



BRIEFING PAPER

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Damage to property by police forcing entry

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Summary

Constituents sometimes ask whether they can get compensation for damage (for example to a front door) following forced entry by the police. Police forces do sometimes make ex gratia payments or pay compensation following such damage, for example where the raid was at the wrong premises. However, statutory guidance states that compensation for such damage is “unlikely to be appropriate if the search was lawful, and the force used can be shown to be reasonable, proportionate and necessary to effect entry.”

Where a police force refuses to make such a payment, then a constituent wishing to pursue the matter further should consider getting specialist legal advice.

This note applies to England and Wales.

1. When might compensation be paid?

Guidance on police powers of entry is given in a Home Office Code of Practice, [Powers of Entry](#), published in December 2014. This states very broadly:

In appropriate cases, compensation may be payable for damage caused by entering and searching premises. In such cases authorised persons should explain any compensation procedures.¹

PACE Code B, the [Code of Practice for Searches of Premises by Police Officers](#) gives a little more detail about when it may be appropriate for the police to pay compensation for damage caused during a search:

Whether compensation is appropriate depends on the circumstances in each case. Compensation for damage caused when effecting entry is unlikely to be appropriate if the search was lawful, and the force used can be shown to be reasonable, proportionate and necessary to effect entry. If the wrong premises are searched by mistake everything possible should be done at the earliest opportunity to allay any sense of grievance and there should normally be a strong presumption in favour of paying compensation.²

Police forces do sometimes pay compensation³ or make ex-gratia payments following damage to doors.

2. Legal action

If the police refuse to pay compensation, it might be possible to bring a civil claim against them for damages. The [Police Powers](#) page on the Citizen's Advice website advises people wanting to do this to get specialist legal advice:

If your complaint is serious, you may wish to sue the police. You can sue the police in the same way that you can sue members of the public. If you want to sue the police, you should talk to a specialist solicitor.

Further information on obtaining legal advice is available in House of Commons Library Standard Note SN/HA/3207, [Legal Help: Where to Go and How to Pay](#).

Much would depend on whether the court held the damage to be unlawful. In reaching such a decision, the court might take account of such factors as whether the terms of any warrant had been complied with, whether it was reasonable to damage the property to gain access and whether entry could reasonably have been gained by any other means.

3. Complaints

Under the Standards of Professional Behaviour set out in schedule 2 of the [Police Conduct Regulations 2012](#)⁴, police officers should "only use force to the extent that it is necessary,

¹ p7

² [Code of Practice for Searches of Premises by Police Officers and the Seizure of Property found by Police Officers on Persons or Premises](#), PACE Code B, 27 October 2013, Note 6A, p14,

³ See " [Police paid out £560,000 in compensation for raiding wrong properties](#) ", *Daily Mail*, 28 December 2009

⁴ SI 2012/2632

proportionate and reasonable in all the circumstances.” If a constituent feels that the police have fallen short of this standard, and wishes to make a complaint, then information on how to do this is available on [Complaints](#) section of the [Independent Police Complaints Commission](#) (IPCC) website. However, it is not possible to obtain compensation from the IPCC – see their [FAQ on the subject](#):

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Can the IPCC help me make a financial claim against the police?

No. The IPCC's remit does not cover claims for compensation from the police. If you want to pursue any financial claims against the police, you should contact the police force concerned directly or you can write to the police force solicitor.

Contact your local Citizens Advice Bureau for information or to seek legal advice

Further general information on the police complaints system is in Commons Library Briefing Paper 2056, [*Police Complaints Systems in the UK*](#).