



Elaine MacDonald

Position
Solicitor

Practices

- [Civil Liberties, Human Rights & Police Actions](#)

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Elaine is the head of the Civil Actions Against the State Department and has significant experience in representing claimants in litigation against police forces, government departments, and state bodies. Elaine specialises in civil claims, inquest proceedings, and judicial review.

Elaine initially joined Tuckers in 2010 and trained in the civil department before qualifying as a solicitor in 2014. Elaine has also worked as a solicitor at Saunders Law and, prior to joining Tuckers, as a paralegal at Refugee and Migrant Justice.

Elaine represents claimants in complaints of misconduct against police officers and in civil claims against police forces for claims in assault, false imprisonment, malicious prosecution, Human Rights Act breaches, and discrimination. In addition, Elaine has significant experience in representing prisoners in claims arising from serious mistreatment in custody, including assaults by prison officers; failures to protect vulnerable prisoners; unlawful strip searches; and unlawful decision making.

As well as private and public law litigation, Elaine is passionate about representing bereaved families in inquest proceedings. Her work includes complex Article 2 inquests where the deceased died in state detention, including circumstances where there has been police contact; in prison custody; or in mental health detention.

Work highlights include:

Civil claims:

- LM v Commissioner of the Police of the Metropolis: settled claims for compensation for assault and false imprisonment following the arrest and detention of the claimant, including the use of Taser.

- *DM and Others v Commissioner of the Police of the Metropolis*: settled claims for compensation for breach of Article 8 of the Convention following a police raid on the claimants' family home with a warrant.
- *Jason O'Connor v Commissioner of the Police of the Metropolis*: successful jury trial in claims against the Metropolitan Police for assault, false imprisonment, and malicious prosecution following the arrest, detention, and prosecution of the claimant, including the use of CS spray / pepper spray on him.
- *JC, JO, SS v Ministry of Justice*: settled claims for compensation and obtained a declaration under the Human Rights Act following prolonged periods of time that the claimants were detained, unlawfully, in segregated conditions in prison.
- *MA v Chief Constable of Kent Police*: settled claims for assault and false imprisonment following a stop on the claimant by police officers in which the claimant sustained serious injuries from handcuffing.
- *D and Others v Surrey and Borders Partnership Trust*: settled claims, including for breach of Article 2 of the Convention, following the death of a family member who was a voluntary mental health inpatient and where serious failings in care were established.

Inquest cases:

- *Ethol Price*: Jury inquest following Mr Price's death after a vehicle and on-foot pursuit by Cheshire police.
- *Kimberley Smith*: Jury inquest with a conclusion of suicide contributed to by neglect, and a significant number of serious failings identified following Ms Smith's death while an inpatient at the Abraham Cowley Unit in 2018.
- *Philip Lamplough*: Jury inquest with a conclusion of suicide contributed to by neglect, and a significant number of serious failings identified following Mr Lamplough's death while a detained inpatient at the Abraham Cowley Unit in 2020.

Judicial review cases:

- *RA v Chief Constable of Kent Police*: successful challenge to the decision of Kent police against recording a complaint against a serving police officer following the force's flawed assessment of off-duty misconduct by police officers.
- *R and Others v Independent Office for Police Conduct (IOPC)*: successful challenge to the decision of the IOPC failing to uphold the claimants' appeal of a police complaint outcome received from the Metropolitan police. The complaint was made about police failures to investigate instances of harassment towards the claimant family.
- *SS v Secretary of State for Justice*: successful challenge to the ongoing, unlawful, segregation of the claimant, including obtaining his immediate removal from segregated conditions, financial compensation, and a court declaration under the Human Rights Act.