

Dealing with the Police

Your rights

Are the police allowed to come into my home?

When can I be stopped and searched?

Can I complain about the police?



0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



How should the police treat me?

Everyone knows that the police have powers they can use against you if they think you have committed a crime (or are about to commit a crime). But whatever the situation, the police should always treat you with courtesy and respect.

If a police officer treats you badly or unfairly – or injures you – you shouldn't just ignore it. You can take action to get an apology, or to make sure that it doesn't happen to someone else. If what happened to you was very serious, you may even be able to get compensation.

When can the police stop and search me?

The police have the power to search you on the street when they have a good reason to believe that you have:

- items on you that are stolen
- items on you that could be used to steal, commit a burglary, take a car, 'commit deception' (fraud) or commit criminal damage
- a weapon on you
- drugs on you, or
- an illegal firework on you.

They can also stop and search you if they believe you are a terrorist.

At certain times the police are allowed to search you even if they don't have a good reason to suspect that you are doing anything wrong. These are:

- because they have good reason to think there will be serious violence nearby, or
- to stop someone committing a terrorist act.

Only a police officer in uniform can carry out searches in these two cases, and a senior police officer must have authorised it.

When the police stop and search you on the street, they may hold you for only a few minutes. If you are held for more than a few minutes without a good reason, you may be able to sue the police for 'false imprisonment'. They should always tell you what legal powers they are using.

Do I have to answer a police officer's questions if I'm stopped in the street?

No. In many situations, of course, you may be happy to answer a police officer's questions. But if you don't want to, they can't force you to. They can arrest you if they suspect you of committing a crime, but they can't arrest you simply because you won't answer their questions.

When can the police come into my home?

The police can come into your home if there is an emergency, for example to save someone from being hurt.

However, there are rules that cover when they can come into your home either:

- to arrest someone, or
- to search your home.

If the police want to come into your home to arrest someone, they can do this without your permission only if:

- they have an arrest warrant from a court
- the person they want has escaped from prison or somewhere else they were being held, or
- they want to arrest the person for certain crimes, such as theft or criminal damage (where damage was worth more than £5,000).

If the police want to come into your home to carry out a search they can do this only if:

- they have a search warrant from a court
- you've been arrested for a certain type of crime, and they have a good reason to think there is evidence relating to the crime in your home.

Police officers normally need to have a police inspector's permission for this kind of search.

What can I do if the police were very aggressive and hurt me when they arrested me?

You shouldn't put up with abuse or violence – from the police or anyone else. The police are allowed to use force against you in some situations; for example, to stop you committing a crime, or if they need to arrest you. But even when they are allowed to use force, they must never use more force than they need to.

If you think the police were unreasonably aggressive towards you or hurt you, the action you can take depends on how serious it was, and what you want done.

If you want an apology, or to make sure the police don't treat people the same way in the future, you can make a complaint to either the police force or to the **Independent Police Complaints Commission (IPCC)** – phone **08453 002 002** or visit www.ipcc.org.uk. The IPCC is an independent body that deals with complaints against the police. If it agrees with your complaint, the police force may have to apologise to you, and the police officer or officers involved may be disciplined. In serious cases, they could be sacked.

If you were treated very badly, for example, the police hurt you, you may want to sue them for assault. But if you want to do this, you'll need to get advice from a solicitor who specialises in this type of case. If you take legal action, and you win your case, the police may have to pay you compensation.

You can find the names of solicitors in your area who deal with this sort of case and whether you could receive legal aid by contacting **Community Legal Advice** on **0845 345 4 345** or visiting www.communitylegaladvice.org.uk.

If the police arrested me but didn't take any further action, can I claim compensation?

In general, no. In a few situations when the police did not follow the proper procedures when arresting or detaining you, you may be able to sue them for 'false imprisonment and wrongful arrest'. This could be, for example, if they arrested you without having a good reason, or if they didn't follow the rules on how long they can detain you without charging you.

The rules on this can be complicated. It may be difficult to prove, for example, that the police really had no good reason to believe you might have committed a crime, or might have been about to commit one.

Can I complain about the police if they didn't take the action they should have?

You can complain to the police force involved if, for example, you reported a crime (or you told the police you believed someone was about to commit a crime) and the police didn't take action.

If the result was very serious (for example, someone was attacked after you'd warned the police it was going to happen), you may be able to complain direct to the **Independent Police Complaints Commission (IPCC)** – phone **08453 002 002** or visit www.ipcc.org.uk.

However, in most cases, you must complain to the police force first. You need to give them as much detail as possible about what happened so they can investigate.

When can I sue the police?

You may be able to sue the police if they behaved or treated you extremely badly. But suing the police is not easy, and there are complicated rules on when and how you can do so. You'll need a solicitor who has expert knowledge in this area to work out whether you would be able to sue the police.

You can find names of solicitors in your area who deal with this sort of case and if you cannot afford a solicitor, whether you could receive legal aid by contacting **Community Legal Advice** on **0845 345 4 345** or visiting www.communitylegaladvice.org.uk.

If you can't sue the police – or you decide you don't want to – you can still complain about them to the **Independent Police Complaints Commission (IPCC)**. This won't get you compensation but if the IPCC agrees with your complaint, you could receive an apology.

What if I can't afford a solicitor?

If you can't afford a solicitor to take legal action, you may be able to get legal aid to pay for some or all of your legal costs. You need to have a low income to be able to receive legal aid. The **Community Legal Advice** website has an online calculator, at www.communitylegaladvice.org.uk/en/legalaid, where you can work out if you may be able to receive legal aid. You can also call the Community Legal Advice helpline on **0845 345 4 345**.

If I already have convictions, can I still sue the police?

You can complain about the police if you think they have done something wrong, whatever your background. But suing them may be more difficult.

If your convictions were to do with dishonesty (for example, theft or fraud), this would probably come out in court, and the judge may consider the police version of events to be reliable than yours.

Where can I get further advice?

The Independent Police Complaints Commission

If you want to make a complaint about the police, or to find out more about making a complaint, call the **IPCC Complaint Call Centre** on **08453 002 002**, or visit www.ipcc.gov.uk

Community Legal Advice

If you have a low income or receive benefits and you qualify for legal aid, you can call us to find names of specialist lawyers in your area who can take legal-aid cases.

We can also give you advice on a range of other issues, including benefits and tax credits, debt, education, employment and housing.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6.30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles are usually more. Worried about the cost? Ask an advisor to call you back.
- Request a callback through our website, www.communitylegaladvice.org.uk.
- Text 'legalaid' and your name to **80010** and we'll call you back within 24 hours.

Help on the internet

If you have internet, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

The Law Society

If you have a serious complaint about the police, and you want to speak to a solicitor about the possibility of suing the police, The Law Society can give you details of solicitors in your area who specialise in this type of case. Phone **0870 606 2555** or visit www.lawsociety.org.uk.

If you think you may qualify for legal aid, contact Community Legal Advice.

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems**
- C2 Domestic abuse**
- C3 Fair treatment at work: your rights if you are disabled**
- C4 Your rights at work**
- C5 Dealing with debt**
- C6 Losing your home**
- C7 Claiming benefits**
- C8 Problems with school**
- C9 Mental health laws**
- C10 Community care**
- C11 Divorce and separation**
- C12 Living together**
- C13 Medical accidents**
- C14 Dealing with the police**
- C15 Care proceedings**
- C16 Claiming asylum (available August 09)**
- C17 Removal and deportation (available August 09)**
- C18 Dealing with a will (available August 09)**

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- fax **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All of these leaflets are also available in Welsh, Braille and Audio.



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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