



Home Office Circular

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THIS CIRCULAR IS ABOUT:

DEATHS IN POLICE CUSTODY: DEATHS OF MEMBERS OF THE PUBLIC DURING OR FOLLOWING POLICE CONTACT

FROM:

POLICE LEADERSHIP AND POWERS UNIT

EXPIRY DATE:

N/A

IMPLEMENTATION DATE:

1 APRIL 2002

THIS CANCELS:

CHIEF OFFICER LETTER DATED 5 FEBRUARY 1996 ON DEATHS IN POLICE CUSTODY OR OTHERWISE WITH THE POLICE

FOR MORE INFORMATION CONTACT: JOHN UNWIN

**HOME OFFICE
PLPU
50 QUEEN ANNE'S GATE
LONDON
SW1H 9AT**

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FAX: 020 7273 4106

THIS CIRCULAR IS ADDRESSED TO:

CHIEF OFFICERS OF POLICE (ENGLAND AND WALES)

COPIES ARE BEING SENT TO:

CLERKS TO THE POLICE AUTHORITIES (ENGLAND AND WALES)

Dear Chief Officer,

1. This circular advises chief officers of new categories for the reporting of deaths of members of the public during or following police contact.
2. These guidelines replace the chief officer letter of 5 February 1996 which revised the categories of deaths in police custody in an attempt to ensure a

distinction between those where there was direct contact with the police and those where it was less immediate.

3. Despite our best efforts at presentation, the whole set of deaths has still often been wrongly viewed as a homogenous group when described in our annual statistical bulletin. The previous data can be misinterpreted to imply that the number of persons dying “in custody” is much higher than is actually the case. There is also a clear inconsistency with the figures published by the Police Complaints Authority (PCA) who report separately, for example, deaths arising from road traffic incidents and shootings by the police. The divergence between the Home Office and PCA statistics is a regular cause of confusion and presentational difficulties.

4. Therefore, following a process of consultation, we have decided to introduce four specific categories covering deaths of members of the public during or following contact with the police. Full details are attached at Annex A. The revised categories have been agreed with ACPO, the Police Complaints Authority and the Police Staff Associations, and are as follows:

- *Fatal road traffic incidents involving the police*

This will include people who die in road accidents whilst attempting to avoid arrest and people who die in road traffic accidents involving the police.

We currently include in our statistics cases where people die in road accidents whilst attempting to avoid arrest. This category can be difficult to define, particularly as it is sometimes doubtful whether those involved in the accident were aware of being pursued. Such incidents should be clearly distinguished from deaths in custody, while broadening the category to cover all fatal traffic incidents involving on duty police personnel will provide a more comprehensive picture.

This category does not affect the existing arrangements for reporting road traffic deaths to HM Inspectorate of Constabulary.

- *Fatal shooting incidents involving the police*

This will only include people who die where police officers fire the fatal shots.

We currently include in our statistics deaths resulting from shooting incidents where police fire the fatal shots. These are not really deaths in police custody in any reasonable sense of the term and a separate category is warranted (shooting incidents where a person shoots himself, or another, whilst police officers are in attendance will be recorded under the category ‘*deaths during or following other types of contact with the police*’ below).

- *Deaths in police custody*

This will include people who die who have been arrested or otherwise detained by the police and deaths occurring whilst a person is being arrested or taken into detention.

One important type of death to be retained within this category is where the person dies in or on the way to hospital following or during transfer from police detention. Many of those suffering injuries or other medical problems whilst in police custody are rightly moved to hospital, but it would distort the statistics if subsequent deaths were not recorded as taking place 'in custody'.

We are also including circumstances where the person dies after leaving police detention and there is a link between that detention and their death. These cases are small in number but frequently contentious. For example, where a person sustains a head injury prior to detention and a lack of care by police staff contributes to their death.

- *Deaths during or following other types of contact with the police*

This will include people who die during or after some form of contact with the police which did not amount to detention and there is a link between that contact and the death. For example, where the person is actively attempting to evade arrest and the death occurs otherwise that as the result of a road traffic accident, or where there is a siege situation or ambush and the person shoots himself or another.

The categories of deaths to be reported exclude:

- Those attending police stations as innocent visitors or witnesses who are not suspects;
- Those which occur in a police vehicle which is being used as an ambulance to transport a dying person to hospital quickly, but not under the circumstances described under the category '*Deaths in police custody*';
- Those where police attend the scene of an incident where a person, who has not been detained, has received fatal injuries.

5. The revised definition should be used from 1 April 2002. Revised forms covering the details to be reported to the Home Office when there is a death of a member of the public during or following police contact are attached to this circular at Annex B. Part 1a has been introduced in line with the Race Relations (Amendment) Act 2000. These forms are available electronically from John Unwin, john.unwin@homeoffice.gsi.gov.uk or Ann Carter, ann.carter@homeoffice.gsi.gov.uk.

6. Enquiries about this circular should be addressed to John Unwin/Ann Carter, Police Leadership and Powers Unit, 5th Floor, 50 Queen Anne's Gate, London SW1H 9AT (telephone 020 7273 2663/2698).

Yours faithfully,

John Woodcock

ANNEX A

REPORT OF THE DEATH OF A MEMBER OF THE PUBLIC DURING OR FOLLOWING POLICE CONTACT

Please read these notes carefully before completing a Part 1 report. Complete a Part 2 report and submit to the Home Office within 48 hours of the conclusion of the Inquest.

