

What to do in case of police violence?

The police do not have every rights. The police have to respect the principles and rules of common law. They do not have the right to be violent, physically or verbally, to discriminate, to humiliate, to steal, etc. There are cases where police officers have the right to use violence, but according to the law, this violence must be proportional to the situation. The police in theory do not have the right to use violence as they want.

The police also have a duty of protection towards the population. They must protect you if you are in danger, if you are attacked, if you are a minor, if you are injured or sick...

Facing police violence, it is possible to defend yourself through legal channels, but complaints against the police are rarely successful. Even if there is little chance of obtaining individual compensation, it is still relevant to denounce and file a complaint against police violence. This makes it possible to raise awareness and denounce the problem in a more global way and to put pressure on the police, so that they feel less impunity.

There are also ways to defend ourselves collectively. For example, staying in groups as often as possible complicates the work of the police and allows to have more witnesses in the event of violence. Depending on the place and time, it is useful to discuss police practices with others to exchange information about their schedules, their habits, how to recognize them, what has already functionned or not to avoid violence. It is also possible to organize collectively to protect yourself, for example by organizing guard tours to watch for their arrival or by organizing actions to protest against violence and make it visible...

Despite this, police violence is unfortunately frequent. Facing a situation of police violence, whether you are a victim or a witness, here is what you can do...

***If you experience police violence**, your defense choices are up to you. Do what you think is best for you. Don't let other people force you to do something you don't want to do, such as filing a complain. **If you witness violence**, support the victims. Respect their choices and do not impose yours. Never force someone to file a complaint or testify if they don't want to. Don't force the discussion if the person doesn't want to talk about it. The same goes for when a person defends themselves against the police: if the person wants to resist physically or escape, don't stop them because you think you know what's best for them! On the other hand, you can inform of the risks and give your opinion if the person asks for it.*

This leaflet explains the possibilities of defense against the police throughout France. The framed passages can be supplemented with information depending on the local context.

This version is suitable for:

Last updated on:

1. Keeping yourself and others safe

During or immediately after police violence, try to first get to safety yourself and, if possible, the (other) victims, for example by moving away. The police do not have every right. If the violence is still ongoing, you can react if it seems possible to you: by filming them, talking to them, trying to intervene... Sometimes it works and calms them down. But depending on the situation, there is also a risk that it will annoy them and make the situation worse and/or that they will take it out on you. It's up to you to judge what is possible to do without risking further insecurity for yourself and others!

2. Make sure there is no serious injury and if necessary contact a doctor

As soon as you are safe, in the event of an injury, you must ensure that there is no medical emergency. If you have the slightest doubt, you must quickly refer to a caregiver or call 15, or 112 for English speakers. The injured person must avoid moving or being moved as much as possible before consulting a caregiver. ***If you are not a doctor or caregiver, call competent people if you have the slightest doubt!***

If you contact emergency services, explain to the victim what you are doing or going to do. Keep them informed of the arrival of help and the possible presence of the police. Send someone to watch for help (preferably with papers, in case of a police identity check).

The time of medical emergency is not the time for testimonies, especially for the injured. Remember to identify the witnesses to the scene and make contact with the witnesses/victim(s)/relatives, this could be useful later! **Even in the absence of a medical emergency, it is possible to go for a consultation** in order to assess the seriousness of your situation, even long after. For example, it is possible to go for free to the Health-Care Access Permanence (PASS - "Permanence d'Accès aux Soins de Santé"). An injury is not just physical. If you feel traumatized or humiliated by what you experienced, the doctor is there for that too.

