



**METROPOLITAN
POLICE**

TOTAL POLICING

Freedom of Information Request Reference No:

I note you seek access to the following information:

1. Please provide me with the process constables are obliged to follow when attending a bailiff enforcement or seizure incident treat as FOIA
2. Please provide me with what constitutes fraud and forgery can constables sign documents as someone else as the bailiffs did or would that be fraud by deception and forgery both criminal offences
3. Mr Willis who investigated said complaint as can be seen from a quote from his email below does not believe signing a document as someone else and stealing ones property with forged document is a crime which leads one to believe he does not know the law "I understand that you have raised concern regarding documentation completed at the scene; notably the recording of an enforcement officers name, and telephone number. Having considered these points; these matters do not amount to sufficient evidence to support a criminal case of fraud or forgery"

I require answers to my queries above and an answer as to why I have not had a final decision on my complaint lodged some years ago which is unacceptable and does nothing to ensure justice prevails Please have a member of your team advise as soon as possible and have someone provide an update on my complaint.

DECISION

I have today decided to disclose the located information to you in full.

Please find attached information pursuant to your request above.

Question 1 - Please provide me with the process constables are obliged to follow when attending a bailiff enforcement or seizure incident treat as FOIA

The response provided for this request is generic and does not refer specifically to any incident/s or circumstance/s that you may be referring to.

A police officer attending a bailiff enforcement is there to prevent a breach of the peace and will generally not get involved with the enforcement procedure.

Police action when called to an incident to a bailiff executing a warrant:

Officers should check the bailiff has valid identification and a valid warrant to enforce.

Officers' role is then to prevent a breach of the peace. Officers have a legal obligation to ensure that the bailiff is not hindered in any way. It must be remembered that a court has issued a warrant for property to be seized. If necessary, officers may use power of arrest for 'breach of the peace' and detain those who are obstructing the bailiff. However, officers are advised to avoid using this power by making it plain what the position is, and what will happen if the bailiff is resisted. Officers are aware that they may be liable to the creditor or court for unreasonably preventing a bailiff from enforcing a warrant, especially if officers' actions result in the bailiff losing the opportunity to seize the property.

Officers should not prevent the bailiff from enforcing the warrant just because someone is upset by their activity.

Officers should neither assist the bailiff nor the debtor and as with any other civil dispute, remain impartial throughout.

If the other party approaches officers with any complaints regarding the bailiff then officer should direct them to the County Court.

If an agent or bailiff is acting in a wholly unlawful manner (e.g. assault / criminal damage) then officers must act to prevent them committing any offences and deal with any offences that they have committed.

The following link to the College of Policing concerning breach of the peace may also be of interest to you:

<https://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/#breach-of-the-peace>

Question 2 - Please provide me with what constitutes fraud and forgery can constables sign documents as someone else as the bailiffs did or would that be fraud by deception and forgery both criminal offences

The response provided for this request is generic and does not refer specifically to any incident/s or circumstance/s that you may be referring to.

Please see the response provided for question 1. Please see the link below to the government website concerning fraud:

http://www.cps.gov.uk/legal/d_to_g/fraud_act/

The National Fraud Intelligence Bureau (NFIB) sits alongside Action Fraud within the City of London Police which is the national policing lead for fraud. I have provided a link to their website below:

<http://www.actionfraud.police.uk/about-us>

I have also provided a link to the CPS legal guidance for forgery:

http://www.cps.gov.uk/legal/d_to_g/forgery_and_counterfeiting/

Question 3 - Mr Willis who investigated said complaint as can be seen from a quote from his email below does not believe signing a document as someone else and stealing ones property with forged document is a crime which leads one to believe he does not know the law "I understand that you have raised

concern regarding documentation completed at the scene; notably the recording of an enforcement officers name, and telephone number. Having considered these points; these matters do not amount to sufficient evidence to support a criminal case of fraud or forgery"

I require answers to my queries above and an answer as to why I have not had a final decision on my complaint lodged some years ago which is unacceptable and does nothing to ensure justice prevails Please have a member of your team advise as soon as possible and have someone provide an update on my complaint .

This is not a valid request under the Freedom of Information Act as it is not a request for specific **recorded** information.

Section 8 of the Freedom of Information Act:

8(1) In this Act any reference to a 'request for information' is a reference to such a request which:-

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

I have contacted the Directorate of Professional Standards and they have advised that they will contact you under separate advice concerning your outstanding complaint against police.

Information Rights Unit