



"He has good experience and is regarded as a safe pair of hands." *Police Law, Chambers UK 2017*

"He has superior cross-examination skills and is impressive in terms of his oral submissions." *Chambers and Partners 2015*

"Gives sound and well thought-through, structured advice. He also turns things around very quickly." *Police Law, Chambers and Partners 2014*

Ranked in Chambers and Partners as a police law specialist in which he has in current and past editions been described as 'tireless and dedicated' and as having 'excellent paperwork and breadth of experience'.

"Russell Fortt represents police forces in a wide range of matters, including judicial reviews, civil actions, inquests and police misconduct tribunals. Of late, he has been instructed in a judicial review dealing with arrests in an environmental camp just prior to the Royal Wedding" *Police Law, Chambers and Partners 2013*

"Always well prepared" *Police Law, Chambers and Partners 2012*

#### Background:

Russell was called to the Bar by Inner Temple in 1999 after a career in the Civil Service where he worked as a Fraud Inspector. He completed his degree at Southampton Institute between 1995 and 1998, graduating with First Class Honours and was awarded a number of awards including the Sweet and Maxwell Prize, the Cavendish Publishing Prize, the Paris, Smith & Randall Prize, the Blake Laphorn Prize and the Advocacy Cup.

Before his pupillage Russell worked in the litigation department for Mishcon de Reya solicitors on banking and shipping fraud cases and on international constructions law disputes for an international arbitration consultancy.

Russell accepted tenancy at 5 Essex Court in 2001, was appointed as Counsel to the Crown in 2005 and is currently on the B panel of the Attorney General's list.

#### Police Law

Russell is ranked in Chambers and Partners Directory as a police law specialist. He has represented most police forces in England and Wales in all aspects of civil law, including assault, false imprisonment and malicious prosecution, misfeasance, disclosure, Data Protection and Freedom of Information Act issues and judicial review actions.

#### Practice Areas

POLICE LAW  
PUBLIC / ADMINISTRATIVE LAW  
PERSONAL INJURY LAW  
INQUESTS  
OTHER SPECIALISMS

#### Clerks

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His very considerable inquest practice includes lengthy and complex cases involving deaths in custody and firearms operations. Russell's extensive experience of advisory work includes all aspects of police powers including both policy and operational issues. He has represented the Presenting Officer in numerous police disciplinary proceedings and acted as legal advisor to panels at misconduct hearings.

#### **Public / Administrative Law:**

Russell acts for many Government Departments and agencies in judicial review and civil actions. His areas of work include prison law, immigration and asylum, human rights, inquests and public inquiries.

#### **Personal Injury:**

Russell has a significant personal injury practice. He accepts instructions for both claimants and defendants but has considerable experience in high value defendant claims, both for police forces and government departments. These include the Department for Work and Pensions, Highways Agency, Ministry of Justice, Home Office and the Ministry of Defence. His cases fall across a wide range from manual handling, mesothelioma, repetitive strain injury, fatal accident, stress at work and harassment.

#### **Lectures:**

Russell provides CPD accredited lectures to solicitors on all aspects of his practice. He has lectured extensively to police forces and solicitors, most recently on the following topics: Proceeds of Crime Act; Football Banning Orders; Hunting Act 2005; Police Disciplinary Tribunals and judicial review actions.

#### **Interests:**

In his spare time Russell enjoys watching rugby.

#### **Significant work and cases**

##### **Police law**

Isaacs v (1) Commissioner Of Police Of The Metropolis (2) Dunn (3) Carroll [2013] EWHC 4157 (QB); [2013] All ER (D) 257 Oct - Represented the Commissioner in a race discrimination, trespass, harassment, blackmail, misfeasance in public office, defamation, assault and false imprisonment claim in the High Court (Dingemans J). The Claimant was a man who videoed his contact with the police and then posted his encounters on YouTube in edited form in which he detailed his claims against the police and the progress of the proceedings.

R (on the application of Marley Administration Services Ltd) v Commissioner Of City Of London Police [2013] QBD (Admin); LTL 29/7/2013 - Represented the Commissioner of City of London Police in an application for an interim injunction in the High Court (Haddon-Cave J) seeking to prevent the police from passing information seized during a search warrant to the Pensions Regulator. Successfully argued that the applicant had failed to make a material disclosure as to the appointment of a Trustee by the Pensions Regulator in relation to the Claimant company such that the equitable remedy contended for must fail.

R (on the application of Caetano) v Commissioner Of Police Of The Metropolis [2013] EWHC 375 (Admin); [2013] All ER (D) 07 March - Represented the Commissioner in a judicial review claim before the Divisional Court (Goldring LJ and Wyn Wiliam J) seeking to quash an adult caution administered for an assault by a woman on her partner

during a domestic argument in which she slapped him. The challenge was on the basis that the public interest test in pursuing a prosecution (and hence administering a caution) was not met despite the categorisation of the incident as one of domestic violence.

R (on the application of Global Cash & Carry Ltd) (Claimant) v (1) Birmingham Magistrates' Court (2) Chief Constable Of The West Midlands (Defendants) & Revenue & Customs Commissioners (Interested Party) [2013] EWHC 528 (Admin); [2013] ACD 48; [2013] All ER (D) 235 (Feb) - Represented the Chief Constable in a Judicial Review claim before the Divisional Court (Moses LJ and Kenneth Parker J) challenging the issue and execution of a search warrant which was held to be invalid for, amongst other things, the failure to serve the full copy of the warrant which included the address details.

