

INQUEST wishes all our friends, supporters and especially the families we work with a happy new year.

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NEWS

- Coroners and Justice Bill published

The government published the Coroners and Justice Bill 2009 on 15 January 2009 and it now begins its passage through parliament. INQUEST will be working to ensure that the needs of bereaved people are at the forefront of parliamentarians' minds so that they introduce measures to:

- tackle delays in the inquest system;
- ensure consistency of approach across England and Wales;
- provide better information about the process to bereaved people;
- record and monitor inquest findings; make recommendations to relevant statutory bodies following inquest findings; and
- ensure action is taken following these recommendations.

We are however concerned that the 'secret' inquest proposals have been brought back in a slightly different form the new proposed legislation. Co-Director Helen Shaw was interviewed on Radio 5 Live on publication of the Bill.

The Bill begins its passage through Parliament on 26 January, and over the next few months it is vital that you voice any concerns you have about its proposals with your MP. Your support is crucial to ensure that we can work with families to achieve justice. You can contact your MP and other elected representatives via <http://www.writetothem.com>

INQUEST will be publishing detailed briefings on key sections of the Bill relating to coroner's inquests over the coming months on our website.

- **Funding Update**



Your support throughout 2008 has helped to maintain our much needed service to bereaved families and for that we say a heartfelt thank you. We look forward to 2009 with renewed confidence as our work over the last three decades years continues to bear fruit – The Coroners and Justice Bill for one.

INQUEST's financial concerns remain - your subscription renewals, supporter memberships and donations continue to ease our immediate problems, but we still have a way to go yet - so if you have not yet responded please help us maintain our vital service.

Every donation, no matter how small, each book purchase, every subscription to *Inquest Law* magazine or membership of the INQUEST Lawyers Group will make a significant difference to our work.

- **Restraint Review published**

On 15 December the Ministry of Justice (MoJ) and Department for Children, Schools and Families' (DfCSF) *Report of the independent review of the use of restraint in juvenile secure settings*, was published alongside the government's response.

The review was commissioned after the inquests held in 2007 into the deaths of Adam Rickwood and Gareth Myatt revealed high levels of physical restraint were being used against children across the penal estate.

INQUEST was bitterly disappointed that the review's findings endorse using painful restraint even though two children died following its use. This is despite clear objections raised by the UN, the Council of Europe, the parliamentary Joint Committee on Human Rights and the Children's Commissioner for England.

Any measures that aim to reduce the use of restraint are welcome but INQUEST questions why the review took place within a framework that accepts state-sanctioned violence against children within institutions. This was

an opportunity to make a real difference to safeguarding the human rights of children in custody. Instead there is another report that outlines little more than was already known at the conclusion of the inquests into the deaths of Gareth Myatt and Adam Rickwood.

INQUEST believes that there should be a broader public inquiry into the response to children in conflict with the law. It could examine the harmful consequences of custody and whether it is appropriate to place increasing numbers of children into institutions that cannot cope with their complex needs.

Co-Director Deborah Coles was interviewed about the implications of the review for Channel 4 News and Radio 5 Live and [commented on the issue in *The Guardian*](#).

- **Rights of people detained under Mental Health Act 1983 extended**

In a landmark judgment in the case of *Savage v South Essex Partnership NHS Foundation Trust* on 10 December 2008, the House of Lords declared that health authorities have a duty of care to people detained under the Mental Health Act 1983 (MHA). As a vulnerable group mentally-ill detained patients, like prisoners, are deserving of protection, and failure to implement preventative measures against their heightened risk of suicide and self-harm could lead to a breach of article 2 of the European Convention on Human Rights. INQUEST intervened in the case alongside Liberty and MIND, working with INQUEST Lawyers Group members solicitor Tony Murphy and barrister Paul Bowen.

INQUESTS

INQUEST team members attend many meetings with families and their lawyers, with investigators, as well as pre-inquest reviews and inquests. Below we include reports on some recently-concluded inquests which give a flavour of our work.

- **Critical verdict returned at inquest into the death of Mark Camm**

The inquest into the death of Mark Camm following his detention at a police station in Wakefield concluded on 18 November. The [jury's narrative verdict](#) catalogued a shocking series of failings by of all those who dealt with him - failings which contributed to his death.

Mark was arrested in June 2004 on suspicion of being drunk and disorderly and spent more than 24 hours in a police cell, unable to speak, most of the time motionless, with difficulty walking and ultimately collapsed on the floor. Police failed to make required checks on Mark, made incorrect assumptions about

him, and disturbing CCTV and audio recordings revealed what the jury called “wholly inappropriate banter”. When Mark was finally taken to A&E it was a further 13 hours before he was diagnosed with the life-threatening brain condition from which he died.

