WHAT CAN I SUE FOR?

Prosecuted for something I didn’t do
This is called malicious prosecution. You have to prove that the police had no reasonable cause to prosecute you and that they had a “wrongful motive” in doing so.

You also usually have to win your case, which means either (a) any charges were dropped before the case went to court, or (b) you accepted a bind-over at court before the case starts, or (c) you were acquitted (found innocent) in court.

Racial discrimination
The police must not discriminate against people because of their race. If the police discriminate against you in this way, you can take action against them under the Race Relations Act 1976.

Wrongful Arrest

This is called malicious prosecution. You have to prove that the police had no reasonable cause to prosecute you and that they had a “wrongful motive” in doing so.

You also usually have to win your case, which means either (a) any charges were dropped before the case went to court, or (b) you accepted a bind-over at court before the case starts, or (c) you were acquitted (found innocent) in court.

Other complaints
It may also be possible to make a police complaint about some misconduct about which you cannot sue. If you feel any of these apply to you, you should talk to a solicitor or advice or law centre.

WHAT KIND OF COURT CASE WILL IT BE?

Suing the police takes place in the normal civil courts such as the County Courts or High Courts. It’s similar to other kinds of civil cases except that there can be a jury (as well as a judge) in cases for false imprisonment and malicious prosecution. You are suing the police for compensation for the wrongs done to you. It may, though, take two or three years for the matter to get to court. It is unlikely that any police officer will be punished as a result. For any chance of this happening you would also have to take a complaint out against the police officer(s) through the Police Complaints Authority. Again speak to a solicitor, advice or law centre, before you do this.

HUMAN RIGHTS

Under the Human Rights Act 1998, you can sue the police if they act in a way that breaches your rights under the European Convention on Human Rights.

HOW MUCH COULD I WIN?

It is very difficult to say because if the case goes as far as the court, it is up to the jury to decide. However, in a large number of cases the police pay up before the case goes to court, as they realise they probably won’t win. Either way, some awards can be for thousands of pounds (see boxes on next page).

In 1997 the Court of Appeal laid down guidelines on damages in the case of Thompson and Hsu v Commissioner of Police of the Metropolis [1997] 3 WLR 403, although these are not binding.

These guidelines say that for a false imprisonment cases people should be awarded £500 for the first hour, with a reduced rate after that - with a guideline of £3,000 for the first 24 hours. For a case of false imprisonment extending more than 2 years.

People can also be awarded Aggravated damages, which are designed to compensate the claimant for aggravating features of the case such as a publicly embarrassing wrongful arrest, insults, racial abuse, aggressive questioning or unpleasant conditions of detention. If justified, the starting point is about £1,000 and they should not normally exceed twice the basic damages.

Exemplary damages are intended as a financial punishment for the actions of the Police officer concerned, where Police conduct has been oppressive or arbitrary. The starting point is £5,000, and the absolute maximum is £50,000 where the behaviour involves an officer of the rank of at least Superintendent. Damages may be reduced if it is considered that the claimant’s own conduct contributed to the incident.
A growing number of people are now suing the police for damages in court instead of making a complaint against the police. Two reasons for this are (1) if you are successful you get financial compensation (cash) and (2) people are realising that taking out a complaint against the police rarely succeeds.

Have you been a victim of police misconduct and want to know if you can take them to court? This leaflet gives you an idea about whether you can take the matter further and what you should do next.

Obviously your chances of succeeding in suing the police are better if you have witnesses supporting your claims and any other evidence to back up your case. It may be difficult to win if it is just your word against theirs.