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# **Briefing on the fatal shooting by police of Azelle Rodney**

August 2012

## **Introduction**

Azelle Rodney, a 24 year old black man, died in April 2005 after a police operation in north London in which he was shot six times by a Metropolitan Police Service (MPS) officer. The shooting took place after the car he was in was brought to a halt in a 'hard stop' in Edgware, north London, having been under police surveillance for several hours. Two men were later convicted for firearms offences but there was no evidence that Mr Rodney was holding a weapon at the time of the shooting.

After his death, the Independent Police Complaints Commission (IPCC) conducted an investigation and a file was passed to the Crown Prosecution Service (CPS). In July 2006 the CPS announced that there was "insufficient evidence to disclose a realistic prospect of conviction against any officer for any offence in relation to the fatal shooting". After the CPS decision, the family was told by the coroner that the full inquest could not be held because large portions of the police officers' statements had been crossed out, probably pursuant to the *Regulation of Investigatory Powers Act 2000* (RIPA), which excludes information obtained by intercept from being used as evidence or even being seen by coroners.

After years of parliamentary wrangling it was finally announced in March 2010 that a public inquiry would be held into the fatal shooting. The Inquiry opens on 3<sup>rd</sup> September 2012 and is due to conclude mid December 2012 with the Chairman's report delivered to Ministers early in 2013. The full history of the delay in this case is set out in Appendix 1 to this briefing.

INQUEST has been working with Mr Rodney's mother, Susan Alexander, and her lawyers<sup>1</sup> to provide both casework support and input on the complex policy issues arising at a strategic level both in lobbying government and parliament on the issues arising from the death of Mr Rodney and its investigation.

## **The Inquiry**

On 30 March 2010, the government announced its intention to establish an inquiry under the Inquiries Act 2005 to investigate Azelle Rodney's death. Section 74 of the Counter Terrorism Act 2008 amended RIPA section 18 that refers to exceptions to exclusion of intercepted communications etc. from legal proceedings. That amendment makes it possible for there to be 'disclosure [of intercept evidence] to the panel of an inquiry held under the Inquiries Act 2005 or to a person appointed as counsel to such an inquiry'. This means there is the possibility that the death of Azelle Rodney can be fully examined in public.

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<sup>1</sup> Daniel Machover, partner, and Helen Stone, assistant solicitor, both at Hickman and Rose Solicitors, Leslie Thomas, barrister, Garden Court Chambers, Adam Straw, barrister, Took's Court Chambers.

However, it also means Susan Alexander has lost out on the important role played by inquest juries, who are the finders of facts in an inquest and act as a proper check and balance against the control and power of state agents.

On 10 June 2010, a further statement to Parliament announced that Sir Christopher Holland, a retired High Court judge, had agreed to chair the Inquiry. The Terms of Reference for the Inquiry were also announced:

**'To ascertain by inquiring how, where and in what circumstances Azelle Rodney came by his death on 30 April 2005 and then to make any such recommendations as may seem appropriate.'**<sup>2</sup>

The Inquiry opened on 6 October 2010 and the hearing of the evidence will begin on 3 September 2012.

When those hearings begin, Susan Alexander will already have waited seven years and five months for a complete explanation of why her son was shot by a police officer. She knows a limited amount about the circumstances leading up to her son's death but she also knows that the most important information, which is crucial to a full understanding of why Azelle Rodney was shot, has been shrouded in mystery until now.

There is no dispute that deliberate and lethal force was used but Ms Alexander needs to know why - as do the public. It is important that all the essential facts are scrutinised regardless of what they might reveal about Mr Rodney's actions on that day. Ms Alexander wants to hear unsanitised and unedited evidence in order to know why the officer says he believed it was necessary to shoot her son six times at point blank range in a car on a busy London street.