DEFINITION OF A DEATH OF A MEMBER OF THE PUBLIC DURING OR FOLLOWING POLICE CONTACT

A Part 1 report should be submitted to the Home Office within 48 hours of a death occurring in the following circumstances:

CATEGORY 1

Fatal road traffic incidents involving the police

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

CATEGORY 2

Fatal shooting incidents involving the police

This definition covers circumstances where police fire the fatal shots.

CATEGORY 3

Deaths in or following 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.

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;
- where the person dies after leaving police detention and there is a link between that detention and the death;
- where the person is being detained for the purposes of exercising a power to stop and search;
- where the death is of a child or young person detained for their own protection;

- where the person is in the care of the police having been detained under the Mental Health Act 1983;
- 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;
- where the person is in police custody having been arrested under section 3(5) of the Asylum and Immigration Appeals Act 1993;
- 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;
- 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.

CATEGORY 4

Deaths during or following other types of contact with the police

This definition covers circumstances where the person dies during or after some form of contact with the police which did not amount to detention and there is a link between that contact and the death.

Examples of deaths which would be covered by the definition are as follows:

- where the person is actively attempting to evade arrest and the death occurs otherwise than as the result of a road traffic incident;
- where there is a siege situation, including where a person shoots himself, or another, whilst police are in attendance;
- where a person is present at a demonstration and is struck by a police baton and subsequently dies.

Deaths which follow police contact but which are not linked to that contact would not be covered. For example:

- Those attending police stations as innocent visitors or witnesses who are not suspects;
- Those which occur in a police vehicle which is being used as an ambulance to transport a dying person to hospital quickly, but not under the circumstances described under the category '*Deaths in police custody*';
- Those where police attend the scene of an incident where a person, who has not been detained, has received fatal injuries.

Notes

- **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;**
- **The term “police” includes police civilians as well as police officers;**
- **Deaths involving off-duty police personnel are not included.**

ANNEX B
Report of the Death of a Member of the Public During or Following Police Contact

Part 1

Please read the notes before completing this form.

1. Police Force and Station

2. Full Name of Deceased (with surname underlined)

3. Date of Birth

4. Age

5. Sex

6. Ethnic Origin. Please complete form Part 1a.

7. Category of Circumstances of Death (please see notes and tick appropriate box)

1

2

3

4

8. Date, Time and Place of Death

9. Date, Time, Place and Circumstances of Police Contact.

10. Date and Time of Removal to Hospital (if applicable)

11. Cause of Death (If a post mortem has not taken place within 48 hours of the death please supply any available information as to the cause of death. The post mortem result, together with any supplementary information, should be reported as soon as it is known.)

12. Circumstances of Death

13. Allegations Against the Police (if any) (Include name(s) of any complainant(s) and the relationship with the deceased, together with the nature of the complaint.)

14. Has the PCA been involved? If so, is the inquiry being supervised? (Where an outside investigating officer has been appointed, give name and force.)

Name

Telephone Number

Signed

Date

Return within 48 hours of the death to: Police Powers and Procedures Section,
Room 583, Home Office, Queen Anne's Gate, London, SW1H 9AT.

Fax: 020 7273 4106 Telephone: 020 7273 2698/2663

Report of the Death of a Member of the Public During or Following Police Contact

Part 1a

Please read the notes before completing this form.

This form should be returned with Part 1 where possible, and in any event within 14 days of the death.

1. Police Force and Station

2. Full Name of Deceased (with surname underlined)

3. Date of Death

4. Ethnic Origin (please tick appropriate box)

A. White

- British
- Irish
- Any other White background, *please write in*.....

B. Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background, *please write in*.....

C. Asian or Asian British

- Indian
- Bangladeshi
- Pakistani
- Any other Asian background, *please write in*.....

D. Black or Black British

- Caribbean
- African
- Any other Black background, *please write in*.....

E. Chinese or other ethnic group

- Chinese
- Any other, *please write in*.....

Name

Telephone Number

Signed

Date

Return to: Police Powers and Procedures Section, Room 583, Home Office,
Queen Anne's Gate, London, SW1H 9AT.

Fax: 020 7273 4106 Telephone: 020 7273 2698/2663

Report of the Death of a Member of the Public During or Following Police Contact

Part 2

To be completed and submitted within 48 hours of the conclusion of the Inquest.

1. Police Force and Station

2. Full Name of Deceased (with surname underlined)

3. Date of Death

4. Date of Birth

5. Date and Venue of Coroner's Inquest

6. Coroner's Inquest Formal Verdict (as recorded on official inquisition)

7. Cause of Death

8. Comments of Coroner Concerning Police (if any)

9. Details of Allegations Made Against the Police (if any) (Include whether the investigation was supervised by the PCA and, where appropriate, the name and force of any outside investigating officer.)

10. Details of Criminal and/or Disciplinary Charges Brought Against Police (if any)

11. Details of Criminal Charges Brought Against a Member of the Public (if any)

12. Any Further Relevant Information (It may be appropriate to include brief details of the Inquest proceedings where the Inquest raised issues relating to the contact between the police and the deceased.)

Name

Telephone Number

Signed

Date

Return within 48 hours of completion of Inquest to: Police Powers and Procedures
Section, Room 583, Home Office, Queen Anne's Gate, London, SW1H 9AT.

Fax: 020 7273 4106

Telephone: 020 7273 2698/2663