The coroner made a rule 43 report recommending that the Chief Constable of West Yorkshire hold a full review of relevant CCTV and audio evidence and undertake a wide-ranging inspection of custody arrangements to determine if they are fit for purpose. This shocking case was covered extensively in the media, including the *Daily Mail* and *Private Eye*.

- **Conclusion of the inquest into the death of Jean Charles de Menezes**

The widespread outrage at the end of the inquest into the death of Jean Charles de Menezes highlighted crucial questions about the function of the inquest system. Our work with the legal team and the family campaign demonstrated that deeply disturbing issues raised about policing in a counter-terrorism context need a broader inquiry than was offered even by this wide-ranging inquest. Nothing is more serious in a democracy than the deliberate use of lethal force by the state and it should be subject to the most rigorous and transparent public scrutiny.

Despite the coroner’s attempt to undermine and frustrate the vital democratic role of the inquest jury by restricting their options, they returned a damning verdict rejecting the police version of events, the lawfulness of the shooting and the policies and procedures within which they were operating. Deborah Coles was interviewed on the implications of the verdict and the issues raised by the inquest on Radio 4 programme *The World Tonight*.

The [official inquest website](#) has full transcripts of proceedings and evidence. See also the [Jean Charles de Menezes Family Campaign website](#).

ABOUT INQUEST

- **Justice Week**

Deborah Coles spoke at the [Justice Week](#) rally and lobby of parliament organised by trade unions representing those working within the criminal justice system. She raised INQUEST’s concerns about cuts in funding for front-line services and the potential impact that has on the safety of both detainees and staff.

- **Family Forum**

In November we organised our first Family Forum outside London. The event took place in central Manchester and was attended by family members who told

us that it was a valuable opportunity to share their experiences and meet other families.

- **In Brief**

As well as work on individual cases team members frequently attend relevant meetings and conferences.

29 October: Casework Service Manager Sian Griffiths attended the annual Capita conference on Deaths in Police Care. She gave a presentation based on INQUEST's research for *Dying on the Inside* which focussed on potential lessons for care of women in police custody.

4 November: Sian Griffiths attended the annual Action for Prisoners' Families conference, and Deborah Coles attended the leaving event for the outgoing director of APF, Lucy Gampell.

5 November: Helen Shaw attended and contributed to the second seminar and meeting of the Project Management Board of the Arts and Humanities Research Council-funded project *The Impact of the Criminal Process on Health Care Ethics and Practice*, the seminar was entitled – "Why Do Victims Matter?"

6 November: Deborah Coles attended the Ministerial Roundtable Group on Suicide in Prisons chaired by the new Prisons Minister Shahid Malik and raised issues arising from our casework.

11 November: Deborah Coles met Peter Selby and Barbara Bradbury from the national council of Independent Monitoring Boards to discuss concerns about delay in inquests into prison deaths.

13 November: INQUEST Lawyers Group meeting with two leading practitioners from Doughty Street Chambers - Phillippa Kaufman spoke on the recent judicial review involving the police shootings of Mark Saunders and Dayniel Tucker; and Paddy O'Connor QC on the legal implications of the Court of Appeal judgment in the case of a child who had been subject to restraint in a secure training centre.

17 November: Deborah Coles met members of the Council of Europe's Committee for the Prevention of Torture to brief them on cases raising concerns about treatment in custody as part of the Committee's visit to the UK. This followed the submission of our written evidence about deaths in prison and in police custody

18 November: Deborah Coles met Debra Baldwin, the new head of Offender Management at NOMS, to discuss our work on deaths in prison. She then

attended a joint meeting with CRAE and the NSPCC to brief them on concerns about the human rights of detained children.

19 November: Deborah Coles and Sian Griffiths attended the Howard League AGM and put a question to the civil servant attending on behalf of Ed Balls, Minister of State at the Department for Children, Schools and Families, regarding restraint of children.

20 November: Sian Griffiths gave the annual Ellen Heaton Memorial Lecture at Swarthmore College in Leeds on the subject of "Deaths in Custody: A Human Rights Issue". Stephen and Theresa Brown, the parents of Stephen Brown, who died in hospital whilst a prisoner at HMP Doncaster, also contributed to the event.

24 November: Deborah Coles made a presentation at the Centre for Corporate Accountability's conference on the Future of Health and Safety Enforcement.

