



Analysis

UK: Police force “more than minimally” contributed to Sean Rigg’s death

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The jury condemned a catalogue of police failings and refuted the findings of the Independent Police Complaints Authority. The circumstances of Rigg's death highlight the disproportionate treatment of black people by police and the difficulty of holding officers accountable for their actions.

At the beginning of August 2012 a jury at Southwark Coroners Court delivered a highly critical narrative verdict at the inquest into the death of Sean Rigg, a black musician who died following contact with the police on 21 August 2008. After listening to seven weeks of evidence the jury unequivocally rejected the account given by police officers and in so doing refuted the findings of an investigation by the Independent Police Complaints Authority (IPCC). The jury found that the 40-year died at Brixton police station as the result of a cardiac arrest (and acute arrhythmia, ischemia and partial positional asphyxia) following a series of errors by the South London and Maudsley (SLAM) NHS Trust and the Metropolitan police. Coroner Dr Andrew Harris had ruled out verdicts of unlawful killing and neglect, but the jury said that the inaction of the NHS Trust and the actions of Brixton police had “more than minimally contributed to Sean Rigg’s death.” [1]

The jury’s findings were greeted with spontaneous applause from the public gallery and praised by the Coroner who told its members: “You have demonstrated perspicacity and attention to detail in exercising your duty.” On the Inquisition form, the jurors had crossed out King’s College Hospital as the place of death and replaced it with Brixton police station – confirming the argument made by Sean’s family over the last four years that he had died on the floor of the police station [2]. This finding also negated those of an extensive IPCC investigation [3], which began the morning after Sean’s death and took 18 months to complete before reaching the conclusion that police officers had “adhered to good policy and good practice.” In a highly unusual move, the IPCC has been forced to announce a review of its investigation and two police officers are to be investigated over the accuracy of their evidence to the inquest and the IPCC. [5]

On 21 August 2012, around 250 people attended a memorial commemorating the fourth anniversary of Sean’s death at Lambeth Town Hall in Brixton, a short distance from the police station where he died. Family members recalled their long struggle to uncover the facts behind Sean’s death and their realisation that he was only one among hundreds of people who have died while in the hands of the police over the past 30 years. During this period there has been only one conviction of a police

officer, demonstrating the inability of the various police complaints bodies to carry out independent investigations of an institutionally racist police force, (as was copiously documented by Macpherson in the The Stephen Lawrence Inquiry.) Those attending the memorial also viewed Ken Fero's new documentary film, Who Polices the Police? which examines the failures of the police and IPCC investigation into Sean's death. [6]

The NHS Trust's failure of care

Sean Rigg had suffered from schizophrenia for 20 years. He was living in a high-support community mental hostel and his family were intensely involved in his life. However, Sean had a history of stopping his medication and relapsing and he had previously been detained by police under section 136 of the Mental Health Act (1983) [7] and taken to a place of safety.

On the evening of Sean's arrest on 21 August 2008, hostel staff had repeatedly phoned the emergency services requesting that police attend because Sean began acting erratically after not taking his medication. The police refused to respond, saying that they did not regard the situation to be a priority. The inquest jury was highly critical of the inactivity of the South London and Maudsley NHS Trust in the period leading up to Sean's death, criticising its failure to communicate with hostel staff. It said that the Trust had failed to ensure that Sean had taken his medication for a period of two months before his death and that its crisis plan to deal with Sean was "inadequate." The jury found that staff:

had failed to ensure their patient Sean Rigg took his medication. Furthermore, SLAM's failure to undertake a Mental Health Act assessment at or from the 11 August more than minimally contributed to Sean's death. [8]

In a statement made after the jury's verdict Sean's sister, Samantha Rigg, observed that: "If the South London and Maudsley NHS Trust had done their job properly, and provided the help and support that Sean urgently needed, he would have been alive today." [9]

