of the individual concerned.

Although the police have final say on the resolution method to use, you have a right to refuse a local resolution if you do not feel that it is a satisfactory way of handling your complaint. If the police will not offer you a **local investigation**, then you can appeal this decision right away to the IPCC.

Local Investigation

With local investigation the police must conduct a formal 'enquiry' into the allegations that have been made. Any complaints that are upheld will remain on the officer's service record for life. They may also face misconduct proceedings if the allegations upheld are serious enough.

If an officer receives multiple complaints against him from different complainants within a 6 month period - even if they are rejected - this can prevent the officer from achieving any promotion in rank, and can also trigger an internal investigation into the officer's conduct.

As soon as a local investigation is undertaken, the officer concerned will receive an official notice that he or she is now the subject of a complaint. They will also receive a copy of the complaint record detailing the allegations made.

This officer will then be interviewed and given the opportunity to put their side of the story. As with local resolution the officer can decline to participate.

At this stage the police may contact you again and ask for more detail concerning certain aspects of the allegations. If you have any audio or video evidence they may ask you to forward it. If you have names and addresses of witnesses they may ask for those details so that they may contact them. Again, you should always respond to these requests in writing. You are under no obligation to divulge any information that you do not wish to share. However you don't want to give the police an excuse to perform a shoddy investigation by blaming you for a lack of co-operation so it may be in your best interests to offer them as much assistance as you deem appropriate.

Local investigations can be extremely thorough and will typically result in several pages worth of A4 in response to your original complaint. Unfortunately, due to the fact that an officer can face misconduct proceedings, there is always a heavy bias in favour of the police. Not only are the reports keen to dodge the important issues, but in their haste to exonerate the officer of blame they are largely defensive, dismissive and often blatantly dishonest.

However the police's willing to make excuses for a colleagues unlawful behaviour can have it's advantages when considering court action, which we examine later.

Police Findings (And How to Handle Them)

Once the police have concluded their investigation you will be sent a report into their findings. These reports vary in detail but typically should deal with all of the allegations that were made on the record sheet one at a time.

Each allegation will be noted as having been **upheld** or **not-upheld**.

Before reading the contents of these reports it's well worth fixing yourself a stiff drink and lowering your expectations! Few people find anything other than insult and despair among these reports. However, keep reminding yourself that the police complaints procedure is by no means the end of the matter (if you don't wish it to be).

Making an appeal

If you decide that you are not happy with the way the police have handled your complaint, then you can appeal against it. The police should enclose full details on how to make such an appeal (and where to send it) with their completed report.

Here is a list of circumstances under which you can make an appeal:

- The police or local policing body did not to record the complaint

Take on the Police (and win)

- The police refused to investigate or ended an investigation into a complaint when they should not have
- The outcome of a local resolution was not a proper one. For example you believe that it was not appropriate to the complaint, or the outcome did not reflect the issues set out in the complaint
- You did not receive enough information explaining why the police came to their decision.
- You disagree with the findings of an investigation. Perhaps because they ignored any video evidence or witness statements you submitted, or disregarded important parts of your complaint
- You disagree with the action the police plan to take after an investigation. For instance, you think that the offending officer has got off lightly
- You believe that the officer committed misconduct or gross misconduct and the police findings disagree with this
- You believe the officers actions were criminal and disagree with the decision not to refer it to the Crown Prosecution Service (CPS)

In some of these instances the IPCC will be listed as the appropriate appeal body, but you can send your appeal directly to the police force that handled your original complaint. Bear in mind that, just like complaints, almost all appeals sent to the IPCC are returned to the relevant police force. However, a different police officer must be assigned to the appeal who will have had no part in investigating the original complaint.

An appeal complaints form can be downloaded from the IPCC website here:

https://www.ipcc.gov.uk/sites/default/files/Documents/onlineforms/Appealing_against_the_police_forms.pdf

You have 28 days in which to submit your appeal beginning from the day you received a copy of the police's findings. If you feel that it will take you longer than 28 days, and have good reason for doing so, then contact the IPCC to let them know that you wish to appeal, and that your comprehensive response will be forthcoming.

Writing an appeal

In our experience less than a third of complainants ever bother to make an appeal. But those that do commonly find that they are successful in having parts of their earlier complaint upheld, or achieve admissions from the police that can serve as vital evidence in court. For this reason, we would always encourage people to appeal.

