



Submission to the United Nations High Commissioner for Human Rights for their 2023 report

April 2023

1. INQUEST is the only charity in the UK providing expertise on state-related deaths and their investigation. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multiagency failings or where wider issues of state and corporate accountability are in question.
2. Over the past 40 years, INQUEST has exposed the UK Government's failures to uphold the right to life, the right to live free of discrimination, and the state's duty to protect life and prevent ill-treatment. INQUEST's work highlights a pattern of state violence, neglect, institutional and structural racism, impunity and injustice.
3. Responding to the UN's call for input on the Human Rights Council's resolution 47/21 on the 'Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality',¹ this submission provides an update on recent deaths of Black people in police custody or following police contact. It also outlines recent policy and legislative updates of concern, including statistics on police use of force.
4. This submission also builds upon previous INQUEST submissions to the: Office of the High Commissioner for Human Rights (OHCHR) for their report on systemic racism against people of African descent by law enforcement agencies in 2020;² the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement;³ and the Working Group of Experts on People of African Descent in advance of the country visit to the United Kingdom.⁴ It also builds upon INQUEST's

¹ United Nations (2021) Resolution adopted by the Human Rights Council on 13 July 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/199/03/PDF/G2119903.pdf?OpenElement>

² INQUEST submission (2020) to the Office of the High Commissioner for Human Rights report, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=e98ae5e6-a33a-4257-94d2-7db6c656d653>

³ See INQUEST's submission to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement (2022), <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=1939ebb6-78e0-429a-9943-9db7f03cb319>

⁴ See INQUEST's submission to the UN Working Group of Experts on People of African Descent (2022), <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=9a9d9011-8957-474f-9027-fda3a773d9d6>

INQUEST

2023 report '*I can't breathe*': Race, death and British policing, which is also enclosed with this submission as formal evidence to the UN's report.⁵

Update from INQUEST's casework

5. In this section, INQUEST provides an update on particularly concerning cases involving the deaths of Black people in police custody or following police contact in the UK since the publication in February 2023 of *I can't breathe*': Race, death and British policing, INQUEST's comprehensive report on policing.⁶ The deaths of Black people included below are of particular concern as they raise issues relating to the use of force, especially restraint, as well as racial stereotyping and the absence of police de-escalation. The cases referenced below also underscore the heightened discrimination experienced by Black people with mental ill health.

6. **Chris Kaba**,⁷ a 24 year old Black man, died in September 2022 after being fatally shot through the head in his car by armed Metropolitan Police officers in South London. Chris was unarmed.⁸ The Independent Office for Police Conduct (IOPC), the investigatory body, launched a homicide investigation into Chris's death on 9 September 2022.⁹ In the aftermath of the incident, the Metropolitan police said Chris had been shot 'after a police pursuit' suggestive of a chase. At the opening of the inquest the IOPC said police officers did not activate their lights or sirens while following the vehicle.¹⁰ On 30 March 2023, the IOPC announced that it had concluded its homicide investigation and passed the file to the Crown Prosecution Service (CPS) to consider potential criminal charges. In a joint statement, Chris's family said, "We very much hope that the CPS advise in favour of a prosecution and that the truth will emerge, without delay, through criminal proceedings."¹¹

⁵ See INQUEST's report "I can't breathe': Race, death and British Policing' (2023), <https://www.inquest.org.uk/i-cant-breathe-race-death-british-policing>

⁶ The cases referenced in this submission do not represent an exhaustive list of all INQUEST cases involving the death of a Black person in police custody or following police contact.

⁷ Guardian (2022) What we do – and don't – know about why Chris Kaba was shot dead by police, <https://www.theguardian.com/world/2022/sep/16/first-edition-chris-kaba-met-police>

⁸ BBC (2022) Chris Kaba: Inquest opens into death of man shot by police, <https://www.bbc.co.uk/news/uk-england-london-63129621>

⁹ Guardian (2022) What we do – and don't - know about why Chris Kaba was shot dead by police, <https://www.theguardian.com/world/2022/sep/16/first-edition-chris-kaba-met-police>

