

public officer to misuse a public power in bad faith, the Claimant's failure to be specific about these matters in the Statement of Case means that it discloses no reasonable grounds for bringing this claim.

- 15 A further potential claim might be in negligence for the breach of a duty of care, in this case that being a duty to investigate his complaints of crime. Such a claim would be bound to fail as there is no duty on a Chief Constable **at common law** to mount such an investigation.

Brooks v Commissioner of Police for the Metropolis [2005] UKHL24; [2005] 1 W.L.R. 1495

Michael v Chief Constable of South Wales [2015] UKSC 2; [2015] A.C. 1732

- 16 A further potential claim might be under the Human Rights Act 1998 but this would fail for the following reasons:-

- a) The duty to investigate crime arises under articles 2 (Right to life), 3 (Prohibition of torture and inhumane treatment) and 4 (slavery and forced labour)

DSD & NBV v Commissioner of Police for the Metropolis [2015] EWCA Civ 646, [2016] QB 161

- i) The matters that the Claimant complains of do not engage any of these articles;

- ii) Even if the articles were engaged, there has been no risk to life or limb or liberty of such a degree as to require investigation (the claimants in DSD & NBV were victims of rape);

- iii) The common law duty of care cannot be stretched to incorporate the wider requirement of the Human Rights Act because they fulfil different functions, as the Court of Appeal made clear in DSD & NBV.

- b) The matter would be statute barred by the effluxion of time since the limitation period for a claim under the Human Rights Act is 1 year.

Human Rights Act 1998, section 7 (5)(a)

- i) The events appear to have occurred before 2013 and the initial complaints in respect of investigation were made and responded to