Inquests fail to restrain the police

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Last Friday an inquest reached a shocking conclusion, though you'd be hard pressed to have heard about it. In a damning narrative verdict, the jury concluded that Mikey Powell had died from positional asphyxia following police restraint. An 8-2 majority at Sutton Coldfield Town Hall ruled that the sequence of events in the last few minutes of his life "made him more vulnerable to suffering death". In short, he had been deliberately hit by a moving police car, sprayed with CS gas struck by a baton and restrained on the ground while suffering a psychotic episode.

It was September 7 2003 when Mikey Powell died. He was 38 years old, had three children and worked as a team leader in a local metal factory. Mikey, who was known as Mikey Dread because of the extravagant dreadlocks he had worn as a young man, was well loved in the Lozells area of Birmingham where he lived. Mikey also [occasionally] suffered from terrible depression, and on the night in question he [suffered a breakdown].

It was 11.30pm, Mikey was raging outside his mother's house, and he broke a window. His mother Claris called the police. She had always believed British bobbies were the best in the world, and if there was a difficult situation you called them out for help. A couple of months earlier, Mikey had suffered another episode, she had called them out, and it had been all been sorted.

But this time the police didn't calm Mikey down. When the officers screamed at him to get on the floor, he took off his belt and hit the car with it. The police drove straight at him as fast as they could and ran him over.

That wasn't the end of it. He was then sprayed with four times the recommended dose of CS gas, hit with a baton, and held on the ground by up to eight officers for at least 16 minutes until a police van arrived to take him to the station. The inquest heard that he was put on to the floor of the van; face down, "like a dog" – leaving him vulnerable to asphyxiation.

The van parked in the [police] station yard and Mikey was kept in it for three minutes before he was carried face down into the "drunk cell". It was only then that officers realised he was not breathing. His cousin, the poet Benjamin Zephaniah, said that in their treatment of Mikey the police had acted as a "Force rather a service".

The most infamous death in the custody of British police occurred three years later. In 2006, the Metropolitan police shot and killed Jean Charles de Menezes on the tube, claiming he was a terrorist suspect. Not surprisingly it received a great deal of media attention – so much so that one might have thought it was the first death in custody in many years. But the reality was very different. Over the past 30 years more than 1,000 people have died in Britain in police custody – a disproportionate number of whom are black men, and many, like Mikey Powell, suffering from mental illness.

The pattern is as familiar as it is unforgivable – death is followed by character assassination of the victim. So when Richard O'Brien died in 1994 at a party, the police leaked suggestions that he was overweight (i.e. vulnerable to a heart attack) and had been involved in a fight – though the fight had actually involved two women.

In the same year, Shije Lapite was stopped by two police officers for “acting suspiciously”. Half an hour later he was dead. An inquest ruled that the cause was “asphyxia from compression of the neck, consistent with the application of a neck hold”. One officer told the inquest that Mr Lapite was "the biggest, strongest, most violent black man" he'd ever seen. In fact, he was 5ft 10. At the inquest an officer admitted kicking him twice in the head as hard as he could, and said he was using reasonable force to subdue a violent prisoner.

In 1999 Roger Sylvester died after being restrained on his stomach by six police officers. He was portrayed as a feral, naked black man prowling the streets of Tottenham - in fact he was an average-sized naked man with mental health problems locked outside his house. He was also described as a crack addict, although no traces of cocaine were found in his blood or urine. Newspapers published first and apologised afterwards.

And so it goes on. Death followed by character assassination. After Jean Charles de Menezes had been shot seven times in the head at point-blank range, the media dutifully reported the police leaks – that he was a suspected terrorist wearing a suspiciously heavy or padded jacket with wires sticking out of it; he ran from the police then jumped a ticket barrier. None of which was true.

Only one of these deaths - David Oluwale, the first black man to die in custody - has resulted in an officer being convicted of a crime.

If you had read the news stories following the death of Mikey Powell, you might well have assumed that the police acted proportionately. A local paper reported that the police had driven their car at him only because he waved a gun at them. The gun was, in fact, his belt. When the family complained to West Midlands police, they were told it had been a mistake made by a source close to the investigation. By then the damage had been done. In the public mind, Powell was a crazed gunman who deserved to die. The truth was that Mikey Powell did not have a criminal record. He hated guns, and was worried about the reputation the Lozells area was getting for trigger-happy gangsters.