NEARBY FREE CARE LOCATION:

During the consultation, it may be useful to request an **"initial medical certificate" (CMI - "Certificat Médical Initial")**. It is done by a doctor (dentists and midwives too). It is very important. You can ask for it even if you don't want to file a complaint. It is carried out at the spontaneous request of the victim (APPENDIX 1) and can also be carried out upon judicial requisition. It includes a date, the name of the victim, their age and nationality, the facts reported by the victim, the doctor's findings, the days of incapacity for work (ITT), the name of the doctor and their signature. Hospital staff may be afraid to take responsibility by indicating that it is police violence, but their job is only to write down the facts as they are expressed without taking a position: you can insist that they have to write what you say. If they refuse to give you this certificate, insist and do not hesitate to report it to the associations.

3. Possible outcomes

Once medical care is provided, we can think about what action we want to take. What action do you want to take against police violence? Do you hope to obtain compensation for the damage? Do you want to publicly denounce this violence? Do you want to remain anonymous? Even if legal victories are rare against police violence, you have the right to ask the courts or the police hierarchy to investigate the facts. If you are recognized as a victim, you can request reparations, such as financial compensation for example. If you want to denounce police violence or racism more generally, or if you want to make your story public without revealing your identity, you can contact NGOs, associations, journalists, activists, etc.

Everyone has the right to file a complaint against an act of violence suffered. A lawyer can help you filing a complaint. It is possible to consult a lawyer free of charge thanks to the Bar Associations and Rights Access Points.

FREE MEETING WITH A LAWYER :

There are two ways to file a complaint...

• **You can file a complaint by going to any police station**, regardless of where the violence took place. The police often try to make it difficult. In the event of refusal or obstruction of the filing of a complaint, you can recall article 15-3 of the Code of Criminal Procedure, article 5 of the Charter for welcoming the public and assisting victims, and the decision of the Defender of Rights of 2013 (APPENDIX 2). It is possible to request an appointment at the police station, request the presence of an interpreter and be accompanied by someone. If you have experienced police violence, it may be difficult to report it to the police, but there is another method:

• **You can also file a complaint directly by writing to the prosecutor**, by registered letter to the prosecutor (APPENDIX 4). In your letter, attach all the evidence collected: CERFA testimonies, Initial Medical Certificate, photos, USB key containing audio or video recordings. The more evidence there is, the more the prosecutor is obliged to investigate. Remember to leave your contact and if possible an address to be informed of the outcome.

ADDRESS OF PROSECUTOR

You can also bring it to the police hierarchy. But very often, these authorities protect their police officers and it is rare to win a case...

- IGPN (internal police investigation): interieur.gouv.fr/contact/signalement-igpn
- IGGN (internal gendarmerie investigation): gendarmerie.interieur.gouv.fr/contact/reclamation-aupres-de-l-inspection-generale-de-la-gendarmerie-nationale-iggn
- Prefect (local representative of the State): lannuaire.service-public.fr/navigation/prefecture
- Minister of the Interior: on internet (interieur.gouv.fr/contact/ministre-de-l-interieur) or by letter (*Ministre de l'Intérieur, Place Beauvau, 75800 Paris cedex 08*).
- President of the Republic: on internet (elysee.fr/ecrire-au-president-de-la-republique/#epr-form) or by letter (*Président de la République, 55 rue du Faubourg Saint-Honoré, 75008 Paris*).

You can contact the authorities for the defense of fundamental rights. They can investigate and report. They cannot force the authorities to react, but it can put pressure on them.

- Defender of rights: on internet (formulaire.defenseurdesdroits.fr/formulaire_saisine/) ou by letter (Défenseur des droits, Libre réponse 71120, 75342 Paris cedex 07)
- General controller of places of deprivation of liberty (for people deprived of liberty: jails, detention centers...) : on internet (cglpl.fr/saisir-le-cglpl/comment/) or by letter (*Contrôleur général des lieux de privation de liberté, CS 70048, 75921 Paris cedex 19*).

You can warn NGOs and associations which denounce police violence. They can sometimes help you publicize your situation or give you advice.