The Inquiry needs to provide answers to the following questions:

- What was the reason for the decision to make the arrests on 30 April 2005
- Was the operation planned and executed so as to minimise risk of life to all concerned
- Could the men have been arrested earlier than the hard stop on the evening of 30 April 2005
- If not why not and if they could have been why did this not happen
- Could the men have been arrested in safer manner at a later time or place than where the hard stop was made on Hale Lane, Edgware?
- Were the tactics continuously reviewed so as to conduct the operation with minimum risk to life
- Was open fire necessary in the circumstances

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<sup>2</sup> See website of the Azelle Rodney Inquiry  
<http://azellerodneyinquiry.independent.gov.uk/index.htm>

Importantly there should also be an examination of the wider contextual questions about:

- Whether there was a failure to supply accurate information to the press about the shooting.
- The de-briefing process, such as whether officers were allowed to collude before giving a significant first account.
- What, if any, internal investigation was conducted by the MPS as to what lessons could be learned from the incident, and what procedure is in place in this regard.
- Whether the legal bar to certain evidence being disclosed to the coroner was appropriate.

Although Sir Christopher Holland, the Judge chairing the Inquiry has tried hard to ensure that it will be the most thorough public examination of the death possible, the family cannot yet know whether this will in fact be a fully public inquiry.

Susan Alexander is represented at the Inquiry by a team of lawyers who are members of the INQUEST Lawyers Group.<sup>3</sup>

### **The relevance of RIPA**

Section 17 of the Regulation of Investigatory Powers Act 2000 makes it an offence to breach the requirement to keep secret all the matters mentioned in subsection (3), namely:

1. the existence and contents of the [intercept] warrant and of any section 8(4) certificate in relation to the warrant;
2. the details of the issue of the warrant and of any renewal or modification of the warrant or of any such certificate;
3. the existence and contents of any requirement to provide assistance with giving effect to the warrant;
4. the steps taken in pursuance of the warrant or of any such requirement; and
5. everything in the intercepted material, together with any related communications data.

IPCC investigators have been in difficulty in relation to their own procedures about the involvement of bereaved families after deaths following police contact because of RIPA (2000). In this case, it appears likely that certain disclosures by IPCC staff to Susan Alexander or her legal team would have involved committing criminal offences. For example, it would be a criminal offence for anyone officially in possession of evidence generated by an intercept to give that to an unauthorised person, such as Susan Alexander. This includes providing transcripts of any intercept evidence obtained during the investigation or even telling

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<sup>3</sup> See footnote 1 above.

someone that such evidence exists or that an intercept warrant was obtained by the police.

As a result, Susan Alexander believes that she will never be allowed to see absolutely all of the evidence collected by the IPCC or the Azelle Rodney Inquiry team, including some parts of the statements made by the officer who killed her son, known to her only as E7. Susan Alexander believes E7 was aware of information obtained via intercept.

As E7 relies on withheld information to justify his decision to use fatal force against Azelle Rodney, fairness and justice demands that Susan Alexander sees that evidence.

Unless and until RIPA is changed, evidence obtained by intercept warrants cannot be disclosed to third parties during inquests or other legal proceedings. It seems that Parliament simply failed to take into account the full human rights implications of sections 18-19 of RIPA when the Bill was debated in 2000.<sup>4</sup>

It remains the case that the offences created by s17 RIPA, combined with the failure of Parliament to create a sufficiently wide exception in section 18(9) and (10) RIPA to cover inquests stands in the way of compliance with article 2 of the ECHR.

INQUEST and members of the INQUEST Lawyers Group have continued to lobby government for a resolution to the problem which may now affect other families who are waiting for inquests.

### **UK Government concedes defeat at the European Court of Human Rights over the failure to secure a prompt investigation**

Four years into her fight to secure a public hearing into her son's death, Susan Alexander commenced a claim against the UK Government at the European Court of Human Rights (ECtHR), complaining of a violation of her right under article 2 of the ECHR to a 'prompt investigation'.<sup>5</sup> On 29 May 2012, the ECtHR published its Decision in her case,<sup>6</sup> which recorded a settlement after the UK Government openly admitted the violation of Susan Alexander's rights under Article 2 ECHR. While the cases decided under Article 2 ECHR have not established absolute time limits for completing effective investigations into contentious deaths, the Court has stated that:

*"a prompt response by the authorities in investigating a use of lethal force may generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts."*<sup>7</sup>

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<sup>4</sup> See [sections 15-19 RIPA](#):