¹⁰ Guardian (2022) Chris Kaba was not a suspect before being fatally shot by police, hears inquest, <https://www.theguardian.com/uk-news/2022/oct/04/chris-kaba-was-followed-by-police-before-being-fatally-shot-hears-inquest>; IOPC (2022) Statement read out at opening of inquest into the death of Chris Kaba, <https://www.policeconduct.gov.uk/news/statement-read-out-opening-inquest-death-chris-kaba>

¹¹ See INQUEST press release (2023) Chris Kaba: Family respond to police watchdog decision to refer homicide investigation to Crown Prosecution Service, <https://www.inquest.org.uk/chris-kaba-cps-file>

INQUEST

7. **Kaine Fletcher**,¹² a 26 year old mixed-race Black man, died in July 2022 after Nottinghamshire police officers were called to his home whilst he was experiencing a mental health crisis. He was detained under the Mental Health Act and restrained by a number of police officers after he became “uncooperative”. He had previously been diagnosed with a personality disorder in 2020. The IOPC confirmed it had received a mandatory referral from the police but did not release a statement about the investigation at the time. The IOPC confirmed the investigation would examine whether Kaine was treated differently because of his race.
8. **Godrick Osei**, a 35 year old Black man, died in July 2022 after police officers restrained him during a mental health crisis in Cornwall. At the time of his death, Godrick was experiencing a psychotic episode and paranoid thoughts. Godrick had fled his flat and was hiding in the cupboard of a care home in Truro. Godrick called the police, as did the care home staff. Up to seven Devon and Cornwall police officers arrived and arrested Godrick at 2.30am before paramedics were called at 2.49am, with some officers restraining Godrick in a small space. Godrick died a shortly afterwards. The death is being investigated by the IOPC. In January 2023, the IOPC stated “At this stage, there is no indication that any of the officers involved may have breached police professional standards or committed a criminal offence, a decision that is regularly reviewed.”¹³
9. **Oladeji Omishore**,¹⁴ a 41 year old Black man, died in June 2022 after being Tasered by the Metropolitan Police. A video circulated online of him being Tasered then clambering over a barrier and falling into the river Thames. The Metropolitan Police put out a press release referring to Oladeji being “armed with a screwdriver.” More than two weeks later, the IOPC put out a press release confirming that Oladeji had in fact been carrying a lighter which he used for lighting cigarettes. In November 2022, it was announced that Oladeji’s family are challenging the IOPC in the High Court for its decision to treat the officers involved as witnesses, not suspects.¹⁵
10. **Mouayed Bashir**,¹⁶ a 29 year old Black man, died in February 2021 after an ambulance followed by Gwent police were called to his home in Newport, Wales. The police restrained Mouayed in his home. He died shortly afterwards in hospital. A pre-inquest review was held in February 2023. Since Mouayed’s death, the family

¹² Independent (2023) Revealed: Probe launched after mixed-race father, 26, died following police restraint, <https://www.independent.co.uk/news/uk/home-news/man-dies-police-restraint-iopc-b2295849.html>

¹³ Independent (2023) ‘He needed help’: Family of Black man who died after restraint by police speak out, <https://www.independent.co.uk/news/uk/home-news/godrick-osei-devon-cornwall-police-b2247905.html>

¹⁴ INQUEST (2022) Chelsea Bridge death: The family of Oladeji Omishore raise concerns about misinformation, <https://www.inquest.org.uk/oladeji-omishore-statement2>

¹⁵ Guardian (2022) Chelsea Bridge death: family bring test case against police watchdog, <https://www.theguardian.com/uk-news/2022/nov/28/chelsea-bridge-death-oladeji-omishore-family-bring-test-case-against-police-watchdog>

¹⁶ BBC News (2023) Mouayed Bashir: Jury to be shown bodycam of man’s last moments, <https://www.bbc.co.uk/news/uk-wales-64789491>

INQUEST

have campaigned to be able to see the unpixelated version of the body camera footage from the morning of his death. The coroner said the footage would be disclosed to the family's legal team and be shown to the jury at the start of the inquest. The coroner also said that all police officers involved are expected to attend the inquest hearing and be identified, despite a request from Gwent Police's barrister to allow time for possible applications regarding anonymity.