R (on the application of GC) v Commissioner Of Police Of The Metropolis CO/9682/2013 - Represented the Police Commissioner in a renewed judicial review challenge to the retention of DNA profile and custody photograph. GC was the same claimant who challenged the same decisions before the Supreme Court in GC v Commissioner of Police of the Metropolis [2011] 1 WLR 1230 in which the Supreme Court ruled that the previous law permitting the blanket and indefinite retention of non-convicted persons' DNA profiles was unlawful and must be changed in order to comply with a ruling of the ECtHR. The renewed challenge followed the Commissioner's continued refusal to delete the DNA and photographs under the new regime introduced by s 63F (2) of PACE brought about by the Protection of Freedom's Act 2012.

R (on application of Chief Constable of Durham) v PAT and Cooper [2012] EWHC 2733 (Admin) - Acted for Durham Constabulary in a judicial review challenge to the decision of the PAT to reinstate a police officer who had previously been sacked by a misconduct panel who found that he had sexually assaulted a woman whom he had arrested.

R (on the application of Danny Nightingale) v West Mercia Police (CO/6292/12) - Instructed by West Mercia Police in a judicial review challenge by a serving member of the SAS Regiment to a decision to refer the investigation into his possession of a firearm and ammunition to the SIB branch of the Military Police rather than to prosecute the matter through the CPS as a civilian prosecution.

R (on the application of LA Group Ltd) v Metropolitan Police Commissioner (CO/8995/2012) - Instructed by the Metropolitan Police in a judicial review challenging the decision by the police to classify an investigation into alleged fraud by former Minister, Stephen Dorrell MP as 'no crime' and thereafter to decline to investigate further.

R (on the application of Hicks and Others) v Commissioner of Police of the Metropolis [2012] EWHC 1947 (Admin) - Russell acted for the Commissioner in one of the joined cases (Middleton and Lewis) in a five day judicial review before the Divisional Court. The case concerned a challenge to the policing practices at the Royal Wedding. He successfully argued that a search warrant executed at an environmental protest camp near Heathrow airport had not been improperly motivated and was not obtained unlawfully.

R (on the application of M) v IPCC [2012] EWHC 2071 (Admin) - Russell acted for the IPCC in a judicial review challenge to the IPCC's dismissal of an appeal against an alleged failure by the police to properly investigate a complaint about the inadequacy of an investigation into an alleged sexual assault. The case was the first to determine the extent of the proviso in the Police Reform Act 2002 Sch. 3 Pt 1 para. 8(3) that a statement made by any person for the purpose of a local resolution process (LRP) for dealing with complaints against the police was

not admissible in any subsequent disciplinary proceedings, included statements from the beginning to the end of the LRP. Statements not made for the purposes of a LRP could be properly referred to in subsequent proceedings.

R (on the application of Perinpanathan) v City of Westminster Magistrates' Court and the Commissioner of Police of the Metropolis [2010] EWCA Civ 40.

Russell acted for the Commissioner in both the Divisional Court [2009] EWHC 762 (Admin) and in the Court of Appeal in the leading case on the application of costs principles to police proceedings in the Magistrates' Court. He successfully argued that the principles which were applicable in licensing cases as set out in *City of Bradford MDC v Booth* [2000] were of equal application to forfeiture proceedings under the Proceeds of Crime Act 2002.

Brogan v (1) South Yorkshire Police (2) Department for Work and Pensions (3) HM Customs & Excise [2008] EWHC 1040 Admin.

Russell acted for the Department for Work and Pensions in a judicial review application relating to the lawfulness of a search carried out by fraud investigators from the DWP, Customs & Excise and police officers. He successfully argued that even if the police warrant was invalid, the existence of independent powers of entry meant that there was no trespass.

Howlett v HM Coroner for Devon & Others [2006] EWHC 2570

In this case, Russell was instructed by Wiltshire Constabulary in a successful appeal under s.13 of the Coroner's act quashing the original inquest and obtaining an order for a new inquest. It concerned the death of Rachel Whitear, a heroin addict whose parents released the photograph of her dead body to the media and used it as part of a high profile national campaign against drug abuse.

Re Wardle (Deceased) (2006)

Russell acted for a police force in a five week inquest concerning the death of a member of the Royal Navy who shot himself whilst surrounded by armed police.

R (on the application of M) v Bow Street Magistrates Court, Times, July 21, 2005

Russell was instructed to represent the Commissioner of the Metropolitan Police in a judicial review application of terrorist cash forfeiture proceedings. He successfully argued that application was premature.

### **Public/Administrative law**

Bryant (deceased) (2010)

Instructed to represent the Parole Board at a lengthy and high profile inquest into the death of a woman who was murdered by a former prisoner who had been released on licence from a discretionary life sentence.

The Billy Wright Inquiry (2007 to 2010)

Instructed by the Crown Solicitor's Officer of Northern Ireland as part of team of counsel representing a large number of individual prison officers and governors, including the former governor of the Maze prison in a long running inquiry into the death of the LVF leader who was murdered by Republican terrorists in the Maze in 1997. Also separately instructed by the Ministry of Defence to represent a senior army officer at the inquiry.

AB (Turkey) v Secretary of State for the Home Department [2007] EWCA Civ 1535

Successful appeal to the Court of Appeal from the AIT in a case concerning the alleged bias of the Adjudicator and the Adjudicator's failure to provide a fair hearing.