<sup>5</sup> Susan Alexander v UK, case no. 23279/09, 14 April 2009; Court decision to communicate the case to the UK Government, 31 August 2011

<sup>6</sup> Decision of 29 May 2012, available from INQUEST on request

<sup>7</sup> *Jordan v United Kingdom* (2001) 37 EHRR 52 at para 108

Accordingly, in a letter to the Court in February 2012, the UK Government was forced to admit the following: "The Government accept and regret that there has been a breach of the applicant's procedural rights under Article 2 of the Convention in relation to the length of time it has taken to carry out a full investigation into the death of the applicant's son."<sup>8</sup>

It is clear from this defeat at the European Court of Human Rights that an investigation that lasts four years or more can never be a prompt investigation and of course this means that much shorter delays in other cases may violate the promptness requirement. It is absolutely imperative that the UK Government never again allows its legal system to fail so badly to deliver a prompt investigation into a contentious death.

What is left unresolved, even now, is whether the other 'procedural rights' of Susan Alexander will be upheld over the next six months: in particular whether the investigation, to be concluded by way of the Public Inquiry, will be 'effective', secure 'a sufficient element of public scrutiny' and 'involve the next of kin to an appropriate extent'.<sup>9</sup>

### **The importance of Article 2 of the European Convention on Human Rights**

Article 2 ECHR requires that there must be a sufficient element of public scrutiny of the investigation *"to secure accountability in practice as well as in theory, maintain public confidence in the authorities' adherence to the rule of law and prevent any appearance of collusion in or tolerance of unlawful acts."* These are crucial aims. For example, where death was caused by police violence: *"What is at stake here is nothing less than public confidence in the state's monopoly on the use of force."*<sup>10</sup>

- 1) The investigative obligation under Article 2 requires that certain 'minimum standards'<sup>11</sup> are met. Those are that:<sup>12</sup>
  - the investigation must be independent;
  - the investigation must be effective;
  - the next of kin must be involved to an appropriate extent;
  - the investigation must be reasonably prompt;
  - there must be a sufficient element of public scrutiny; and
  - the state must act of its own motion and cannot leave it to the next of kin to take conduct of any part of the investigation.
- 2) Openness and transparency are an important part of almost all of these minimum standards. For example:
  - an investigation will generally be more independent, and effective, and seen to be so, if it is open and transparent;

<sup>8</sup> The full history of the delay in this case is set out in Appendix 1 to this briefing.

<sup>9</sup> *Jordan v United Kingdom* (2001) 37 EHRR 52, paras 106-109.

<sup>10</sup> *Ramsahai v The Netherlands* [2008] 46 EHRR 43, at §321 and 326.

<sup>11</sup> *R (on the application of Amin) v. Secretary of State for the Home Department* [2004] 1 AC 653 at para 32

<sup>12</sup> *R (on the application of D) v. Secretary of State for the Home Department* [2006] All ER 946 at para 9(iii)

- the need for the next of kin to be involved in an Article 2 investigation, which is necessary for them to gain meaningful answers to their questions and for coming to terms with the death, means that family members must be fully involved in the inquest hearing and that the prospects of them discovering the truth are maximised, which all require openness and transparency; and
  - an investigation cannot properly meet the Article 2 requirement of public scrutiny if it is conducted in private (although hearing some evidence *in camera* is permissible in narrow circumstances, so long as the next of kin are never thereby excluded).
- 3) Further, as the House of Lords recognised in *R v Secretary of State for the Home Department (respondent) ex parte Amin* in the speech of Lord Bingham:

*The state's duty to investigate is secondary to the duties not to take life unlawfully and to protect life, in the sense that it only arises where a death has occurred or life-threatening injuries have occurred: *Menson v United Kingdom*, page 13.... In this country... effect has been given to that duty for centuries by requiring such deaths to be publicly investigated before an independent judicial tribunal with an opportunity for relatives of the deceased to participate. The purposes of such an investigation are clear: to ensure so far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others.*<sup>13</sup>