An "unsuitable" and "unnecessary" restraint and arrest

Sean left the hostel without staff permission and soon a member of the public phoned the police to express concern at his behaviour (he was naked from the waist up and making karate moves), reporting that he believed that he was witnessing some sort of mental breakdown. On this occasion police did arrive and Sean was restrained and arrested by four officers (PCs Mark Harratt, Richard Glasson, Andrew Birks and Matthew Forward, who have now been removed from operational duties), accused of the theft of his own passport. Despite his vulnerability, Sean was restrained face down in the prone position for eight minutes, a level of force described as "unsuitable" by the inquest jury which also maintained that it was "questionable whether relevant police guidelines regarding restraint and positional asphyxia were sufficient or followed correctly." Positional asphyxia from the restraint was recorded as one of the causes of death at the inquest. The jury said that this method of restraint "more than minimally" contributed to Sean's death and stated that police had "failed to identify that Sean Rigg was a vulnerable person at point of arrest." He was therefore taken to the police station instead of an Accident and Emergency department or Section 136 suite "despite information about him being readily available and accessible." Coroner, Dr Andrew Harris, pointed out that:

The level of force used on Sean Rigg whilst he was restrained in the prone position at the Weir estate [in Balham, south London] was unsuitable...The length of restraint in the prone position was therefore unnecessary. The majority view of the jury is that at some point of the restraint unnecessary body weight was placed on Sean Rigg. [10]

The jury's finding that positional asphyxia due to restraint using "unnecessary body weight" was one cause of death, contradicted the outcome of the earlier 18-month investigation by the Independent Police Complaints Commission (IPCC), the much criticised policing "watchdog," that had found that none of the officers involved had a case to answer and that they had all followed procedure. [11] Some police officers even claimed that Sean was behaving normally and walking independently following his restraint, but the jurors found that "that both Sean's physical and mental health deteriorated during the period of restraint" when his brain was deprived of oxygen.

The journey to Brixton police station

Following his restraint, Sean's condition worsened when he was put in the back of a police van and driven not to a hospital for emergency medical care, but to Brixton police station. The jury stated that by this time he was "extremely unwell and not fully conscious" and stressed that: "Up to the point of being apprehended by the police the condition and behaviour of Sean Rigg was that he was physically well but mentally unwell" (ibid). By the time he was walked to the police van he "was physically unwell due to oxygen deprivation which occurred during his restraint in the prone position." Once in the van Sean was in "a V shape position in the foot well of the cage in the police van" throughout the 13 minute journey to Brixton police station. Sean's physical and mental health continued to decline during the journey and the Inquisition document says that the majority jury opinion was "there was a lack of care by the police." It should be emphasised that there was no assessment of Sean's condition at any time before he became unconscious and the "absence of actions by the police...was inadequate."

When the police van arrived at Brixton police station Sean was left in the back of the vehicle for 11 minutes without receiving medical treatment. He was then moved to the caged area at the rear of the station in a collapsed state. There, surrounded by police officers, he was left handcuffed on the concrete floor, "extremely unwell and not fully conscious," slipping into unconsciousness a short time later while police officers debated whether he was "faking it." This is reminiscent of the slow death of another black man, Christopher Alder, in Hull's Queen's Gardens police station in 1998. [11]

The Inquisition document says of Sean Rigg's treatment at the police station:

Whilst in the cage at the police station from 20.03 to 20.13 there was an absence of appropriate care and urgency of response by the police which more than minimally contributed to Sean Rigg's death. Both the action and decision of the police to stand Sean Rigg up was unacceptable and inappropriate. Leaving Sean Rigg in handcuffs was unnecessary and inappropriate. Views expressed by police officers that Sean was violent and possibly not unwell deprived Sean of the appropriate care needed and there was a failing to secure an ambulance as quickly as possible. Whilst Sean Rigg was in custody the police failed to uphold his basic rights and omitted to deliver the appropriate care. [12]

Back to the future

The charity INQUEST, which provides free legal advice to the relatives of those who have died contentiously in police custody, has logged in excess of 3,600 deaths in prison and in police custody in England and Wales between 1990 and 2010. Many of these deaths were found to result from negligence, systemic failures to care for the vulnerable, institutional racism, inhumane treatment and the abuse of human rights. Despite the overwhelming weight of this evidence, “there has not been a successful homicide prosecution for a death in custody for over 30 years.” [13]

The disproportionate number of black people who have died as a result of excessive force, restraint or serious medical neglect is also indicative of institutional racism in the criminal justice system. INQUEST’s monitoring and casework has found “serious shortcomings in the existing mechanisms of legal and democratic accountability following a death in custody.”