Tippa Naphtali, a community development worker and the brother of Benjamin Zephaniah, led the campaign for justice for Mikey. He believes the gun stories and references to his physical presence were just a crude attempt to demonise his cousin. “You saw it with Shiji Lapite, suddenly he was this huge black man with superhuman strength, and Roger Sylvester had the strength of 15 men. It’s just playing on this racial stereotype of big black men, big muscles, big dicks, and big trouble. So we were furious when this came out because the public’s perception of Mikey was no longer that he was a family man with three children, he’s a gun-toting thug from Lozells.”

In 2006, six officers were charged with battery and failing to treat Mikey with due care and attention. All were cleared. Three years on, the family has finally got the result it has been waiting for – of course, nothing can compensate for the death of Mikey, but now they have the small satisfaction of a jury ruling that the way he was restrained resulted in his death.

After the inquest, Mikey's sister Sieta Lambrias said: “At long last the truth has come out. We have worked for six years to reach this point - the jury have found that the position the police put Mikey in killed him. Hopefully this will give some encouragement to other families who have lost someone in custody.

“A chilling feature of this inquest is that Mikey died in police hands. Officer after officer told the Court that they would do the same thing again. Most expressed no regret for Mikey's death. We are alarmed about this, and think the community should be too. We will continue to fight to secure police accountability and stop future custody deaths.”

It was a powerful and unusual verdict. So why haven't we heard about it? Where are the headlines declaring that police “restraint” killed Mikey Powell”? Nowhere. The only newspaper report was an appalling column in the Sunday Telegraph arguing that the inquest – and the family's determination to prove that the police restraint had been inappropriate and that there had been a racist element to the manner in which they treated Mikey – was a waste of public money. Apart from that, the story had been conspicuously ignored.

Why? It's particularly strange when aggressive policing, and the death of Ian Tomlinson at the G20 protests in London, after he had suffered a police beating (initially denied, of course), has become a hot topic in the news.

The reasons are as complex as they are alarming. In 2004, narrative verdicts were introduced at inquests. This was a descriptive verdict that answered questions rather than the traditional short-form verdict that simply stated how and why somebody had died. It was designed to provide more information for families, helped them understand why their loved ones died and give succour.

At the same time, the new kind of verdict meant that, by their nature, they were less newsworthy; less easy to sum up in a soundbite. The ultimate soundbite for a death in police custody was “unlawful killing”, but since 20004 this verdict has never been reached. Without “unlawful killing”, there is no sexy headline, and without a sexy headline there is no obvious news story. Even the language used in the new narrative militates against the simple story (in the case of Mikey, the jury was asked to rule “if you have found that the cause of death was either exertional sudden death in association with sickle cell trait or positional asphyxia, on the balance of probabilities did he become more vulnerable to suffering death...”

Deborah Coles, co-director of campaigning group INQUEST supports narrative verdicts, but worries that they have led to less coverage of controversial deaths. ”They allow more meaningful outcomes for families and can be very powerful commentary on individual and systemic failings. But the negative side is they are difficult to report on because of the detail. The significance of the narrative verdict is being overlooked. When you break it down what that jury said is that Mikey Powell died because of the way the police restrained him. People are not understanding how damning these narrative verdicts are in terms of culpability.”

The second reason why inquest verdicts for deaths in police custody are seen as less newsworthy is because of our changing attitudes to what we like to regard as “old-fashioned” policing. It has become known in legal circles as the “Life on Mars” defence, a reference to the TV satire on 1970s policing.

Inquests are sometime not heard until years after the death, as happened in the case of Mikey Powell. In the six years since his death many people in authority, from judges to newspaper editors, assume that policing has been transformed. To paraphrase, the logic goes “We know policing was a joke back then, we know officers were bent, racist and brutal, but the past is the past, get over it, and let's focus on the future.”

But recent deaths in custody have shown this not to be the case. And how can we be confident of getting the future right, when we've not owned up to past wrongs. If we are not interested in highlighting the abuses suffered by the likes of Mikey Powell, why should the police fear acting with a similar lack of restraint in future?