



DAMNING VERDICT ON POLICE COMPLAINTS WATCHDOG

A High Court Judge today roundly criticised the Independent Police Complaints Commission. Mr Justice Saunders made his comments when giving judgment in a case where he reviewed the IPCC's handling of an appeal against the Metropolitan Police's investigation of a complaint against its officers. Crucially, the judge found that the IPCC'S decision was '*fatally flawed*'.

Nicola Dennis, a mother of three, made her complaint about the police after enduring a terrifying ordeal one Saturday morning in November 2005. Nicola was spending a quiet morning at her home with a friend when armed officers suddenly appeared at her door. It turned out later that they were chasing the possibly armed suspects of the murder of PC Sharon Beshenivsky in Bradford the previous day,

Nicola was pulled out of her house at gunpoint, pushed to the ground and made to lie face down with her hands cuffed behind her back. Nicola was convinced she was going to be shot at any moment. She was only released when it became clear she had nothing to do with the suspects. Later that day an officer came to Nicola's house and made a clumsy attempt to provide an explanation of why the officers had acted as they did. Nicola was told that she just happened to be in the wrong place at the wrong time. The court heard that Nicola remembers that the officer told her '*when it's one of our own we go in harder*'.

Nicola was horrified and upset at the way she had been treated by the officers. She made a complaint to the Metropolitan Police. Her complaint was not upheld so she appealed to the IPCC, the public watchdog tasked with overseeing police complaints. But the appeal findings she got from the IPCC were confusing. The caseworker even muddled up the actions of the two officers involved. One of the officers was criticised for being 'over zealous' but the caseworker did not match her criticism with a clear finding about whether his actions were right or wrong in law.

Nicola applied to the High Court for the IPCC's appeal findings to be reviewed by a judge on the basis that they were flawed and irrational.

Giving judgment today, the Judge found that the caseworker had '*been led into error because she has misunderstood important findings of fact*'. He said her reasoning was '*confusing*'. He criticised a '*lack of clarity in reasoning*' which made the decision difficult to understand and stressed that '*Ms Dennis is entitled to have a proper review. It is important that the functions of the Defendant are carried out properly to maintain public confidence in the system, and the police force and to ensure that if there are lessons to be learnt that that happens.*'



Nicola Dennis's solicitor Marian Ellingworth of Tuckers Solicitors said: 'My client is delighted that her judicial review has been successful. She has been through a horrible ordeal and it was extremely difficult for her to relive the ordeal in the course of the court hearing so she is very pleased that the judge found in her favour. I am also very pleased that the generally poor quality of the IPCC's decision making has been exposed through this judgment. I can only hope that this will lead to some improvement. To ensure the police do not abuse their powers and for the proper functioning of our democracy, we need an effective system for making complaints against the police delivering quality decisions, not the flawed and poorly argued decisions of the IPCC.'

Solicitor Marian Ellingworth, Tuckers Solicitors
Counsel Stephen Cragg, Doughty Street Chambers.

CONTACT: Marian Ellingworth - Tuckers Solicitors – 020 7388 8333