- 4) All of these elements in the Article 2 procedural duty make openness and transparency of the utmost importance. For example:
- in order to ensure that the full facts are brought to light and wrongdoing is exposed, it is necessary for evidence to be given publicly, and subjected to the most rigorous examination possible;
  - it would be impossible for an inquest (or an inquiry fulfilling the purpose of an inquest) to seek to allay suspicion of wrongdoing if it was held in private: indeed such a course is only likely to increase suspicion; and
  - the prospects of an inquest or inquiry achieving its "lesson-learning" functions are vastly increased if the evidence given by state agents can be publicly and fully tested.
- 5) It is hard to imagine the distrust that would be engendered by a system whereby it was alleged that state agents were responsible for the death of an individual, yet at the hearing to determine the cause of

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<sup>13</sup> [2003] UKHL 51, paragraph 31

that individual's death, family members were excluded, and unable to see or challenge the evidence as to the cause of death adduced by those very state agents said to have caused it. It is not trite to say that *Kafkaesque* is an expression surely appropriate for such a scenario.

## **Background and contextual issues**

There are a number of unique features regarding this case, not least the problem of evidence that is subject to RIPA. However his death also raises a number of important issues that have been a feature in a number of fatal shootings by state agents. Since 1995, 41 men and one woman have been shot dead by police officers. INQUEST has worked at varying levels of involvement on 27 of those cases as highlighted in Appendix 2 below. A disturbing number of these cases reveal the tragic consequences which can arise when faulty intelligence leads to the abuse of lethal force.<sup>14</sup>

It is expected that the public inquiry will be able to examine the broad issues raised by pre-planned operations, which have been the subject of longstanding controversy since the shootings of three members of the IRA by the SAS in Gibraltar in 1988. The key question that was asked then, and has been asked subsequently but never satisfactorily answered in relation to these kinds of pre planned and surveillance-based operations that have led to fatal shootings, is why there was no attempt to make an arrest earlier. Other fatal shootings by police officers have raised similar issues, not least the shooting of Jean Charles de Menezes at Stockwell Tube Station in July 2005.<sup>15</sup> Many of the cases raise questions about possible operational and intelligence failings. There has also been widespread concern by families and lawyers about the investigation of these cases. In particular the practice of police officers '*pooling their recollections*' and writing their notes up together has been a longstanding issue of contention.

The circumstances surrounding the death of Mark Duggan who was shot dead by Metropolitan Police on Thursday 4 August 2011 following a 'hard stop' interception of the taxi he was travelling in by armed police appears to also raise potentially similar issues both about surveillance and control of the police operation and about sensitive evidence.

## **Conclusion**

Deaths in custody and following police contact have been a source of tremendous pain and anger for citizens throughout this country. It is imperative that the conduct of policing in England and Wales is demonstrably compliant with the law, including human rights law. Police officers in England and Wales cannot operate with impunity. The issue of police use of lethal force must be subject to rigorous and open scrutiny.

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<sup>14</sup> Harry Stanley was shot in 1999 in Hackney, East London, when the table leg he was carrying was mistaken for a sawn-off shot gun. Diarmuid O'Neill's was shot and killed in Hammersmith hotel by police in 1996. James Brady was shot and killed in Newcastle.

<sup>15</sup> See *INQUEST Response to IPCC Stock Take Consultation 2008* [www.inquest.org.uk](http://www.inquest.org.uk)



The issue of how sensitive material is dealt with at inquests has been a matter of government and parliamentary concern for over five years and as Susan Alexander has faced a delay of over seven years to find out why her son was shot the issue remains unresolved.

INQUEST, Susan Alexander and her lawyers hope that the Inquiry into Azelle Rodney's death will provide answers both to the questions about the specific circumstances of his death and about the wider matters that have been raised in so many previous inquests into fatal shootings by police.