You should set out your appeal letter in the same way you set out your original complaint, but this time breaking down each part of the report that you object to. Make sure that you stick to the issues outlined in the original complaint. It's very easy to find misinformation and untrue allegations that arise from these findings that can generate a whole new slate of complaints. By all means challenge them, but don't shift your focus onto them at cost of your original complaint.

Admittedly, writing out an appeal can be time consuming and frustrating. You may also have to wait up to 3 months for yet another biased response. However you may be surprised at how willing the police may be to reverse an earlier decision when it becomes apparent you have no intention of giving up. Police officers that handle appeals commonly feel the urge to toss a bone in (no matter how small) simply because they believe that to do so will be satisfaction enough for the complainant.

Appeals vs court claims

Making a complaint against the police or an appeal to the IPCC in no way restricts your right to bring a civil court claim against the police. In fact, you can completely bypass the complaints process if you wish and begin court action in

it's place. But there are clear advantages to exhausting the complaints process before attempting to sue the police.

Firstly, the courts will have expected you to have made some attempt to resolve your issues with the police. The fact that you can demonstrate your willingness to have gone through both the complaints and appeal process would look very favourable, as well as prove how reasonable (and patient) you have been. Certainly an advantage when it comes time to determine how much compensation you should be awarded.

Secondly, if somebody lodges an appeal and then subsequently begins court action against the police (or threatens to do so), the IPCC insist that the appeal must then go directly to the front of the queue. So, if nothing else, legal action - real or threatened - may place influence on the police to uphold a complaint simply to deter you from pursuing court action.

Can You Sue the Police?

If you are dissatisfied with the outcome of the police complaints process, and have solid grounds for believing that they have interfered with your rights then you should consider suing them in the county court. This will enable you to obtain compensation, or, in some rare cases, obtain a court order instructing the police to destroy unlawful data they may be processing.

As we will explain, just sending a **letter before claim** can sometimes achieve a settlement without ever having to go to court! And in any event, you may be able to put your case before a judge via the small claims court, which would mean no costs if you lost and no need for a solicitor.

The County Court

There are 216 county courts in England and Wales. They were introduced in 1846 to enable people to settle disputes quickly and cheaply. Judgements mostly involve the losing side paying a monetary award to the winner. However, judges can also issue **injunctions**. These are official court orders that the losing side must do a certain thing (such as tear down a wall built on another's land) or refrain from doing something (such as making contact with an ex partner.)

No matter what the outcome is of a county court trial, you cannot be sent to jail if you lose nor get a criminal record.

It's surprisingly very easy to get the county court process started and 'summons' someone to appear as a defendant. You can even do it on-line. However, before

we look at how to make a claim, we need to establish if you have a claim to make!

Cause of action

A **cause of action** is the legal term for an occurrence that gives somebody the right to sue another. To bring a claim against the police you must first establish the cause of action that entitles you to obtain compensation.

For instance, if somebody refuses to leave your property when asked, the cause of action is trespass. If somebody threatens you with unlawful violence, the cause of action is assault. If you are physically attacked, the cause of action is battery.

If you didn't like the way an officer spoke to you or the way the police conducted an investigation, then there is unlikely to be any cause of action you can pursue. Just because you were given cause to complain about the police doesn't necessarily follow you are entitled to compensation.

Below are listed the most common **causes of action** that give rise to legitimate claims against the police in county court:

False Imprisonment

Being falsely imprisoned doesn't just mean being slammed up in a jail cell for something you didn't do. Being detained anywhere for any length of time can be considered false imprisonment if the detention was unlawful.

False imprisonment claims are commonly brought against the police who abuse the powers of stop and search, or refuse to let someone go on their way when it has already been made clear that they have committed no offence.

Police officers who detain youths on the street to berate them, or insist users of camera phones show them what photos they have taken, also leave themselves open to claims of false imprisonment.

False imprisonment claims typically begin at £500 for the first hour, even if the detention was as brief as a few minutes.

Assault

In criminal law assault is considered as causing unlawful physical harm to another person. In civil law assault is defined differently, as no physical contact need to have taken place.

Just the mere threat of violence, such as the drawing of an officer's baton, or demands that you unlawfully comply to an officer's demands - under threat of force - is enough to bring about a cause of action for assault.