11. **Lamont Roper**, a 23 year old Black man, drowned in the River Lea following a police pursuit in October 2020. The police officers told the inquest they had intelligence about recent robberies involving Black males between the ages of 16 and 24, wearing dark clothing and possibly on pedal cycles, and were intending to stop and speak to Lamont. Lamont fled on his bicycle before they could carry out the stop-and-search and the police pursued him. The inquest, which concluded in November 2021, noted the inadequacy of resources for water rescue along the canal and lock, the lack of sufficient police resources, and the lack of a specialised on-call dive rescue team. It also revealed that Lamont fell into the lock, as opposed to jumping as was initially claimed by police. Following an IOPC investigation, the IOPC said in December 2021 that a Metropolitan Police officer faced misconduct allegations over Lamont's death.¹⁷
12. **Shane Bryant**,¹⁸ a 29 year old Black man, died following restraint by Leicestershire police and members of the public in July 2017. He had been apprehended as he tried to flee the scene of an attempted robbery of a shop. An off-duty police officer, 'Officer L', galvanised members of the public to intervene. Shane was subject to around 10 minutes of prone restraint when Leicestershire police arrived. He was handcuffed and leg restraint straps were applied. He was left in a prone position for a further five minutes and then was discovered to be unresponsive. In October 2021, the inquest jury returned a critical narrative conclusion, finding that aspects of the force used to restrain him were unreasonable and contributed to his death.
13. **Andrew Hall**, a 43 year old Black man, died in September 2016 following restraint by police officers at Huddersfield Police station after being arrested in Huddersfield Royal Infirmary where he had been physically unwell. The inquest heard that in the hour before he died, Andrew was so distressed and disoriented that he didn't appear to understand what was being said to him. Whilst being restrained, Andrew's condition deteriorated and he was taken by ambulance back to the hospital.¹⁹ In the ambulance, Andrew was put in leg-restraints and double hand-cuffed. Once at the

¹⁷ Independent (2021) Lamont Roper: Met police officer faced misconduct allegation following Black man's drowning, watchdog says, <https://www.independent.co.uk/news/uk/home-news/lamont-roper-iopc-met-police-b1972853.html>

¹⁸ INQUEST (2021) Shane Bryant: Jury finds unreasonable force contributed to death of Black man restrained [by] police and public, <https://www.inquest.org.uk/shane-bryant-jury-finds-unreasonable-force-contributed-to-death-of-black-man-restrained-for-17-minutes-by-leicestershire-police-and-members-of-the-public>

¹⁹ INQUEST (2021) Inquest to examine role of race and Huddersfield Police restraint in death of Andrew Hall, <https://www.inquest.org.uk/andrew-hall-opens>

INQUEST

hospital, he was face down on a trolley with police officers holding him down – this is when he shouted, “They’re killing me”. He died in the hospital shortly afterwards. In 2021, the inquest concluded with uncritical findings, despite the above evidence being heard.²⁰ At the inquest, the police were granted anonymity and gave evidence from behind a screen.

14. **Dalian Atkinson**, a 48 year old Black man, died in August 2016 following use of force by West Mercia police officers. This included multiple and prolonged use of Taser, baton strikes and kicks to the head. In June 2021, PC Benjamin Monk was found guilty of the manslaughter of Dalian and sentenced to eight years in prison. In September 2022, PC Mary Ellen Bettley-Smith was found acquitted of charges of assault against Dalian Atkinson at Birmingham Crown Court. PC Mary Ellen Bettley-Smith had struck Dalian three times with a baton after he was tasered to the ground.²¹ In March 2023, PC Mary Ellen Bettley-Smith was found guilty of gross misconduct in a police disciplinary hearing. The disciplinary panel found the officer used excessive force. The panel had the option of dismissing her from the force, but instead gave her a final written warning. She will continue to work as a police officer.²²

Key legislative and policy updates

15. In this section, we update on the key legislative and policy updates relating to policing and racism since INQUEST’s previous 2020 submission²³ to the OHCHR on systemic racism in the context of law enforcement and INQUEST’s 2023 report on racism and deaths in police custody.²⁴

Seni’s Law

16. Olaseni (Seni) Lewis, a 23 year old Black man, died in 2010 in a mental health unit where he was a voluntary patient. He died after eleven Metropolitan Police officers subjected him to two successive periods of prolonged restraint. Campaigning by Seni’s family alongside their local MP Steve Reed resulted in the commencement of Seni’s Law, also known as the Mental Health (Use of Force) Act 2018, in March 2022. The law aims to ensure better accountability and transparency concerning the use of force in mental health settings. However, key sections of the Act (section 6, 7 and 8)