- Amnesty (human rights) : +33153386565 / contactus@amnesty.org / amnesty.org/contact
- ACAT (against torture) : +33140404243 / acat@acatfrance.fr / acatfrance.fr/contact
- LDH (human rights) : +33156555100 / ldh@ldh-france.org / ldh-france.org/en-region/

It is also possible to publish your testimony by yourself on the internet (social networks, blogs, etc.). To spread out your testimony, you can contact journalists or activists.

CONTACT OF LOCAL ACTIVISTS:

CONTACT OF JOURNALISTS :

4. Collect evidence

It can be useful to collect as much evidence as possible of what happened, without being obliged to do something about it afterwards. For example **videos, photos, audio recordings**. Consider asking if other people may have evidence. It is possible to photograph and film law enforcement officers during police operations in France (APPENDIX 3). Police officers do not have the right to refuse to be filmed or photographed during their mission. They therefore do not have the right to arrest the person making the recording for this reason, nor to remove their camera or destroy the recording. They sometimes use other pretexts to bother people who are filming or recording. To register the police, it is advisable not to be alone. Being two allows roles to be distributed, one person interacts with the police, the other films. **When recording or broadcasting, it is important to be careful that it does not harm other people.** Be careful not to reveal personal information about people, or record things that could be used against victims, for example if someone tries to resist the police.

It is possible to write a testimony of what happened. A testimony can be used in the event of legal proceedings, or be made public to denounce police violence, or help to get better by writing it down. It is important that the person testifying can decide to stop the process at any time, without judgment or pressure. It is possible to write a CERFA, that is to say a written testimony which has the value of proof in court. It can be written by a victim or by a witness. It must be handwritten, on a form called “Certificate of testimony”, available at service-public.fr/particuliers/vosdroits/R11307 (APPENDIX 7). A person who does not speak French can write their testimony in their language; it must then be translated on a second form by writing at the end of the story “words translated from – the original language – into French by – name of the person who writes” and keep both versions. It is possible to testify without writing your testimony yourself if someone transcribes the words in the first person singular (I) and ending the story with “words transcribed by – name of the person writing”. For the CERFA to be used in court, you must complete the personal information requested and attach a copy of an identity document. For an undocumented person, it is possible to attach the papers they want or not.

To file a complaint or write testimony that has weight in court, you must remember and write the most precise things possible:

- **About the context:**
 - The exact time, the chronology of the events, the weapons used (APPENDIX 5).
 - The precise location: name of the street, of the place. If you were taken to a police station, the address of the station and what it looked like.
- **About the police:**
 - Try to remember which police force the police officer belonged to (APPENDIX 6): PAF, CRS, national police, municipal police, gendarmerie, BAC... It's written on their badge.
 - Try to remember which car or van they use. The best thing to do is to write down the car registration number, with letters and numbers.
 - Try to remember as many details as possible about the police officers, so that you can describe them precisely: color of eyes, hair, skin. Their appearance, if they are tall, short, fat or skinny... If they have something special like a mustache or a beard. The best thing is to write down their registration number, it is made up of 7 digits and they must wear it on their jacket. If they do not have it, this should be noted, as it is illegal for a police officer to be on duty without wearing it. If you asked them for this number and they refused to give it to you, also mention it in your testimony.

All the details are really helpful. The more specific you are, the easier it will be to find where the events you are talking about took place. The police have records that note where each officer is supposed to be at all times.

APPENDIX 1 | Sample letter to complete to request an initial medical certificate from the hospital:

INDICATE THE DATE & PLACE



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Madame, Monsieur,

Je sollicite auprès de vous l'établissement d'un Certificat Médical Initial, tel que l'article 76, 1er alinéa du Code de déontologie médicale, le prescrit : « L'exercice de la médecine comporte normalement l'établissement par le médecin, conformément aux constatations médicales qu'il est en mesure de faire des certificats, attestations et documents dont la production est prescrite par les textes législatifs et réglementaires. »

Je vous prie de bien vouloir attester dans ce Certificat de mes blessures et de leurs causes.