The assault itself must be real and immediate. You cannot claim you were in fear of an officer when he made no threats nor implied any threat to harm. An officer saying he will lock you up next time he sees you is also not an assault.

Battery

If assault is the threat of violence, then battery is the physical act of violence.

Battery doesn't mean being pounded to the ground by fists and batons. Simply laying a hand on a person's chest, poking them, grabbing their arm or pulling at their coat can be regarded as battery, especially if the contact is hostile or unwanted.

Even pushing past someone to gain unlawful entry to their home, or placing a hand on somebody's shoulder to insist they get out of their vehicle when they don't have to is an actionable claim of battery.

However using reasonable force to lawfully make an arrest or prevent harm to another is not battery, including being placed in tight handcuffs, or forced into a police cell when under arrest.

Although you don't have to show that you suffered any physical harm to have a claim for battery, compensation awards can be quite high if an actual injury is sustained.

Malicious Prosecution

Malicious prosecution occurs when the police abuse their authority to wrongly bring an individual to court, by knowing that the suspect is not guilty of the offence.

The problem with malicious prosecution lawsuits is that they are notoriously hard to prove. Not only do you have to show that there was malice on the part of the police, you have to prove that they had no 'probable cause' to arrest you in the first place. Simply being arrested and later released without charge is not enough. If the officer can show that you were guilty of the offence, or he had good cause to believe you were guilty, then any claim of malicious prosecution will be defeated.

Furthermore, you have to have been formally prosecuted and summonsed to court before you can bring a malicious prosecution. And that means a criminal summons. Not a civil summons for non payment of council tax or an unpaid parking fine.

Worst of all, if any criminal proceedings were brought against you, and you are found guilty, you cannot bring a malicious prosecution unless you are later successful with an appeal.

The plus side however is that not only are payouts for malicious prosecution high they are invariably tried by a jury 'on the balance of probabilities'. This means that where you may not be able to prove conclusively with hard evidence that the police knew you were innocent, you may be able to convince a jury that your side of the story is the honest one if it comes down to a battle of your word against a police officer's.

Trespass

Trespass to land is one of the most common lawsuits that the public bring against the police. Land includes any building, business or residential premises that you have exclusive right to enjoy as either tenant or owner.

As we go to great lengths to warn about in our article [‘Never allow the police into your home’](#) and [‘What to do if the police threaten to break down your door’](#), the police commonly abuse their powers to enter people’s home, simply because someone - who has committed no crime - refuses to open the door to them or allow them inside.

As with all of these categories of civil lawsuits, if the police can demonstrate that their actions were necessary within the realms of the law, then you will have little chance of a successful claim.

The police can force their way into your home for a limited number of reasons. The most obvious of which is that they had good cause to believe a crime was being committed (or a criminal harboured) at that moment. Barging into somebody’s home to look around for evidence of wrongdoing or because an officer didn’t like the way he or she was spoken to, is totally unlawful and can give rise to a claim of trespass.

Bare in mind however that damages for civil trespass are paltry. Sometimes, the judge can award what are known as ‘derisory damages’ of just £1 simply because the claimant has not suffered any physical loss as a result of the intrusion.

For that reason, whenever considering a claim for trespass, it is always best to pursue aggravated damages. Aggravated damages is a compensation that is

awarded against any defendant that has deliberately abused their authority or acted in a particular high handed way when committing a civil wrong. The court can also take into consideration 'hurt feelings', or 'emotional distress' that the claimant has suffered from the incident, such as depression, paranoia, fear and insult.

Trespass to Goods

Trespass to goods is similar to trespass to land. If the police interfere with your property - or damage it - without lawful reason then you can sue them for compensation.

You can also apply for a court summons (under the [Police Property Act 1897](#)) to have goods returned to you that the police are holding for no good reason.

An example of trespass to goods would include:

- Breaking down a door to gain unlawful entry to a property
- Pushing away a camera that is being used to record police activity
- Deleting photos on a camera
- Forcing open a car door to get a driver to leave the vehicle without lawful excuse

There is also an additional cause of action within trespass to goods called 'conversion'. This is when the owner of goods is denied his or her rightful use of them due to them being taken or impounded by the police. This applies specifically to goods that the police seize - often maliciously - knowing that they were not stolen, had no evidential value and were not the proceeds of crime.

