



Metropolitan Police Service

Response to the Home Office Consultation Paper on Revising the Definition of Categories of Deaths of Members of the Public During or Following Police Contact.

January 2002



**METROPOLITAN
POLICE**

Working for a safer London

Metropolitan Police Service Response to the Home Office Consultation Paper on Revising the Definition of Deaths in Police Custody

Introduction

1. The Home Office issued a consultation paper on 14th December 2001 revising the definition of categories of deaths of members of the public during or following contact with the police.
2. The deadline for submissions to the Home Office is 31st January 2002. The consultation paper is attached at **Appendix A**.
3. The MPS agrees with the synopsis of the current situation laid out in the introduction to the Home Office consultation document. The MPS supports the rationale for the need to record and monitor deaths following contact with police, but also acknowledges that the present system does inappropriately group cases together. Many cases do not reflect what the person in the street would understand as a 'death in police custody'. The MPS supports the principle of re-categorising deaths in custody into four separate groups:

Fatal Traffic Accidents

4. The MPS accepts this proposal.

Fatal Police Shootings

5. The MPS accepts this category, but believes that including those who shoot themselves will distort the statistics. The MPS suggest that the category should be split. The sub-category of 'those who shoot themselves' should be included in the definition of 'deaths following other types of contact with the police'. This revision would group 'those who shoot themselves' with 'those who die during a siege or ambush' in the 'other type of contact' category. The MPS believes this to be a more logical grouping.

Death in custody

6. The MPS recognises the weaknesses of the present system, but believes that its strengths should be retained. The current definitions are clear, robust and provide public reassurance that a death in custody will attract rigorous investigation and the appropriate scrutiny. The MPS believes that the current definitions should form the basis of the revised definition of a death in police custody.
7. The proposal to include cases where a link is alleged between the detention of a person and their subsequent death does not build on the logic of adopting a common sense definition of 'in custody'. No definition of a 'link' is suggested, and including such cases in a death in custody category will erode the strengths of the current system.

Deaths following other types of contact

8. The proposals regarding other types of contact with police are too broad. The new definition will compound the issue that the number of persons recorded as dying in police custody is much higher than is actually the case. The MPS dealt with over 73,000 illnesses in the street and 8,300 sudden deaths in 2000/01¹. Although not all illnesses lead to death, including such figures will clearly distort the statistics. Recording deaths following innocent contact with the police is not within the spirit of recording deaths in custody. It is also not the logical conclusion of the driver for change and will confuse rather than clarify the issues. The MPS believes that building on the current definitions will assist in providing a meaningful recording system.
9. The Metropolitan Police response is attached at **Appendix B**.

¹ Source: CADMIS

MPS Response to the Home Office Revised Definitions

The proposed Home Office definitions are presented below in italics with MPS comment in bold.

Definitions of four categories of deaths of members of the public during or following police contact

1. Fatal road traffic incidents involving police officers

This definition covers all deaths resulting from road traffic incidents involving the police, both where the person who dies is in a vehicle and where they are on foot.

MPS: Agreed

2. Fatal shooting incidents involving police officers

This definition covers the following categories:

- Where police officers fire the fatal shots;*

MPS: Agreed.

- where a person shoots himself whilst police officers are in attendance.*

MPS: This section of the category should be included in 'other types of contact'. This will provide more accurate data on police shootings and is more consistent.

3. Deaths in police custody

This definition covers the deaths of persons who have been arrested or otherwise detained by the police. It also includes deaths occurring whilst a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.

MPS: Retain the current Category A definition with appropriate additions from Category B.

Deaths in the following circumstances are amongst those covered by the definition:

- where the person dies in or on the way to hospital (or some other medical premises) following or during transfer from police detention;*

MPS: Covered by a Category A definition.

- where the person dies after leaving police detention and it is alleged there may be a link between that detention and the cause of death;*

MPS: Disagree. Difficulties in defining 'link'.

- where the person is being detained for the purposes of exercising a power to stop and search;*

MPS: Agreed

- where the death is of a child or young person detained for their own*

protection;

MPS: Agreed

· where the person is in the care of the police having been detained under the Mental Health Act 1983;

MPS: Agreed

· where the person is in police custody having been arrested by officers from a police force in Scotland exercising their powers of detention under section 137(2) of the Criminal Justice and Public Order Act 1994;

MPS: Agreed

· where the person is in police custody having been arrested under section 3(5) of the Asylum and Immigrations Appeals Act 1993;

MPS: Agreed

· where the person is in police custody having been served a notice advising them of their detention under powers contained in the Immigration Act 1971;

MPS: Agreed

· where the person is a convicted or remanded prisoner held in police cells on behalf of the Prison Service under the Imprisonment (Temporary Provisions) Act 1980.

MPS: Agreed

4. Deaths following other types of contact with the police

This definition covers the following categories:

· where the person dies in or on the way to hospital (or some other medical premises) following contact with the police, but the person was at no stage detained by the police. This excludes circumstances where the police have attended at a road traffic incident;

MPS: Disagree – Including such incidents will distort the statistics.

· where the person dies after some form of contact with the police which did not amount to detention and it is alleged there may be a link between that contact and the cause of death;

MPS: Disagree – what is the definition of a ‘link’. The definition of ‘contact’ with police is too broad.

· where the person is being spoken to, assisted by or accompanied by police personnel, but has not been detained;

MPS: Disagree – not within the spirit of death in custody.

· where officers attend the scene of an incident (other than a road traffic incident), but the individual has not been detained;

MPS: Disagree – what is the definition of an individual at an incident?

· where the person is actively attempting to evade arrest and the death occurs otherwise than as the result of a road traffic incident;

MPS: Agreed

· where there is a siege situation or ambush and the death occurs otherwise than as a result of a shooting.

MPS: Agreed, with the addition of ‘otherwise than as a result of a police shooting’.

The above categorisations cannot be considered completely exhaustive. Cases will still have to be considered individually to decide whether and how they should be recorded.