Respectueusement,

✂-----

ADD NAME, FIRST NAME & SIGNATURE



APPENDIX 2 | Document to present at a police station in the event of refusal to file a complaint:

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Code de procédure pénale, article 15-3 :

Les officiers et agents de police judiciaire sont tenus de recevoir les plaintes déposées par les victimes d'infractions à la loi pénale, y compris lorsque ces plaintes sont déposées dans un service ou une unité de police judiciaire territorialement incompétents. Dans ce cas, la plainte est, s'il y a lieu, transmise au service ou à l'unité territorialement compétents.

Charte d'accueil du Public et d'assistance aux Victimes, article 5 :

Les services de la Police nationale et de la Gendarmerie nationale sont tenus de recevoir les plaintes déposées par les victimes d'infractions pénales, quel que soit le lieu de commission.

Décision du Défenseur des droits n° MDS-2013-41 :

Le Défenseur des droits, saisi d'une réclamation n° 10-012189 (ex 2010-163) relative à un refus d'enregistrer une plainte constate un manquement à la déontologie. Le Défenseur des droits demande qu'il soit rappelé [...] à tous les services de sécurité habilités à recueillir les plaintes, l'obligation qui s'impose à eux, en vertu de l'article 15-3 du code de procédure pénale et de l'article 5 de la charte de l'accueil du public et de l'assistance des victimes, de recevoir les plaintes des victimes d'infraction.

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APPENDIX 3 | Document reminding police officers that we have the right to film them

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Circulaire du Ministère de l'Intérieur du n°2008-8433 du 23 décembre 2008 :

« **Les policiers ne bénéficient pas de protection particulière en matière de droit à l'image**, hormis lorsqu'ils sont affectés dans les services d'intervention, de lutte anti-terroriste et de contre-espionnage spécifiquement énumérés dans un arrêté ministériel [comme le GIGN, le GIPN, la BRI ...] et hormis les cas de publications d'une diffamation ou d'une injure à raison de leurs fonction ou de leur qualité.

La liberté d'information, qu'elle soit le fait de la presse ou d'un simple particulier, prime le droit au respect de l'image ou de la vie privée dès lors que cette liberté n'est pas dévoyée par une atteinte à la dignité de la personne ou au secret de l'enquête ou de l'instruction.

Les policiers ne peuvent donc s'opposer à l'enregistrement de leur image lorsqu'ils effectuent une mission. Il est exclu d'interpeller pour cette raison la personne effectuant l'enregistrement, de lui retirer son matériel ou de détruire l'enregistrement ou son support. Ils ne peuvent par ailleurs s'opposer à l'éventuelle diffusion de cet enregistrement que dans certaines circonstances particulières. »

*MAIL TO REQUEST AN INITIAL MEDICAL
CERTIFICATE FROM THE HOSPITAL*

DOCUMENT TO PRESENT AT A POLICE
STATION IN CASE OF REFUSAL TO FILE A
COMPLAINT

DOCUMENT REMINDING POLICE OFFICERS
THAT WE HAVE THE RIGHT TO FILM THEM

APPENDIX 4 | Sample letter to complete to file a complaint with the public prosecutor:

NAME, FIRST NAME

WAY TO CONTACT THE PERSON:

POSTAL OR EMAIL ADDRESS

Public Prosecutor of *CITY OF JUDICIAL COURT*
COURT ADRESSE

DATE & PLACE

Madam, Sir, the Public Prosecutor,

I, the undersigned *NAME & FIRST NAME*, born on *DATE OF BIRTH* in *CITY OF BIRTH (COUNTRY)*, nationality *NATIONALITY* attest to having experienced the following facts:

FACTS (see the tips for writing a CERFA to help with writing: it is important to correctly include the date, location, and give as much detail as possible).

SPECIFY THE LIST OF ATTACHMENTS IF ANY.