The most common example of conversion is when the police take away camera phones that are being used to record them, citing that the camera has evidential

value when it has none. (See our website article [What to do if the police seize your camera phone](#)).

How much compensation can you ask for?

As much as you may be tempted, you cannot just pluck a figure out of the air and insist that the police pay whatever you ask for in compensation. You must be able to show how you arose at that figure. This doesn't mean that you have to submit invoices and receipts, as many of the causes of action we specify don't require proof that you suffered any physical loss. Instead, you should base your figures upon what the courts have awarded other claimants who may have brought similar lawsuits. This will involve searching the internet for relevant case law.

The best place to start would be bailii.org. This is a website that compiles most of the judgements and transcripts from civil and criminal courts in England and Wales. However, this in itself can be a very time consuming process as court judgements can be long, confusing and full of legal jargon. In which case it may be best to seek legal advice.

More information upon obtaining legal advice can be found in the final chapters of this Ebook.

Time Limits

When considering legal action it's important to know how much time you have to bring your claim before it becomes invalid. Most civil claims must be brought within 6 years of the date they occurred.

Trespass to the person (such as assault and battery claims) and trespass to property have a 6 year time limit. Malicious prosecution has a 3 year time limit.

Claims that fall outside of the time limit would need a very good reason as to why there has been such a delay. This would involve pleading your case before a judge who would decide if the time limit could be waived and the case brought to trial.

If the police burst into your home 3 years ago, or made you suffer a humiliating stop and search 5 years ago, you would still have a potentially valid claim for compensation. The only real threat in these instances will be the preservation of evidence. Memories fade, paperwork is lost or destroyed and you may have a hard time convincing the court to find in your favour if your evidence is nothing more than hearsay.

Court rules

The courts have drawn up strict guidelines that you must follow if you are to make a claim. These are known as the **civil procedure rules (CPR)**, and a copy of them are available on-line here:

<https://www.justice.gov.uk/courts/procedure-rules/civil>

Many of these rules explain what you must do (and how you must behave) *before* you bring someone to court.

The guidelines are fairly simple, but the fundamental rule is that the court will have expected you to have attempted to reach a settlement with your opponent in advance of bringing them to court. They will expect both sides of the dispute to be reasonable and co-operative.

This is because the courts regard themselves as an absolute last resort, so no matter how much you may dislike the police or feel disgust at negotiating them, you cannot just turn your nose up and say 'see you in court'.

Failure to follow these preparatory rules could prejudice your entire claim, so it's worth following them closely, even if it must be done through gritted teeth!

Small claims court

In most instances - especially those involving simple cases of false imprisonment on the street, or trespass - the hearing can be dealt with quite quickly in a **small claims court**. This would be a fairly informal process, sat around a table with a judge and representatives from the police.

Small claims hearings can last anywhere from 30 minutes to an afternoon.

You will not need to have a solicitor, nor will the court expect you to have a detailed understanding of the courtroom process. The entire small claims process is designed to be accessible to the layman, without any of the confusion and intimidation that comes with a fully blown court trial.

The judge will however have expected you to have followed the **civil procedure rules**.

The best thing about having a case heard via small claims is that if you lose, you will not have to pay the other sides legal costs, unless you have been particularly reckless in bringing the claim to court. The only charges you will incur is issuing the court summons itself, which can be done on-line:-

<https://www.moneyclaim.gov.uk>

The Fast Track and the Multi Track

As well as the **small claims track** there are two other types of civil court processes, which may involve a longer and more complex court hearing.

Fast Track trials can last anywhere from an afternoon to a few days. They are not informal and without legal representation it's possible you could lose your trial if you make mistakes.

Multi Track is reserved for complex cases and can last from a few days to a few weeks!

Unlike small claims and fast track where the decision will be made by a judge, some multi track claims involve a fully sworn in jury! Cross examinations of witnesses, expert testimony and summing up. Without legal representation the odds of a successful outcome could be firmly against you.

However, multi track trials tend to be reserved for very serious claims against the police, or where there is little evidence and it is left up to the jury to decide which side is telling the truth.

Letter Before Claim

A **letter before claim** (or **letter of action**) is a notice of intent to begin court action. It is the first step you must take when demanding compensation from the police.

In some cases, this letter alone can be enough to achieve a payout.

If the incident you are complaining about clearly falls within one of the causes of action listed in the last chapter, the police may wish to negotiate a settlement with you without having to endure the expense and embarrassment of court proceedings. Especially if they know they are likely to lose.

