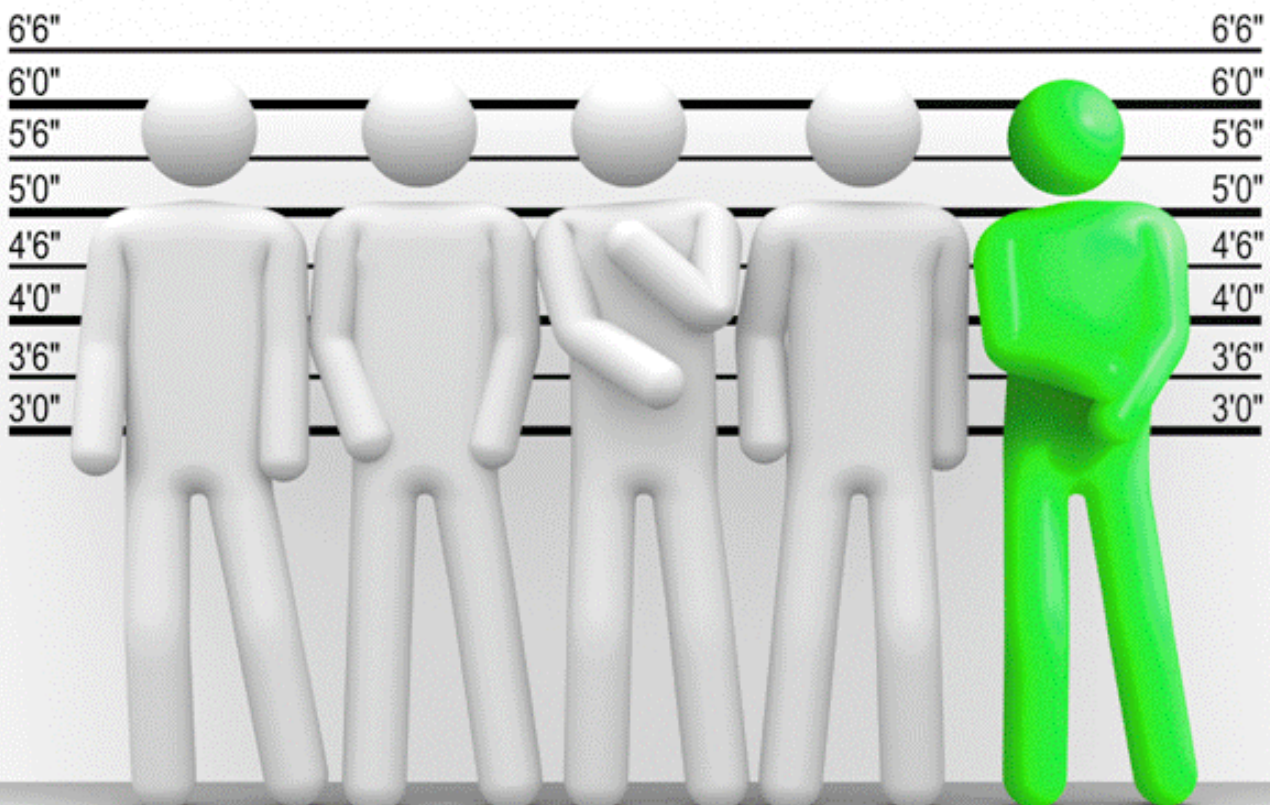


Whether you are innocent or convicted, know your rights!
Actions against the police

False Imprisonment
Battery and assault
Trespass to property
Trespass to goods
Conversion
Malicious prosecution



Actions against the police

Whether you are innocent or convicted, you have rights when dealing with the police.

If they behave outside the law, you have the right to sue them.

So what does 'outside the law' mean?

False Imprisonment

False imprisonment is when you are held against your will and the police do not have lawful justification.

1. It will typically occur when you are held but not arrested so an example would be if you are subject to a stop and search
2. The police must have a good justification for arresting people. Failure to do so makes the arrest unlawful
3. If the police fail to tell you why you have been arrested
4. If when you are arrested, the police keep you for longer than is 'reasonable'.

Remember with false imprisonment, once you are detained it is up to the police to prove that your detention is justified and reasonable.

Assault

Assault and battery are often linked. To clarify, battery is the unlawful use of force against an individual. So an example would be if unreasonable force is used to detain you.

Therefore, even if the arrest of is lawful, you may still have a claim for battery if the force used to make the arrest was not reasonable. Assault is more of an umbrella term which includes the intention to use force as well as the act of using force. So for example, if a police officer aims an unreasonable blow during an arrest, even if it does not connect the act can be considered an assault.

Trespass to property

Trespass occurs when police enter your land or property without reasonable justification for doing so.

It is their responsibility to justify their actions through the use of a search warrant or under their common law or statutory powers as police officers.

Trespass to Goods

Trespass to goods is similar but relates to your possessions. So for example, the police cannot damage your property without reasonable justification. Just touching or searching it could fall into this category.

If you can prove that a 'trespass to goods' has occurred, it is then up to the police to justify their actions.

Conversion

Conversion is another legal term, but practically it means that you no longer have access to your lawful possessions.

So, if the police seize your goods, refuse to return and cannot justify their retention, then this may be a conversion.

Malicious Prosecution

Unlike the other actions listed in this document, the burden of proof for malicious prosecution sits with the individual bringing the claim.

To do so you must be able to show

1. That you have suffered harm or damage, this may be harm to your reputation or perhaps the costs you have incurred defending yourself
2. That you have been arrested by the police for a criminal charge.

The easy way to think of this is that criminal charges relate to crimes prosecuted by the state as opposed to the rights of the private individual covered by civil law.

3. That the charge was unjustified, so the charge will either have been withdrawn or you will be acquitted at Court.
4. Finally that there was no reasonable justification for the police to bring the prosecution against you and that their reasons for doing so were malicious.

Other causes of action include:

Action against the holder of a public office that office-holder has misused or abused his power.

- You have been intentionally hurt by the police
- An incorrect procedure has been used by the police
- That the police have used a search warrant without good reason
- That the police have been negligent towards you
- If you have given the police information in confidence and they have used this information without your permission
- That you think the police have harassed you
- Claims under the Human Rights Act 1998 for breaches of the - European Convention of Human Rights
- If you think you have a claim under the Race Relations Act



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