

DEATHS IN CUSTODY

Heavy duty

SCOTLAND Yard was forced into an embarrassing U-turn last week by the family of Sean Rigg, the mentally ill musician who died in south London after being physically restrained by four Brixton police officers (*Eyes passim*).

It reversed its decision to allow one of the four to retire ahead of disciplinary action over allegations of gross misconduct, including assault, using excessive force and failing to take into account Mr Rigg's disability or the fact that he was seriously ill. Faced with legal action by the family, police chiefs suspended PC Andrew Birks on the eve of what had been his planned retirement departure.

Why it had agreed to his resignation when, following a series of high-profile scandals there are moves to stop of officers avoiding sanction by leaving the force, only the Met knows. PC Birks – the most senior Brixton officer involved in the fatal encounter – may challenge the U-turn via judicial review, but even if he is disciplined and found guilty of gross misconduct, serious questions remain about what sanction if any he may face.

Most officers who are found guilty of gross misconduct in relation to prisoners who die in their care are given written warnings by their police force. Inquest, which monitors deaths in custody, found that in 15 cases where the Independent Police Complaints Commission had recommended charges of gross misconduct, only eight officers were found guilty. Of those, only one was sacked: the others were given a final written warning.

Police conduct and a subsequent IPCC investigation is likely to come under scrutiny next week at the inquest into the death of the 39 year old Lloyd Butler from Birmingham. He was under the care of mental health services when he was arrested for being “drunk and incapable” after he was seen to be acting in a disturbed and disorientated way. Within three hours of his detention in Stechford police station in August 2010, he was found collapsed on a cell floor. Attempts were made to resuscitate him, but he was pronounced dead on arrival at hospital.

Four years after Mr Butler's death his family hope the inquest will finally provide answers to their questions about the care and treatment he received during his detention. Was the cause of his disorientation because he

was drunk, or were there other factors (he was found to have died of heart and liver failure)? Why, despite his “not understanding anything”, did police consider him fit to be detained rather than taken to hospital? What checks were there to monitor him? Should urgent medical assistance have been sought earlier, in the light of his deteriorating health in custody?

In another case, involving a man who died an hour after being pepper sprayed, handcuffed and placed on the floor of a police van, the IPCC recommended misconduct charges against four officers in Durham. An inquest into the death of 44-year-old Leonard McCourt heard that he had collapsed in the back of the van after a short journey to Peterlee police station, but that officers waited nine minutes

before trying to resuscitate him. Three officers retired or resigned ahead of the misconduct hearing – and the only officer found guilty of gross misconduct was allowed to keep his job.

Deborah Coles of Inquest told the *Eye*: “This pattern of cases where police are either allowed to retire or resign, or where cases of gross misconduct get watered down to giving ‘words of advice’ or ‘written warnings’, brings the police complaints process into disrepute.”



PIPELINE PRIVATISATION

Fuel for thought

MORE emerges on the parlous state of the Government Pipeline & Storage System (GPSS), the strategic oil supply network that feeds key military bases and airports such as Heathrow and Gatwick, and which the government is hoping to flog to earn a few bob



order of the day since the coalition came to power in 2010. Now, courtesy of the Health and Safety Executive (HSE), the chickens are flocking home to roost.

Following the Buncefield explosion in 2005 (which was nothing to do with the GPSS), all operators of oil storage and pipeline systems came under intense scrutiny by regulators. Serious failings result in “prohibition notices” being served by the HSE to stop facilities being used until problems are rectified.

In the decade to 2010, no prohibition notice was served on the GPSS. At the end of that year a new chief executive, Charles Price, was appointed to prepare the GPSS for sale. His strategic plan for privatisation noted, among other things, that it was important not to incur

2007 levels, Price has presided over the cut-backs on inspections and repairs as we detailed in February, and made experienced staff redundant – all with predictable consequences. Since Price's arrival, the HSE has served three prohibition notices on GPSS facilities, along with 13 less serious improvement notices. The prohibitions were in respect of Purton Petroleum Storage Depot near Swindon, which supplies the huge RAF base at Brize Norton; Hallen PSD near Bristol which is one of the main feeders for Heathrow; and Gosport Naval Oil Fuel Depot near Portsmouth (since downgraded to an improvement notice).

Even second-hand car salesmen know to look after their stock better than this. And with