This is not always the case and you should consider carefully before sending the letter whether or not you have solid grounds for a successful claim and - if it should come to it - if you would be willing to go to court.

Writing a letter before claim

Your letter before claim should be the first indication that you intend to take the police to court and will be a document that all negotiation and any subsequent court claim will be based upon, so get it right.

It should not be used as an opportunity to make additional complaints or voice your opinions. It is a legal notice. A statement of intent. It should be carefully thought out, logical in reason and devoid of irrelevancy or emotion.

Sending this letter is one of the first steps in the civil procedure rules. If you don't warn your opponent in advance that you will taking them to court, the judge could throw out your claim before you get started.

A letter before claim should include the following:

- A brief outline of the wrong that has been done to you
- What the 'cause of action' is you are suing for (assault, battery, wrongful imprisonment etc)
- The amount of compensation that you are seeking
- The evidence that you will be relying upon in court
- The civil procedure rules that the letter has been issued under
- A time limit that you expect a response by
- Your intention to issue a court claim should the police fail to negotiate a satisfactory settlement with you

Don't worry if this all sounds a bit daunting. The information you should include is much more basic than you may think, and much of it can be cut and pasted from samples of letters before claim available on line.

Here is our own example of a letter before claim. Feel free to use it as a template. We have highlighted in bold the sections that you can cut and paste directly, without having to amend the information.

Letter before claim sample

From: Mr. A Complainant
Address Line 1
Address Line 2
Address Line 3
Postcode

Today's Date

To: **Chief Constable Name**
Police Force
Address Line 1
Address Line 2
Address Line 3
Postcode

LETTER BEFORE CLAIM

This notice is to inform you that I intend to make a claim in the County Court against the Chief Constable of (*name police force*) who I hold vicariously liable for the wrongful arrest, assault and battery committed by his employee/s (*name officers involved*) against myself.

On (*date*) I was the victim of an unlawful stop and search conducted by (*officer name*) at (*place*) at approximately (*time*). The entire incident was filmed on my mobile phone whereby (*officer name*) subjected me to a false imprisonment by detaining me contrary to section 4.3A, section 2.9 and section 2.11 of PACE.

This incident culminated in (*officer name*) committing battery by grabbing my arm and marching me toward his police vehicle where I was forced to undergo an unlawful search.

For the multiple trespasses to the person suffered I am asking for a total compensation of £1000. This has been calculated at £500 for the false imprisonment and a further £500 for aggravated damages for mental distress caused by the assault and battery.

I intend to submit the following evidence to the court to substantiate my claim:

- Mobile phone video recording of the entire event
- Witness statement made by (*witness name*) who was at the scene

If you require any copies of the above documents or recordings then please contact me so that I may forward them onto you.

In compliance with CPR section 2 I would be happy to consider an alternative dispute resolution that would be practical and mutually agreeable to resolve this matter.

In closing, I would draw your attention to section II (4) of the Practice Direction which gives the courts the power to impose sanctions on the parties if they fail to comply with the direction including failing to respond to this letter before claim.

I request a full response to this letter within 28 days or I shall have no alternative except to begin court action with no further reference to yourself.

Yours Faithfully

A. Claimant

Who are you asking compensation from?

Although you have a right to sue a police officer personally, the general practice is to sue the respective police force. This is because the force will have much deeper pockets than an individual officer.

Furthermore, an individual officer would be more likely to fight the claim rather than face the prospect of being personally discredited as well as being financially plundered.

Also, if the police officer could demonstrate financial hardship the court would have to take this into consideration and could end up awarding much lower damages than if you had sued the force.

Vicarious liability

The term **vicarious liability** is used to describe a situation whereby the employer (the police force) is to be held responsible for the actions of its employee (the offending officer).

When suing the police, you would address your letter - and any subsequent claim - to the Chief Constable of the targeted force. The Chief Constable is the highest ranking officer in each force (except for the Metropolitan Police and the City of London where it is the Commissioner).

The Chief Constable is considered to be the 'employer' of all of his police staff and therefore would be the person to hold vicariously liable for the actions of his officers, and the person you would sue.

This doesn't mean that - if it came to a trial - the chief constable himself would appear in court. Nor would compensation come directly from his pocket. A legal team would represent the chief constable and any compensation awarded would be taken from police funds.