For more information on any of the issues contained in this briefing please contact:

Helen Shaw  
Co-Director  
020 7263 1111  
[helenshaw@inquest.org.uk](mailto:helenshaw@inquest.org.uk)

INQUEST  
020 7263 1111  
[inquest@inquest.org.uk](mailto:inquest@inquest.org.uk)  
[www.inquest.org.uk](http://www.inquest.org.uk)

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## **Appendix 1 – the history of delay in the investigation into the police shooting of Azelle Rodney**

1. For over seven years Susan Alexander has been subject to a bewildering legal obstacle course in the struggle to obtain answers to her questions and has felt as if she has been marginalised and treated as a nuisance in her pursuit of the truth. Following Azelle Rodney's shooting the IPCC conducted an investigation and its conclusions were passed to the CPS for consideration about whether there should be a prosecution.
2. In July 2006, the CPS advised that there was insufficient evidence to justify criminal charges being brought against any of the police officer involved in the operation that resulted in Azelle Rodney's death.
3. In August 2007, Deputy Coroner Andrew Walker was told that he would not be able to see all the material related to the shooting and that the family were also prevented from seeing it. At that point the lawyers acting for the Metropolitan Police Commissioner (who had seen all the material) told the coroner that it would be unfair for an inquest to proceed if disclosure of core documents and open questioning of witnesses about that evidence could not take place. It would mean the inquest would fail to discharge the requirements of article 2 of the European Convention on Human Rights. The coroner agreed and ruled accordingly.
4. In September 2007, Susan Alexander's solicitors wrote to the then Minister of Justice, Jack Straw MP, asking that he take steps to enable disclosure of the withheld material, so that the inquest could go ahead in a manner that would comply with the requirements of article 2 ECHR.
5. On 30 November 2007, government lawyers told Susan Alexander's solicitors that the Minister accepted that primary legislation was needed and that steps were being taken to bring forward legislative proposals in a bill in parliament to enable inquests to hear 'sensitive material'.
6. Susan Alexander welcomed these proposals as did her lawyers and INQUEST on 3<sup>rd</sup> December 2007.<sup>16</sup> Speaking at the time Susan Alexander said:

*"For a long time now I've been very frustrated and upset by not being able to see vital evidence about the police shooting of my son. Sometimes I feel so angry about this I just can't speak. Now that the government agrees that this evidence shouldn't be withheld from bereaved families like ours, I hope all concerned can act quickly so the evidence is disclosed with minimum delay. None*

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<sup>16</sup> INQUEST Press Release 3 September 2007: '[Government to Change Law to Enable Inquests to Hear Secret Evidence](http://www.inquest.org.uk)' [www.inquest.org.uk](http://www.inquest.org.uk)

*of Azelle's friends and family can come to terms with his death until everything is out in the open and a full inquest has taken place. Azelle has not had justice and without justice there can be no accountability."*

7. However, what subsequently happened was that the issue became hugely controversial in parliament and was extensively debated. Instead of a simple amendment to RIPA the government attempted during two separate bills to introduce a whole new category of 'certified' inquests – so called secret inquests applicable in a wide range of circumstances that were seen as a fundamental attack on the principles of openness and transparency of the inquest system.
8. On 24 January 2008, the Counter Terrorism Bill was published and it included a clause that would create a category of 'certified inquests', so called 'secret inquests'. Susan Alexander was very distressed that, having expected a new law which would finally enable her to see and question the key evidence that led to the police shooting of her son, she would instead end up being worse off than before. The proposals in the Bill would have given unprecedented powers to the Secretary of State to intervene in death in custody inquests where issues of state intelligence are involved.
9. Concerted campaigning by INQUEST and others led to cross-party parliamentary opposition to the proposal, and it was announced in October 2008 that the controversial clauses had been dropped from the bill.
10. In the meantime, INQUEST urged peers to support the introduction of a new clause into the Counter Terrorism Bill 2008 to amend the Regulation of Investigatory Powers Act 2005 (RIPA). This would allow an article 2-compliant inquest to take place where sensitive police evidence exists when a High Court judge sitting as a coroner determines that the material concerned is central in ascertaining how a person came to die, bringing the treatment of such material at inquests broadly in line with the way it is treated in criminal proceedings. The amendment was passed in the Lords in November 2008 by 139 to 136 votes, but was subsequently defeated following government promises to bring forward improved proposals in a Coroners Bill.
11. However, when the Coroners and Justice Bill was published in January 2009, it included renewed proposals for "secret" inquests which were virtually identical to those withdrawn from the Counter Terrorism Bill. Opposition was again widespread and in May 2009 the controversial proposals were once again withdrawn.
12. By then, on 14 April 2009, Susan Alexander had commenced her case against the UK Government at the European Court of Human Rights, as to which see pages 5-6 of this briefing.