By this letter, and in view of the facts brought to your attention, I am filing a complaint against X. (IF POSSIBLE, SPECIFY THE REASON FOR THE COMPLAINT: “assault”, “racist insults”, “theft”, etc.)

Respectfully,

NAME – FIRST NAME - SIGNATURE

APPENDIX 5 | Police weapons

Tonfas et Matraques :



Gazeuses :



Taser :



Pistolets Flashball :



Fusils LBD40 (lanceurs de balles de défense) :



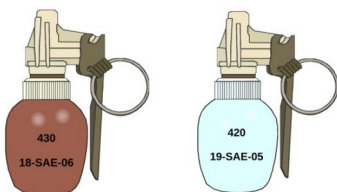
Lanceurs de grenades :



Grenades de désencerclement :



Grenades fumigènes et Lacrymogènes :



Grenades assourdissantes et fulgurantes :



Canons à eau :



APPENDIX 6 | The different law enforcement agencies

POLICE NATIONALE :



PAF – Police Aux Frontières :



POLICE MUNICIPALE :



GENDARMES MOBILES :

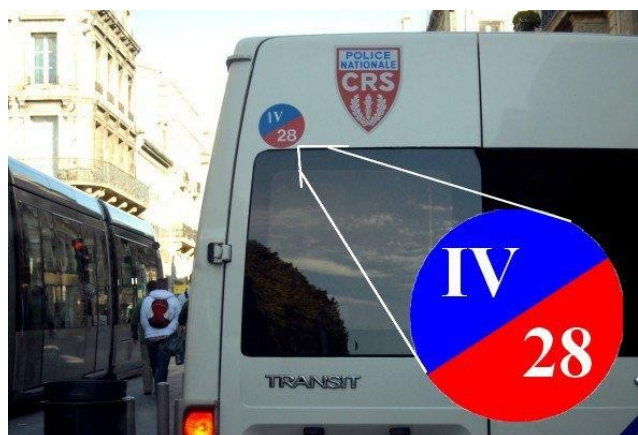


CRS – Compagnies Républicaines de Sécurité :



N° d'identification de la compagnie de CRS →

Identification number of the CRS company →



Nous sommes là pour vous aider



n° 11527*03

Attestation de témoin

(Articles 200 à 203 du code de procédure civile, article 441-7 du code pénal)

Votre identité :

☐ Madame

☐ Monsieur

Votre nom (de naissance): _____

Votre nom d'usage (ex. nom d'épouse) _____

Vos prénoms : _____

Votre date et lieu de naissance : |_|_|_|_|_|_|_| à _____

Votre profession : _____

Votre adresse : _____

Code postal |_|_|_|_|_| Commune: _____

Pays: _____

Lien de parenté, d'alliance, de subordination, de collaboration ou de communauté d'intérêts avec les parties : Oui ☐ non ☐

Si oui, précisez lequel : _____

Sachant que l'attestation sera utilisée en justice et connaissance prise des dispositions de l'article 441-7 du code pénal réprimant l'établissement d'attestation faisant état de faits matériellement inexacts ci-après rappelés :

« Est puni d'un an d'emprisonnement et de 15000 euros d'amende le fait d'établir une attestation ou un certificat faisant état de faits matériellement inexacts ».

(cette phrase doit être écrite, ci-dessous, entièrement de votre main)

[illegible]

Pièce à joindre :

- Un original ou une photocopie d'un document officiel justifiant de votre identité et comportant votre signature.

ATTESTATION SUR L'HONNEUR

Je soussigné(e) _____ certifie sur l'honneur que les renseignements portés sur ce formulaire sont exacts.

Fait à: _____ Le |_|_|_|_|_|_|_|

Signature

La loi n°78-17 du 6 janvier 1978 relative aux fichiers nominatifs garantit un droit d'accès et de rectification des données auprès des organismes destinataires de ce formulaire.

