

PRESS RELEASE

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EYES OF THE WORLD LOOK ON WITH INCREDULITY AS FAMILY BRAND DECISION OF DPP NOT TO PROSECUTE OFFICER WHO STRUCK IAN TOMLINSON A JOKE

Today's decision by the Director of Public Prosecutions not to bring any criminal charges over the death of Ian Tomlinson follows a line of previous decisions when police conduct has resulted in death or serious injury and no charges were brought.

Ian Tomlinson died on 1 April 2009 in the context of a heavily-policed and high profile demonstration that generated significant public interest. The failure of the Independent Police Complaints Commission to initiate an independent investigation until seven days after the death, on 8 April 2009, led to the potential for the loss, suppression and/or distortion of crucial forensic evidence in the 'golden hours' following Mr Tomlinson's death. This repeats a pattern in previous contentious deaths following police contact where the death has not been treated from the outset as a potential homicide. INQUEST believes there should be an inquiry into the role of the City of London Police, the coroner, the pathologist and the IPCC, who have all played a part in ensuring no charges were able to be brought.

Responding to the decision, Ian Tomlinson's son Paul King said,

After 16 months of waiting, to hear nothing is being done is a complete joke. Today they gave us no hope. This experience has broken our family apart. The DPP has told us there was an unlawful act, yet no charges are to be brought. This is no justice - everyone has failed us.

Deborah Coles, Co-Director of INQUEST, said:

The eyes of the world will be looking on with incredulity as yet again a police officer is not facing any criminal charges after what is one of the most clear-cut and graphic examples of police violence that has led to death.

This decision is a shameful indictment of the way police criminality is investigated and demonstrates a culture of impunity when police officers break the law. It follows a pattern of cases that reveal an unwillingness to treat deaths arising from the use of force by police as potential homicides. It demonstrates yet again the flawed procedures that follow contentious deaths involving the police and stands as testament to their unaccountability.

The family's solicitor, Jules Carey, said:

The CPS decision is a disgrace. They have accepted the officer's conduct is unlawful, but have determined not to prosecute him for anything. We shall examine this decision and challenge it if possible. There must be an inquiry into whether the failure to charge is a lack of competence or of will.

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Full text of the decision by the Director of Public Prosecutions not to prosecute http://www.cps.gov.uk/news/articles/the_death_of_ian_tomlinson_decision_on_prosecution/	
INQUEST's comprehensive briefing on the death of Ian Tomlinson http://inquest.org.uk/pdf/INQUEST_ian_tomlinson_briefing_jun_2009.pdf	
INQUEST's evidence to the Home Affairs Select Committee inquiry into the IPCC http://www.publications.parliament.uk/pa/cm200910/cmselect/cmhaff/uc366/uc36602.htm	

Note to editors:

INQUEST is the only organisation in England and Wales that provides a specialist, comprehensive advice service on contentious deaths and their investigation to bereaved people, lawyers, other advice and support agencies, the media, parliamentarians and the wider public. Its casework priorities are deaths in prison and in police custody, in immigration detention and in secure training centres. INQUEST develops policy proposals and undertakes research to campaign for changes to the inquest and investigation process, reduce the number of custodial deaths, and improve the treatment and care of those within the institutions where the deaths occur.

Prosecutions of police officers involved in deaths in custody for manslaughter (or other offences including assault and misfeasance in public office) are rare. None of the prosecutions brought in England & Wales since 1995 resulted in a conviction:

- **Mikey Powell** died in West Midlands Police custody in 2003 - ten officers tried for various offences; charges dropped for four officers at trial in June 2006, remainder acquitted August 2006
- **Robin Goodenough** died after contact with Thames Valley Police officers in 2003. Three officers tried for manslaughter in 2005 and the jury failed to reach a verdict; retried for assault in 2006 - officers acquitted
- **Christopher Alder** died in Hull police station - five officers charged with manslaughter; trial collapsed 2002
- **James Ashley** was shot dead in his home by Sussex police in St. Leonard on Sea in 1998 - trial halted 2001
- **Richard O'Brien** died after being restrained by Metropolitan Police in south London in 1994 - officers acquitted at trial 1999
- **David Ewin** was shot and killed by a police officer in south London in 1995 – the officer was acquitted at retrial 1997
- **Joy Gardner** died while being restrained by officers in London in 1993 - officers acquitted at trial in 1995

Source: INQUEST Casework and monitoring

INQUEST is represented on the Ministerial Council on Deaths in Custody and the Ministry of Justice Coroner Service Stakeholder Forum.