

PRESS RELEASE

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JURY FIND POLICE RESTRAINT KILLED MIKEY POWELL - DAMNING NARRATIVE VERDICT RETURNED AT INQUEST

The jury at the inquest into the controversial death in police custody in 2003 of Michael Lloyd Powell (known as Mikey) today returned a damning narrative verdict and found that the way that he was restrained resulted in his death from positional asphyxia (see below).

The inquest opened on 4 November 2009, over six years after his death in September 2003 and was heard at Sutton Coldfield Town Hall before HM Assistant Deputy Coroner for Birmingham, Stephen Campbell.

The inquest heard that Mikey Powell died after being detained by West Midlands Police on 7 September 2003. He was 38, had three children and worked as a team leader in a local metal factory and was at the time living with his mother. He had been unwell, suffering a mental ill health episode and smashed a window at their home. His mother called the police for help, assuming they would take him to hospital.

When the officers arrived they did not help. After Mikey broke a window in their car the officers then drove away and then came back driving straight at him as fast as they could. They claimed they believed he had a gun, which he did not. During the inquest his family's legal representatives challenged the officers as the family suspected that the officers had arrived at their home with preset fears about their area and their community.

Mikey was injured but survived the collision, and a family friend held him in a bear hug to try and prevent further trouble. However the police discharged more than four times the recommended amount of CS spray on both Mikey and his friend, and hit him with a police baton. Up to eight officers held him down on the ground for at least 16 minutes. Mikey was covered in blood.

No ambulance was called. A friend told the inquest that Mikey was put onto the floor of a police van "like a dog". He was driven to Thornhill Road police station on the floor of the van, lying between the seats. The van parked in the station yard and Mikey was kept in it for three minutes before he was carried face down 26 metres into the "drunk cell." It was only then officers noticed that he was not breathing. CPR was commenced and paramedics were called but to no avail.

The central issue at the inquest was whether Mikey had been transported face down on the floor of the police van, and whether this had led to him dying of positional asphyxia. The police assertion was that he had been placed on his side and had died from the combined effects of his exertion against restraint and the fact that he possessed the sickle cell trait.

Despite the injuries he had sustained prior to the police's arrival and during the collision with the police car, and despite what should have been obvious concerns about his mental health, he was taken to a police station and not to a hospital. Police stations are still routinely used as “places of safety” for those with mental health difficulties.

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.

Deborah Coles, co-director of INQUEST, said:

Mikey Powell was a vulnerable man in need of help and protection. Instead the police failed to treat him as a human being and subjected him to cruel, inhuman and degrading treatment using methods of restraint known to be dangerous. The Chief Constable of West Midlands police force needs to explain why six years after this most disturbing death his officers can give evidence that they would do nothing differently if presented with a similar situation today. Have the police learned nothing from previous high profile deaths and the recommendations arising from inquests and inquiries?

Jane Deighton, the family solicitor, said:

Tribute should be paid to Mikey's remarkable family who, devastated by Mikey's death, have fought for six distressing years to get to the truth and to hold those responsible to account.

INQUEST has long highlighted the disproportionate number of deaths of young black men in police custody or following police contact in circumstances involving medical neglect or the use of force. In 2004 the Parliamentary Joint Committee on Human Rights endorsed many of INQUEST's concerns about restraint, stating:

The possibility that racial stereotyping has been a contributory factor in at least some deaths in custody resulting from restraint should be taken seriously.

Following the restraint-related death of Roger Sylvester in 1999, the Metropolitan Police conducted a review and published on 30 September 2004 the Restraint and Mental Health Report which made a number of significant recommendations.

In 2006 the IPCC published a substantial report which made recommendations for the benefit of policing, drawing their attention to the importance of reviewing progress made in relation to previous inquiry reports, in particular the Stephen Lawrence Inquiry. This report also made a number of specific recommendations for policing as a whole.

The majority (8:2) jury finding was based on answers to the following questions.

1. On the balance of probabilities what was the injury or disease causing death?

Jury finding: *Positional asphyxia*

2. On the balance of probabilities, how did Mr. Powell die?

Jury finding: *In the Police van prior to removal from it*

3. If you have found that the cause of death was either Exertional sudden death in association with Sickie Cell trait or positional asphyxia, on the balance of probabilities did he become more vulnerable to suffering death in the way you have found as a result of a combination of the following:-

Contact with a moving vehicle?

Being sprayed with CS gas?

Being struck by a Casco baton?

Being restrained on the ground in Wilton Street whilst suffering a psychosis?

Jury finding: *Yes*

4. If you have found that the cause of death was positional asphyxia (question 1), on the balance of probabilities:-
Was the initial position in the van on his front or his side?

Jury finding: *His front*

Was he transported between Wilton Street and Thornhill Road Police Station on his front or on his side?

Jury finding: *In between*

Was he on his front or on his side when PS Williams saw him at the Police Station?

Jury finding: *On his front*

The Powell family was represented at the inquest by INQUEST Lawyers Group members barristers Rajiv Menon of Garden Court Chambers and Henrietta Hill of Doughty Street Chambers, instructed by Jane Deighton of Deighton Guedalla Solicitors.

Notes to editors:

INQUEST is the only organisation in England and Wales that provides a specialist, comprehensive advice service on contentious deaths and their investigation to bereaved people, lawyers, other advice and support agencies, the media, parliamentarians and the wider public. Its casework priorities are deaths in prison and in police custody, in immigration detention and in secure training centres. INQUEST develops policy proposals and undertakes research to campaign for changes to the inquest and investigation process, reduce the number of custodial deaths, and improve the treatment and care of those within the institutions where the deaths occur.

Mikey was a cousin of the renowned poet and writer, Benjamin Zephaniah, a patron of INQUEST. **The Friends of Mikey Powell Campaign for Justice** was established in his family and has received considerable support both nationally and from the local community. The campaign established a website for the duration of the inquest - www.mikeypowellinquest.wordpress.com

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