Sending your letter before claim

Each force may have a different address that legal letters should be mailed to, but in general you can send your letter to the generic postal address that all individual police forces maintain (See our earlier list of force website and phone numbers).

You should send your letter via a registered mail service so that you have proof of its despatch and delivery. You do not have to address it to the Chief Constable and can instead label it for the attention of the legal team.

If you have any difficulty obtaining the police's mailing address then you should e-mail it to PSD department as an attachment and consider it has having been served!

Mediating with the police

After sending your letter before claim you must wait to hear the response from the police. You should get a reply from a solicitor or a member of the legal team rather than a police officer.

The court will have expected you to have entered into any reasonable negotiation with the police to bring about a settlement. This is known as **mediation** and again, is a necessary part of the civil procedure rules.

The police may outwardly refuse a compensation settlement. Or they may write back to let you know that they are looking into the matter. Either way you should maintain your communication with the police in a businesslike and co-operative manner. Don't write or say anything that you wouldn't want read out in court. You should demonstrate your willingness to resolve the matter amicably at all times.

If the police offer you a settlement, lower than what you asked for, you should give it serious consideration. It is up to you to decide if an offered sum is derisory. But bare in mind, if you hold out and refuse to accept a reasonable offer (or the police outwardly refuse to pay a penny), then the only resolution is to proceed to court.

Only you can decide how far you wish to pursue your claim. Sending out a letter before claim does not mean that you have began the court process and you are free to abandon your demands at this stage.

But if you have come this far, then it may well be worth the extra push toward the courtroom. As sometimes, just the issuing of a summons will be enough for

the police to decide to settle out of court. And as the next chapter demonstrates, there are plenty of options available when it comes to seeking out free legal help...

Getting Free Legal Help

Should you decide that you cannot resolve your claim without bringing the matter to court, then you should consider obtaining legal help.

Unfortunately, due to the government restrictions on legal aid, it can be very difficult obtaining any kind of state funding to pursue a civil claim. But there are still plenty of options available to those who wish to pursue the police in court who cannot afford to pay for legal services out of their own pocket.

Home insurance - legal cover

Do you have contents insurance? If so then you may already have legal cover. This means that if you bring a claim to court (or defend yourself against a claim) your insurance company may cover all of the costs.

Legal cover isn't compulsory when taking out home insurance, but it is sometimes included as part of a standard policy, or can be purchased as an add-on to an existing policy. The amount you can claim in legal expenses varies from policy to policy, which can be anywhere from £10,000 to £1.5m. You should check the terms and conditions of your policy if you are unsure what type of cover you have.

If you do have full legal cover this doesn't mean you can automatically pursue a court claim and stick your insurers with the bill at the end of it. You must seek pre-approval from your insurers before mounting a claim. They will only agree to

finance it if it can be shown that you have a reasonable chance of winning in court.

What may seem like a reasonable chance of success to you, may not seem reasonable to the insurers. It can be a common tactic of some insurers to flatly reject every claim for legal costs. This may mean having to write an appeal letter to the insurers insisting that your claim has every chance of success and that failing to provide the cover they promised can be considered a breach of contract. You can then raise a dispute with the **Financial Ombudsman Service**.

You cannot purchase legal cover for a claim, where the event happened in the past and you have decided you now want to sue. If the incident that gave rise to the claim pre-dates your insurance policy then you can still obtain insurance to cover the other sides legal costs (if you lose). This is known as **after the event** cover, the premiums of which can be quite high. Having this type of insurance will prevent you from bankrupting yourself in the event of bringing an unsuccessful claim that results in a full trial.

Legal aid - exceptional funding scheme

Legal aid helps cover the costs of legal advice for people who cannot afford it. It is commonly used to pay solicitors and agencies who advise people on their legal problems or represent them in court.

In 2013 the government introduced huge cuts in the legal aid budget with the introduction of the **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)**. This meant that legal aid became unavailable for all but a handful of civil cases.

As a precaution (and to protect the government from being sued in the European Court for a breach of Article 6 of the Human Rights Act: right to a fair trial) the government introduced an 'exceptional funding scheme.'

This scheme allows legal aid funding to anyone who, without it, would suffer a breach, or be at risk of a breach, of their human rights or European Union law rights.

