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RECENT SIGNIFICANT AAP AND CIVIL CLAIMS AGAINST AUTHORITIES CASES

C v West Midlands Police

Successful claim arising out of unlawful arrest, false imprisonment and malicious prosecution. Aggravated and exemplary damages awarded as a result of findings of deceit and false evidence v police officers

D v West Mercia Police

Claim for wrongful arrest/false imprisonment arising out police decision to arrest a claimant involved in a civil boundary dispute. PACE 'necessity' test in arrest at issue. Agreed settlement

B v West Midlands Police

Claim for wrongful arrest, false imprisonment, malicious prosecution, Articles 3 and 8 ECHR. Issues arising out of extent of police immunity against negligence claims and exceptions to Hill v Chief Constable of West Yorkshire.

G v Department of Work and Pensions

Claim arising out of allegations of racial discrimination against DWP as department responsible for JobCentre Plus. Successful arguments relating to the meaning of course of conduct under s118(6)(a) of the Equality Act 2010 and limitation

H v West Midlands Police

False imprisonment and assault claim arising out of police use of powers of entry and search under PACE and other legislation. Agreed settlement.

C v Ministry of Justice

Claim against MoJ as department responsible for HM Prison Service. Claim for assault in prison. Issues relating to extent of vicarious liability for acts of prison staff. Agreed settlement

C v Herefordshire District Council

Claim against local authority arising out of decisions taken by social services. Arguments concerning the use of human rights claims to defeat the immunity of social services against negligence claims relating to children in the care system

G v West Midlands Police

Successful claim arising out of a sequence of arrest, detentions and prosecutions. Full range of remedies pursued. Consideration of meaning of “terminated in his favour” where the prosecution was stayed on the grounds of abuse of process.

S v West Mercia Constabulary

Successful claim against the police arising out of wrongful arrest, false imprisonment and assault. This case culminated in an agreed award of damages significantly higher than the guidelines figure to reflect (a) the seriousness of the assault causing head injuries and (b) the aggravated nature of the claim in the light of attempted fabrication of evidence by a police officer

F v West Mercia Constabulary

Malicious prosecution/false imprisonment claim arising out of alleged breaches of a harassment notice. Compromise at trial following rulings relating to the alternative nature of malicious prosecution and misfeasance in public office claims

P v West Mercia Constabulary

Successful claim against the police arising out of the wrongful and unlawful use of CS gas to restrain a suspect in close proximity to third parties. Consideration by the court of the current police procedures for the use of CS gas

M v West Mercia Constabulary

Assault/false imprisonment claim arising out of mistaken use of force by a police officer in the course of an affray

P v West Mercia Constabulary

Successful claim against the police for malicious prosecution/false imprisonment arising out of an arrest on child cruelty charges where the arrest was intended to keep the claimant away from a hearing in the Family proceedings Court

D v Worcestershire County Council

Successful claim against a local authority for breach of data protection laws in relation to confidential Children Act information

R v MPC

False imprisonment claim arising out of stop and search provisions, with concomitant assault allegations.

The above cases are most recent examples of the many jury and non-jury actions that Mark has been involved in over the past 20 years or so.