There are no mechanisms for monitoring, auditing or publishing investigations and inquest findings and no statutory requirement to act on the findings of these investigations. There is also a pattern of institutionalised reluctance to approach deaths in custody as potential homicides even where there have been systemic failings and gross negligence has occurred. [ibid]

Even when an inquest jury finds that a police officer unlawfully killed an individual, there are invariably no significant legal repercussions. This is highlighted by the investigation into the death of 47-year old newspaper-seller Ian Tomlinson as he attempted to make his way home through the serried police ranks at the G20 protests in London in April 2009, (See Statewatch Bulletin Volume 19 no. 2 and Volume 19 no. 3) The inquest into his death found that he had been unlawfully killed, leading to PC Simon Harwood facing a criminal trial at which, in spite of unequivocal mobile phone footage showing Harwood’s gratuitous violence towards his vulnerable victim, the police officer was cleared of manslaughter and walked free from court.

In September 2012, Harwood faced an internal disciplinary panel which resulted in him being sacked from the Metropolitan police force (not for the first time) and told that he will never work for the force again. Panel chairman, Julian Bennett said:

“PC Harwood’s use of force in this case cannot be justified. His actions have discredited the police service and undermined public confidence in it.” The Guardian (18.9.12)

However, the disciplinary panel also decided that it was unable to rule on whether Harwood’s use of force led to Ian Tomlinson’s death. This left the circumstances of the death unexplained and his family in limbo. As Paul King, Tomlinson’s stepson, explained:

It’s like they have just let PC Harwood resign. The conflicting verdicts of the inquest and the criminal court still need to be resolved...We still haven’t got any answer from this. After three and a half years, I think it’s diabolical. It’s like we’re back at day one.

As Paul King and the Rigg family and so many other relatives of people who die following police contact discover: years of struggle to expose the facts of a death in custody will not result in legal proceedings that see police perpetrators brought to justice. Mourning families and grieving friends will need to overcome police deception, insults, spin and prevarication in order to achieve the “justice” of a disciplinary procedure resulting in a reprimand, or, when needs must, an officer’s dismissal.

References

[1] Rigg family statement "Jury condemns actions of the police and the mental health trust in verdict over death of Sean Rigg" 1.8.12. The full statement is available on the INQUEST website:
<http://inquest.gn.apc.org/website/press-releases/press-releases-2012/jury-condemns-actions-of-the-police-and-the-mental-health-trust-in-verdict-over-death-of-sean-rigg>

See also the Sean Rigg Justice and Change campaign website:
<http://www.seanriggjusticeandchange.com/Press-Releases.html>

[2] Harmit Athwal "Jury applauded for critical inquest verdict" IRR website:
<http://www.irr.org.uk/news/jury-applauded-for-critical-inquest-verdict/>

[3] IPCC "IPCC Independent Investigation into the death of Sean Rigg whilst in the custody of Brixton police and complaints made by Mr Wayne Rigg and Ms Angela Wood". Available as a download at:
http://www.ipcc.gov.uk/news/Pages/pr_150812_rigg.aspx

5] Nina Lakhani "Sean Rigg investigation: IPCC announces independent review of its own investigation into the death of a mentally ill man in police custody" The Independent 15.8.12.

[6] Ken Fero "Who policies the police" Migrant Media: <http://vimeo.com/46132509>

[7] Section 136 of the Mental Health Act (1983) allows a police officer to take a person whom they consider to be mentally disordered to a "place of safety."

[8] Rigg family statement, See note 2

[9] Statement by Samantha Rigg following the inquest verdict, available on INQUEST website at:
<http://inquest.gn.apc.org/website/press-releases/press-releases-2012/sean-rigg-family-statement-in-full>

Also available on Youtube: <http://www.youtube.com/watch?v=yZBm4LT0wSU>

[10] Inquisition document, p. 2-3. The document has been published in full on the IRR website. See:
<http://www.irr.org.uk/news/jury-applauded-for-critical-inquest-verdict/>

[11] Harmit Athwal "Jury applauded for critical inquest verdict" IRR website:
<http://www.irr.org.uk/news/jury-applauded-for-critical-inquest-verdict/>

[12] For more information about the death in custody of Christopher Alder see Statewatch Bulletin Volume 11 no. 2 2001; Volume 12 no. 5 2002; Volume 13 no 1 and no 5 2003; Volume 14 no. 2 2004; Volume 16 nos. 5/6 2006.

[13] INQUEST website: <http://inquest.gn.apc.org/website/policy/deaths-in-custody>

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