What this means is you must be granted legal aid if you can show that you do not have the funds to pay your own legal fees and that your case would be impossible to bring without the help of the scheme.

The downside to this is that it requires the submission of a fourteen page form, complete with a detailed explanation of your circumstances, and a valid **means and merits** form disclosing your income. This may mean employing the services of a solicitor, just to fill in the forms!

On average the **Legal Aid Agency (LAA)** - who process the forms - take approximately 4 days to decide an application. If an application is rejected you can appeal against the decision. If your application is granted, any costs incurred employing a solicitor to fill in the exceptional funding scheme forms will also be reimbursed.

The application form can be downloaded from the gov.uk website here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369115/legal-aid-civ-ecf1.pdf

It must be submitted to the Exceptional Case Funding team at the Legal Aid Agency along with other financial means and merits forms:

Legal Aid Agency

Head office

Address:

102, Petty France, 8th Floor, 8.37, London, SW1H 9AJ, England

Tel:

0203 545 8909

A full list of Legal Aid Agencies around the country can be found here.

<http://solicitors.lawsociety.org.uk/organisation/offices/490582/legal-aid-agency>

No Win No Fee Solicitors

No win no fee solicitors have got a lot of bad press over the years. Especially in the field of personal injury claims where their ruthlessness with both client and defendants have put many in fear of a compensation culture. With police claims they have an equally poor track record.

NWNF solicitors will commonly only assist those who are guaranteed high payouts and are almost certain to win. These usually involve serious assaults or where somebody has been unfairly locked up in a jail cell for several days.

Worst of all, they have a habit of discouraging individuals from making claims, simply because the solicitor doesn't think the payout will be worth the trouble.

Therefore, the general rule when making enquiries with a NWNF solicitor is just because they say no, it doesn't mean your claim doesn't have a chance.

On the plus side, some NWNF solicitors can be quite flexible with their terms. If they think your resulting payout may be fairly low, they may offer to represent you under a different type of agreement. That way they can ensure they will be paid for their time and you will in turn receive the largest percentage of any damages awarded to you. On the downside, some agreements may mean that you will have to take out an insurance premium. That way, if you should lose, you (or your solicitor) won't get stuck with paying the other side's legal costs. As we have already explained, these premiums can be quite pricey, so whenever you consider using the services of a NWNF lawyer you must do your homework very carefully. You need to find out every type of charge that may be taken from any compensation you win, and ensure there are no hidden costs to yourself should you lose.

Some NWNF lawyers may even be willing to help you find a pro bono barrister who will represent you in court, or help you obtain legal aid funding when it appears none is available.

Just bear in mind that contrary to their misleading title, none of these solicitors have any desire to work for free. They will often reevaluate their chances of winning all the way up to the courtroom steps, and there have been many a claimant that have found themselves abandoned at the last moment due to a get-out-clause in fine print.

If a NWNF solicitor is breathless in his enthusiasm to fight your case and rate a high chance of success, it may pay you to employ a solicitor through ordinary means. That way you not only will you get to keep all of the compensation awarded to you, your solicitor will most likely be awarded all of his costs at the losing side's expense.

A list of suitable NWNF lawyers can be found on the internet by searching for those who specialize in police claims. As these solicitors often publicize the successes they have on their websites, you may be able to locate some of the people they have represented to find out if they were happy with the services provided.

Pro Bono Lawyers

Pro bono lawyers are legal professionals willing to assist members of the public for free. Pro Bono comes from the latin '*pro bono publico*' which means 'for the public good.' They can also comprise of law students, paralegals and commercial legal advisers.

Lawyers that undertake pro bono work do so by giving free advice at drop in clinics, helping charities with legal issues, preparing documents or agreeing to represent someone in court.

The Bar Pro Bono Unit

<http://www.barprobono.org.uk/>

The Bar Pro Bono Unit (BPBU) has over 2,000 barristers on its panel with a wide range of experience, including 250 QCs (Queens Counsels). In 2014 they gave legal assistance in over 1,120 cases to members of the public.

The BPBU will only help if public funding isn't available and you do not have the means to pay privately. However you cannot make your own application and to qualify for help, you must be referred to the BPBU by one of the following:

- A solicitor
- Your local MP
- Citizens Advice Bureau
- A Law Centre

They also require a minimum of 3 weeks' notice of any deadlines (such as court dates) from the date they have received all relevant information.