13. Susan Alexander has had a long, emotional and drawn out wait during which she sat through hundreds of meetings and been given, at times, false promises from government.
14. The government has been responsible for every week of delay until the opening of the Inquiry in October 2010.
15. As set out in this briefing, in February 2012 the UK Government finally acknowledged that this delay breached Susan's human rights as it is their fault that a 'prompt investigation' (which includes an inquest or inquiry where witnesses give evidence and conclusions about the death are reached) has not finished in this case.
16. The public has also been badly let down, because the full lessons of how to avoid similar deaths in future have not and cannot be learned until the investigation reaches a public conclusion after hearing all the evidence.
17. At no time during the process to date have government ministers personally acknowledged their regret that Azelle Rodney's inquest was side-lined in the midst of a political dispute. At the centre of this issue is a grieving mother who still does not know the truth about why her son died.

Detailed background on the parliamentary debates can be found at [www.inquest.org.uk](http://www.inquest.org.uk)

## Appendix 2

### Police Shootings – January 1995 to July 2012

8 of 42 shootings of people from black and minority ethnic groups 19%  
 17 of 42 shootings by Metropolitan Police 40.5%  
 Shading indicates INQUEST involved in case – more detail can be provided if necessary.

Police Shooting deaths England & Wales 1997-2012					
Name	Ethnicity	Date	Force	Area	Inquest Verdict
Anthony Grainger	UK White	03/03/2012	Greater Manchester	Culcheth, Cheshire	Awaited
Mark Duggan	UK Black	04/08/2011	Metropolitan	Ferry Lane, Tottenham Hale	Awaited
Michael Fitzpatrick	UK White	10/02/2011	Sussex	Upper Rock Gardens, Kemp Town, Brighton	Lawful Killing
Alistair Bell	UK White	28/12/2010	West Yorkshire	Kirkheaton, Huddersfield	Awaited
Keith Richards	UK White	12/05/2009	Durham	Cheapside, Shildon, C. Durham	Narrative
Mervyn Tussler	UK White	08/05/2009	Sussex	Fenhurst, West Sussex	Lawful Killing
David Sycamore	UK White	30/11/2008	Surrey	Guildford Cathedral	Lawful Killing
Andrew Hammond	UK White	29/10/2008	Metropolitan	Harold Hill, Romford, Essex	Lawful Killing
Mark Saunders	UK White	06/05/2008	Metropolitan	Markham Square, Chelsea	Lawful Killing
Dayniel Tucker	UK White	29/12/2007	Kent	Stansted, Kent	Lawful Killing
Andrew Markland	Black	13/09/2007	Metropolitan	Bournemouth Road, Chandler's Ford, Hampshire	Lawful Killing
Mark Nunes	Black	13/09/2007	Metropolitan	Bournemouth Road, Chandler's Ford, Hampshire	Lawful Killing
Ann Sanderson	UK White	11/06/2007	Kent	Sevenoaks, Kent	Lawful Killing
Terry Nicholas	Black	15/05/2007	Metropolitan	Hanger Green, Ealing	Lawful Killing
Robert Haines	UK White	31/10/2006	Metropolitan	New Romney, Kent	Awaited
Phillip Marsden	UK White	19/12/2005	Staffordshire	Meir, Stoke-on-Trent	Lawful Killing
Craig King	UK White	11/09/2005	Greater Manchester	Ashton Under Lyne	Lawful Killing
Jean Charles de Menezes	Other Brazilian	22/07/2005	Metropolitan	Stockwell underground station	Open
John (Mark) Scott	UK White	16/07/2005	Northumbria	Stocksfield, Northumbria	Awaited
Azelle Rodney	Black Caribbean	30/04/2005	Metropolitan	Hale Lane, Burnt Oak	Awaited
Simon Murden	UK White	22/03/2005	Humberside	Hull	Narrative verdict
Nicholas	UK White	12/05/2004	Metropolitan	Brigstock Road,	Lawful