²⁰ Channel 4 News (2021) Police used ‘justified’ force on man who died, inquest jury finds, <https://www.channel4.com/news/police-used-justified-force-on-man-who-died-inquest-jury-finds>

²¹ BBC (2022) Dalian Atkinson: Officer cleared of assaulting killed ex-footballer, <https://www.bbc.co.uk/news/uk-england-shropshire-63063137>

²² INQUEST (2023) Dalian Atkinson: INQUEST and family respond to gross misconduct finding, <https://www.inquest.org.uk/dalian-atkinson-gross-misconduct-finding>

²³ INQUEST submission (2020) to the Office of the High Commissioner for Human Rights report, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=e98ae5e6-a33a-4257-94d2-7db6c656d653>

²⁴ INQUEST report (2023) “I can’t breathe’: Race, death and British Policing’, <https://www.inquest.org.uk/i-cant-breathe-race-death-british-policing>

INQUEST

on the requirements to record and report to Parliament on the use of force statistics are yet to be commenced.²⁵ INQUEST believes this is a key concern that requires follow up with the Government.

Casey Review

17. Following the murder of Sarah Everard by Metropolitan Police officer Wayne Couzens in 2021, the Metropolitan Police Service appointed Baroness Louise Casey to lead an independent review of its culture and standards of behaviour. The review began in February 2022 and published its final report on 21 March 2023. The review concluded that the Metropolitan Police is “institutionally sexist, racist and homophobic”.²⁶
18. INQUEST organised a roundtable between the Review team and five bereaved families whose relatives died in circumstances involving the Metropolitan Police. Their testimonies highlighted the scale of denial, defensiveness, insensitivity and inaction from the police following a death.
19. While the review is a damning indictment of the Metropolitan Police, many of the families INQUEST works with have for many years spoken out about the institutional discrimination they and their loved one have been subject to. INQUEST laments the succession of critical reports and reviews of the police which are often followed by the hollow words that ‘lessons will be learned’.

Sheku Bayoh public inquiry

20. Sheku Bayoh, a 31 year old Black man born in Sierra Leone, died in 2015 in Kirkcaldy, Scotland after police officers restrained him. His death has been of significant controversy, raising public concern over racism and policing in Scotland. A public inquiry into his death opened on 10 May 2022 and it will examine whether the actions of the police officers were affected by his race.²⁷ The inquiry marks the first large-scale public examination of institutional racism in relation to a death in custody in the United Kingdom. In November 2022, the chair of the public inquiry condemned the “despicable” racist abuse directed towards the family of Sheku

²⁵ UK Parliament (2022) Mental Health Units (Use of Force) Act 2018, <https://questions-statements.parliament.uk/written-questions/detail/2022-11-28/97620>

²⁶ Metropolitan Police (2023) Baroness Casey Review Final Report: March 2023, <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/bcr/baroness-casey-review/>

²⁷ INQUEST (2022) Sheku Bayoh: Scottish public inquiry into death of Black man following police restraint opens Tuesday, <https://www.inquest.org.uk/sheku-bayoh-inquiry-opens>

INQUEST

Bayoh and their solicitor, Aamer Anwar.²⁸ The next block of hearings is scheduled to take place from Tuesday 9 May till Friday 26 May 2023.²⁹

21. During the course of inquiry, the vast majority of officers have denied they have ever witnessed any form of racial discrimination by fellow police officers, not even racist commentary or jokes. Many of the police officers were asked about the descriptions of Sheku Bayoh given following his death, including those describing him as the biggest male they had ever seen, of acting like a zombie, with super human strength, and false claims of Sheku waving a machete.³⁰ In reality, Sheku was only 5ft 10 inches and weighed 12 stones 10 pounds. Despite this, not one of the officers appeared to accept that they may be guilty of racist stereotyping or the use of racist tropes.