If you are successful in your application then a barrister may agree to represent you in court, provide legal advice and draft documents. In most cases however, they will only agree to a maximum of 3 full days free work. After that you would have to reapply.

LawWorks

<http://www.lawworks.org.uk/>

The Law Society - the organisation that represents and governs solicitors in England and Wales - also runs a pro bono solicitor scheme called LawWorks.

It does this via a series of legal clinics around the country which provide free initial advice to those who need it. Appointments are scheduled to last no longer than 45 minutes and are a good place to get basic level advice and guidance.

You must however be able to prove that you are on a low income or in receipt of benefits, evidence of which you must bring to the scheduled appointment.

For a full list of solicitors that participate in the scheme visit the LawWorks Clinics Network here:

<http://www.lawworks.org.uk/clinics>

The Law Centres Network

<http://www.lawcentres.org.uk>

There are 44 law centres in England offering legal advice, casework and representation to individuals and groups.

They specialize mostly in social welfare causes such as housing and benefits but they also help people who are bringing civil claims or defending themselves against claims.

To find your nearest law centre visit their website or call Community Legal Advice on 0845 345 4 345.

Citizens Advice

www.citizensadvice.org.uk

The most well known of all free legal advisories. The problem is, due to their popularity, getting an appointment with a Citizens Advice Bureau can be notoriously difficult.

The Citizens Advice website does have an online web chat service where you can speak directly to an advisor, but the service is rarely available.

<https://www.citizensadvice.org.uk/about-us/contact-us/web-chat-service/>

The good news is that many regional branches of the CAB have their own websites and will accept e-mail enquiries. Although they are community based, if you cannot get a response from your own local CAB it may well be worth e-mailing one in another town.

Litigant in Person

There is no obligation upon anyone to have a legal representative in court. If you so choose you can represent yourself. This is known as **litigant in person** which is in effect acting as your own solicitor. Of course, this isn't 'legal help' but it most certainly is free and something that more and more people are attempting successfully these days.

If you choose to represent yourself in anything other than a small claims court then you will have to put together your own case, file your own claim form and state your case to the judge. Unlike small claims, you will be expected to understand a little about the court process and to have done your homework.

It may sound formidable but with careful preparation and research, it's possible to defeat the mightiest of opponents in court, even those equipped with a team of expensive lawyers!

The courts have even prepared a free handbook for those brave enough to attempt representing themselves called '**A Handbook for Litigants in Person**' which is available for free download here:

<https://www.judiciary.gov.uk/publications/handbook-litigants-person-civil-221013/>

Understanding the legal system and studying the appropriate case law is by no means easy and should not be undertaken lightly. You really would need both confidence and passion, as well as the time (and desire) to apply yourself to a crash course in law. But if you search the catalogues of your local library diligently you are likely to find a wealth of beginners texts on the civil law, torts and making county court claims.

More Help On Police Matters

If you require any further help with any of the matters raised in this Ebook then please visit the [Crimebodge](http://Crimebodge.com) website, where we provide articles, humour and resources to assist anyone who has experienced abuses of authority by the police.

You can also e-mail us at t@crimebodge.com with your questions and we will always do our best to help.

Meanwhile, please take a look at some of our other [Ebooks](#) which we consider essential reading for anyone who is considering making a claim against the police, or acquiring skills in protecting yourself from their abuses of authority

What Do The Police Have On You

by Rob Warner

The police routinely collect data on almost everyone they come into contact with. If you have telephoned the police, made a statement, been stop and searched, questioned without arrest, charged and prosecuted then the police will have retained information in relation to this.

‘WHAT DO THE POLICE HAVE ON YOU’ reveals in depth all the different types of data that the police collect and process. Records, notes, files, computer data, personal identifiers. You will be amazed at just how much data the police store and you can obtain, what the information is used for and how it can be used against you.

You Have A Right to Remain Silent

by Rob Warner

No matter where you are, no matter what the situation, when it comes to talking to the police – as suspect or victim – it always pays to say as little as possible.

This short ebook is an invaluable guide to defending yourself against the police with SILENCE. Including advice and tips on:

- How to maintain silence under police questioning
- How the police gather intelligence from what you say
- Why you should be cautious of what you say as a victim or witness
- Your right to decline a police interview after arrest
- How to maintain silence under stop and search
- How to avoid adverse inference
- Your rights not to self-incriminate