<b>Police Shooting deaths England &amp; Wales 1997-2012</b>					
<b>Name</b>	<b>Ethnicity</b>	<b>Date</b>	<b>Force</b>	<b>Area</b>	<b>Inquest Verdict</b>
Palmer				Thornton Heath	Killing
Phillip Prout	UK White	04/05/2004	Devon & Cornwall	Launceston, Cornwall	Lawful Killing
Keith Larkins	UK White	06/06/2003	Metropolitan	nr Heathrow Airport	Lawful Killing
Colin O'Connor	UK White	23/01/2003	Bedfordshire	A6 nr. Clophill	Lawful Killing
Fosta Thompson	Black Caribbean	16/08/2002	Avon & Somerset	St Werburgh's, Bristol	Lawful Killing
Jason Gifford	UK White	24/06/2002	Thames Valley	Aylesbury, Bucks	Suicide
Michael Malsbury	UK White	14/11/2001	Metropolitan	Harrow	Suicide
Steven Dickson	UK White	01/11/2001	Derbyshire	Cadnor, Derbyshire	Lawful Killing
Derek Bennett	UK Black	16/07/2001	Metropolitan	Brixton	Lawful Killing
Andrew Kiernan	UK White	12/07/2001	Merseyside	Wavertree, Liverpool	Lawful Killing
Patrick (Kieron) O'Donnell	Irish White	30/10/2000	Metropolitan	Upper Holloway	Lawful Killing
Kirk Davies	UK White	24/09/2000	West Yorkshire	Pinderfields Hosp, Wakefield	Lawful Killing
Harry Stanley	UK White	22/09/1999	Metropolitan	Hackney	Unlawful Killing
Derek Bateman	UK White	22/06/1999	Surrey	Dorking, Surrey	Lawful Killing
Antony Kitts	UK White	10/04/1999	Devon & Cornwall	Falmouth	Lawful Killing
Michael Fitzgerald	UK White	26/02/1998	Bedfordshire	Bedford	Lawful Killing
James Ashley	UK White	15/01/1998	Sussex	St. Leonard on Sea	Not held
David Howell	UK White	20/11/1996	Birmingham	West Midlands	Lawful Killing
Diarmud O'Neill	Irish	23/09/1996	Hammersmith	Metropolitan	Lawful Killing
James Brady	UK White	24/04/95	Newcastle Upon Tyne	Northumbria	Open
David Ewin	UK White	16/03/95	Barnes High Street	Metropolitan	Hung jury

### **Appendix 3 - INQUEST**

INQUEST is unique in working directly with the families of those who die in all forms of state custody - in which we include deaths in prison, young offender institutions, immigration detention centres, Mental Health Act detention, and in police custody or while being detained, pursued or shot by police.

We have accrued a unique and expert body of knowledge on issues relating to deaths in custody and seek to utilise this towards the goal of proper post-death investigation and the prevention of custodial deaths. INQUEST has been at the forefront of working alongside bereaved people to bring the circumstances of the deaths into the public domain and under public scrutiny and to hold the relevant authorities to account. We have reported our concerns about custodial deaths and their investigation at a national and international level.<sup>17</sup>

### **Appendix 4 – the INQUEST Lawyers Group**

The INQUEST Lawyers Group supports and advances the work of INQUEST in three main ways:

It is a national group of lawyers that provides preparation and legal representation at coroner's inquests for bereaved people;

It promotes and develops knowledge and expertise in the law and practice of inquests, provides training, and acts as a forum for the exchange of ideas and experience;

It campaigns for law reform and for public funding to cover legal costs for bereaved people at inquests.

INQUEST and the INQUEST Lawyers Group publish the journal *Inquest Law* three times a year which informs practitioners about recent legal and policy developments relating to the inquest system, the investigation of sudden deaths and related areas.

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<sup>17</sup> Helen Shaw and Deborah Coles, *Unlocking the Truth – Families' Experiences of the Investigation of Deaths in Custody*, INQUEST 2007.