Jermaine Baker public inquiry

22. In February 2020, the Home Secretary announced an independent public inquiry to investigate the circumstances of the death of Jermaine Baker, an unarmed 28 year old Black man who was fatally shot by a Metropolitan Police officer in 2015. On 5 July 2022, the inquiry published its report. It identified a catalogue of the most damning failures by the Metropolitan Police Service from the moment the operation was conceived, throughout its planning and right through to its implementation on the morning of 11 December 2015 when Jermaine was fatally shot. However, the report fell short of expectations by concluding that Jermaine was lawfully killed and that the failures identified did not contribute to his death.³¹

Statistics on police use of force

23. This section provides information on the latest statistics relating to the use of police force against Black people. In addition to the concerning statistics on police use of force raised in INQUEST's February 2023 report,³² the following statistics further underscore the disproportionate use of police force against Black people.

²⁸ BBC News (2022) Judge condemns racist abuse faced by Bayoh family, <https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-63715727>; Guardian (2022) Sheku Bayoh's family facing 'despicable' racism, says inquiry chair, here <https://www.theguardian.com/uk-news/2022/nov/22/sheku-bayoh-family-facing-despicable-racism-says-inquiry-chair>

²⁹ Sheku Bayoh Inquiry (2023), <https://www.shekubayohinquiry.scot/>

³⁰ Independent (2022) Bayoh in 'zombie state' and race played no part in police action, inquiry told <https://www.independent.co.uk/news/uk/sheku-bayoh-edinburgh-kirkcaldy-fife-scotland-b2082974.html>; Scottish Left Review (2019) Death in Police Custody: the case of Sheku Bayoh <https://www.scottishleftreview.scot/death-in-police-custody-the-case-of-sheku-bayoh/>

³¹ INQUEST (2022) JERMAINE BAKER: Public inquiry report issues 'a loud wake-up call to a newly appointed commissioner', <https://www.inquest.org.uk/jermaine-baker-public-inquiry-report>

³² INQUEST report (2023) "I can't breathe": Race, death and British Policing', <https://www.inquest.org.uk/i-cant-breathe-race-death-british-policing>

INQUEST

24. The Home Office's most recent statistics³³ published 15 December 2022 for the year April 2021 to March 2022 found there were 608,164 recorded incidents in which a police officer used force.

- 81% of these incidents involved those perceived as male.
- 14% involved people perceived as Black (although Black people make up only 4.2% of England's population). This is at a rate 3.0 times higher than those perceived as being from a White ethnic group, while in the Metropolitan police force area the rate is 3.4 times higher.
- Those perceived as male, aged 18 to 34 and from a Black ethnic group accounted for 7% of all use of force incidents, compared with 0.5% of the overall population, and a rate of 145 use of force incidents per 1,000 population.

Police use of Taser

18. The Home Office statistics³⁴ also show 17% of incidents of less lethal weapons involved Black people whereas people perceived as being from a White ethnic group were involved in proportionally less.

- A Conducted Energy Device (CED), which includes Taser, was used involving someone perceived as being from a Black ethnic group at a rate 4.1 times higher than someone perceived as being from a White ethnic group in police force areas in England and Wales, and at a rate 4.7 times higher in the Metropolitan police force area.
- CED discharge incidents (where the CED is fired or used to deliver a 'drive-stun' or 'angled drive-stun') involved someone perceived as being from a Black ethnic group at a rate 3.8 times higher than someone perceived as being from a White ethnic group in police force areas in England and Wales (excluding Warwickshire and West Mercia who were not able to provide personal characteristics for these data), and at a rate 4.1 times higher in the Metropolitan police area.
- In incidents involving someone with a perceived mental health condition, CED use was similar across ethnicities (7% for people perceived as Black or White ethnicity).

³³ Home Office (2022) Police use of force statistics, England and Wales: April 2021 to March 2022, <https://www.gov.uk/government/statistics/police-use-of-force-statistics-england-and-wales-april-2021-to-march-2022/police-use-of-force-statistics-england-and-wales-april-2021-to-march-2022>

³⁴ Home Office (2022) Police use of force statistics, England and Wales: April 2021 to March 2022, <https://www.gov.uk/government/statistics/police-use-of-force-statistics-england-and-wales-april-2021-to-march-2022/police-use-of-force-statistics-england-and-wales-april-2021-to-march-2022>

INQUEST 