

United Families and Friends Campaign

c/o Inquest · 89-93 Fonthill Road · London · N4 3JH

Rt. Hon. Gordon Brown, MP
The Prime Minister
10 Downing Street
London
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27 October 2007

Dear Prime Minister

Formed in 1999, the United Families and Friends Campaign (UFFC) is a coalition of families who have in common the anguish of having a loved one die in custody and the torment of living with questions unanswered by the state about how their loved one died.

We wrote our first letter to your predecessor in October 1999 raising our deep concern that the range of initiatives being proposed by the Home Secretary Jack Straw to address deaths in custody was inadequate. In that letter we presented achievable actions that could be undertaken, namely, that all deaths in custody are independently investigated; that the Police Complaints Authority (PCA) be replaced by a genuinely independent body; that officers and officials directly involved in a custody death be suspended until the completion of an investigation; that those found responsible for a death should face criminal charges; that families should have disclosed to them complete details of events and other matters relating to the death of a loved one.

During the intervening years we have attended numerous meetings with police, judicial and Home Office officials and provided detailed comments to various consultation initiatives and 'reviews' to government departments. Yet the annual tally of deaths in custody continues as before, and the same obstacles are encountered by newly bereaved families: lack of pre-inquest disclosure; multiple post-mortems; unsubstantiated and derogatory comments about the deceased to the media by public officials; the clear conflict of interests raised by police officers investigating other police

officers; years of delay before an inquest takes place; and the battle by families to obtain some, if any, legal aid to assist their representation at any subsequent hearings.

A death in custody is not and can never be a simple affair. A relative's need (or that of concerned members of society) to understand how a person has lost their life whilst in the care of public officials need not necessarily be an implicit assertion of the culpability of those officials. However, the ingrained response of these officials and the organisations they work for over several decades has engendered a mentality that their first priority is to themselves and therefore they procrastinate and block attempts by family members to have the most basic of their questions answered. It leads to a denial of any measure of responsibility and accountability, both personal and organisational. Deaths that occur in detention centres, prisons or secure psychiatric facilities are surrounded in even more secrecy than those which occur in police stations or on the street. All too often reputation management is the primary focus after a custody death, usually achieved through the denigration of the deceased.

The illusion of the Independent Police Complaints Commission (IPCC)'s 'independence' has not lasted long. With the consistency of the old Police Complaints Authority (PCA), the IPCC has failed UFFC members who looked to it for redress. We raised a number of detailed concerns during the consultation period leading up to the creation of the IPCC. We said then that the use of police officers to investigate complaints against their fellow officers was indefensible and the 'supervision' of these officers by IPCC personnel a charade. We raised our concern that simply transferring large numbers of staff from the discredited PCA would seriously block rapid progress in restoring credibility in dealing with police complaints from an extremely low starting point. Finally, we warned that a lack of transparency and openness in the proposed workings of the IPCC would provide cover for acquiescence to police officers to such an extent that it would be the police who controlled any serious investigation of a complaint. All this has happened.

If there is ever to be accountability for a death in custody then there must be criminal charges against officials who have abused their authority, position and trust - including private contractors who for example look after or transport prisoners or detainees. The Crown Prosecution Service (CPS) has failed virtually in every case of a custody death brought to its attention to press for criminal charges. Instead, the CPS chooses not to allow a public examination of the evidence and in numerous cases such evidence exists in abundance. Even when an inquest jury returns a verdict of unlawful killing, the CPS consistently decide they are unable to act. Lord Butler in submitting his review of the CPS in 1999 commented specifically on the marked lack of criminal prosecutions in this regard.

No doubt you will pass this letter to an official in the Home Office, Ministry of Justice or some other department that you believe will be best able to respond to the issues outlined in this letter. It is a sensible course of action to seek detailed clarification and advice from such departments. However, we insist that any substantive reply to this letter comes from your office. We have been 'passed on' for the last nine years and each year heralds some new initiative founded on the back of a now clichéd official response of 'needing to learn the lessons'. We have acknowledgement there are problems, but the initiatives do nothing to address the central issues, it is difficult not to believe that this is precisely what was intended.

Our experience is that various public bodies have been unable or unwilling to learn or implement anything that produces some tangible meaningful actions that prevent a death in custody or assist families and enforce accountability when a death does occur. Sadly, it comes as no surprise to learn that prison officers have recently called upon the government to approve their use of batons upon children in custody. Yet another example of lessons not learnt, an illustration of a mindset that has prevented any lasting progressive change regarding the imprisonment of young people and their care. The response from the government so far has not been much better as instead of strong decisive leadership against such corrosive management thinking, we only hear that a 'review' of restraint techniques is being considered. Responses to deaths in custody have been piecemeal, ineffective and often little more than a media management response to a tragedy – surely we can and should expect our officials to work to the highest of possible standards and not the lowest that can be excused away.

We believe a permanent standing commission on deaths in custody with real effective powers to unify the fragmentation that currently exists would be a positive step. Families with a direct interest would need to have an effective and meaningful role within such a body, we cannot be invited simply as passive observers, to be 'consulted' and cast aside at leisure. Inquest and other organisations have in the past indicated something along these lines. UFFC would be keen to explore how such a commission could operate to establish not only effective accountability of officials and the organisations with responsibility for the care of those in custody, but in restoring a large measure of trust in those very institutions.

Yours Sincerely

Brenda Weinberg
Chair, United Families and Friends Campaign