27 November: Deborah Coles gave a presentation at the Prison Inspectorate Development Day on INQUEST's work with families after deaths in prison.

28 November: Casework team members attended the Legal Action Group's training course on inquests, which included input by Sian Griffiths about the work of INQUEST.

1 December: Deborah Coles and Helen Shaw met officials from the Ministry of Justice's Coroners Bill Team to discuss forthcoming legislation.

4 December: Helen Shaw and Sian Griffiths met Harry Fletcher, Assistant General Secretary of NAPO, to discuss working with the union and the Justice Group of MPs on the new Coroners and Justice Bill.

15 December: Deborah Coles attended MIND's re-launch of its legal department.

10 December: The regular bilateral meeting between staff from the Prisons and Probation Ombudsman and INQUEST was attended by a Co-Director and the Casework Team.

12 January: Helen Shaw attended the quarterly Ministry of Justice Coroner Service Stakeholder Forum

18 January: Deborah Coles attended a memorial marking the tenth anniversary of Roger Sylvester's restraint-related death involving Metropolitan Police officers in 1999. A full report will be included in the next newsletter.

- **Caseload**

Since the last e-Newsletter in October, INQUEST has taken on 57 new cases, 14 of which involve a death in custody. Last year INQUEST took on 254 new cases. Our current open caseload – including those from previous years - is 218 including 18 non-custody cases.

- **Deaths in custody in England & Wales 2008 and 2009**

Deaths in prison			Deaths in police custody		
<i>Classification</i>	<i>2008</i>	<i>2009</i>	<i>Type</i>	<i>2008</i>	<i>2009</i>
Self Inflicted	61	6	Custody deaths	25	1
Non-Self Inflicted	89	3	Pursuits	27	0
Homicide	3	0	Road Traffic Incidents	8	0
Awaiting Classification	4	0	Shootings	3	0

Source: INQUEST casework and monitoring
Further statistical information can be found [on our website](#).

- **Books and publications from INQUEST**

The long-awaited publication of the Coroners and Justice Bill 2009 means that the three invaluable books INQUEST has produced since 2005 are more relevant than ever. As Eric Allison wrote in the *The Guardian*: **"The voices of the families and their accounts are powerful arguments that reform is needed."** These books should be on the shelf of everyone with an interest in coronial reform and the investigation of deaths in custody.

1) Unlocking the Truth - Families' Experiences of the Investigation of Deaths in Custody



Unlocking the Truth by Helen Shaw and Deborah Coles, Co-Directors of INQUEST, describes the experiences of families bereaved by deaths in custody from the time of death to the conclusion of the investigation and inquest and situates them within the political, recent historical and legal context. An executive summary is available [here](#). The report was made possible by a grant from the Nuffield Foundation.

£10 Paperback 160 pages ISBN 9 780 9468 5821 7

2) Dying on the Inside - Examining Women's Deaths in Prison

Dying on the Inside, by Marissa Sandler and Deborah Coles, provides a comprehensive examination of INQUEST's casework on women's deaths in prison from 1990-2007. The report documents



and examines the individual deaths in the context of the policies and practices in place across the women's prison estate and the role of other state agencies and the wider criminal justice system. An executive summary of the report can be downloaded [here](#).

£12 Paperback, 192 pages, illustrated. ISBN 9 780 9468 5822 4

3) In The Care Of The State - Child Deaths in Penal Custody in England & Wales

Written by Prof. Barry Goldson and Deborah Coles, the book examines in detail child deaths in penal custody alongside a critical analysis of the responses to such deaths by key state agencies.

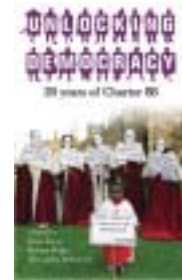


£15 Paperback 134 pages ISBN 0 9468 5819 5

All INQUEST publications are available to buy online [from our website](#)

- ***Unlocking Democracy***

Unlock Democracy has published a book to mark the twentieth anniversary of Charter 88, *Unlocking Democracy*. It includes essay on deaths in custody by INQUEST's Co-Directors, alongside other pieces on the subject of rights and freedoms from a variety of high-profile authors, including noted human rights campaigners as well as the Prime Minister and Leader of the Opposition.



- **Staff Changes**

INQUEST's Parliamentary and Policy Officer Yasmin Khan has now left the organisation to take up a post at War On Want, and we wish her well in her new job.

For further information about any of the issues contained in this newsletter please contact inquest@inquest.org.uk

