



Submission to the Working Group of Experts on People of African Descent in
advance of the country visit to the United Kingdom

November 2022

About INQUEST

1. INQUEST is an independent non-governmental organisation which provides expertise on state-related deaths and their investigation to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. Our policy, parliamentary, campaigning and media work is grounded in the day-to-day experience of working with bereaved people.
2. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving wider issues of state and corporate accountability such as the Hillsborough football disaster and the Grenfell Tower fire. INQUEST works primarily in England and Wales and advises on a number of cases in Scotland. We have shared our expertise at an international level.
3. Over the past 40 years, INQUEST has documented a pattern of cases synonymous with state violence, neglect, institutional and structural racism, impunity and injustice. Our work with bereaved families' evidences repeated 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.
4. In this submission, we make reference to our previous submissions and work on racism. This includes our submission to the Commission on Race and Ethnic Disparities in 2021¹, to the Office of the High Commissioner for Human Rights (OHCHR) report on systemic racism against people of African descent by law enforcement agencies in 2021² and to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement.³
5. INQUEST's evidence has informed other UN and Council of Europe human rights bodies, including the Working Group of Experts on People of African Descent, the Committee against Torture, and the Subcommittee on Prevention of Torture.

¹ See INQUEST's submission to the Commission on Race and Ethnic Disparities (2021): [here](#)

² See INQUEST's submission to the Office of the High Commissioner for Human Rights report (2020): [here](#)

³ See INQUEST's submission to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement (2022): [here](#)

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6. Our evidence focusses on anti-Black racism⁴ in five key arenas: in society, in policing, in prisons, in mental health settings and in immigration removal centres (IRCs).

Structural racism in the United Kingdom

7. Structural racism is deeply embedded in society, demonstrated by the worse outcomes of Black people in almost all areas of life. To illustrate:
 - Nearly half (46%) of all people living in families where the household head is Black/African/Caribbean/Black British are in poverty, compared to just 19% of those living in families where the head of household is White.⁵
 - Black people are disproportionately affected by homelessness with 1 in 23 Black households becoming homeless or threatened with homelessness versus 1 in 83 households from all other ethnicities combined.⁶
 - Black/African/Caribbean/Black British people had an unemployment rate of 8.1% compared to 3.2% for White people in 2022.⁷
 - COVID-19 mortality for people of Black African or Black Caribbean ethnicity in the first half of 2020 was two to two and a half times higher than for people of White ethnicity.⁸
8. The worse outcomes of Black people also contextualise the disproportionate criminalisation, policing and imprisonment of Black people. Deaths in state custody are at the sharp end of the continuum of racialised state harm and violence.

Institutional racism in policing

9. Institutional anti-Black racism is deeply rooted in the police force. Black people are 8.9 times more likely than White people to be stopped and searched⁹, 5 times more likely to have force used against them¹⁰ and 8 times more likely than White people to experience Taser being drawn on them or discharged.¹¹
10. Black people die disproportionately in police custody, making up 8% of all those who die in police custody despite only comprising 3% of the

⁴ Anti-Black racism refers to racism that affects Black people specifically.

⁵ Social Metrics Commission (2020) *Measuring Poverty*: [here](#)

⁶ Shelter (2020) *Black people are more than three times as likely to experience homelessness*: [here](#)

⁷ House of Commons Library (2022) *Unemployment by ethnic background*: [here](#)

⁸ Office for National Statistics (2020) Why have Black and South Asian people been hit hardest by COVID-19? [here](#)

⁹ Home Office (2020) *Police powers and procedures*: [here](#)

¹⁰ Guardian (2020) *Black people five times more likely to have force used on them by police*: [here](#)

¹¹ NPPC (2020) *Disproportionality in Police Use of Taser Independent Panel Chair Announced*: [here](#)

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population.¹² The disproportionality is even greater when accounting for fatal police shootings. Black people accounted for 18.6% of all fatal police shooting deaths between 2004/5 and 2019/20.¹³

11. INQUEST has been at the forefront of ensuring information about deaths in custody is visible, analysed and placed in the public domain and we have the longest-running and most-up-to-date collection of data on deaths in police custody.
12. INQUEST's own data, which we define as community data, includes cases which we have identified through casework, media monitoring, community reporting in addition to submitting Freedom of Information requests to the Independent Office for Police Conduct (IOPC). It has a broad remit to ensure as many key cases as possible are captured. It also shows racial disproportionality. INQUEST's data analysis from 2011 – 21 on all deaths in or following police custody/contact (excluding road traffic incidents) shows that the deaths of Black people accounted for 13% of all deaths.¹⁴
13. Our analysis of the official data and INQUEST's data shows that Black people die disproportionately following the police use of force.¹⁵ Deaths involving dangerous restraint techniques and use of restraint equipment, taser usage and firearms have resulted in highly critical inquest outcomes about excessive violence and neglect.

Institutional racism in the prison estate

14. Institutional anti-Black racism is entrenched in the prison estate. Black people make up 12% of the prison population but just 3% of the general population.¹⁶ The figures are even more stark in youth custody, where Black young people encompass 29% of the population.¹⁷
15. Previous research has evidenced worse outcomes for Black people in prison. For example, a joint report showed that 40% of Black people compared to 21% of White people in prison had reported negative outcomes (measured by the use of segregation and force, complaints, incentives and earned privileges and general treatment) in the past six months.¹⁸

¹² BBC News (2020) *George Floyd death: How many black people die in police custody in England and Wales?* [here](#)

¹³ INQUEST's submission to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement (2022) [here](#)

¹⁴ INQUEST's submission to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement (2022) [here](#)

¹⁵ INQUEST's submission to the UN Independent Expert Mechanism to Advance Racial Justice and Equality in Law enforcement (2022) [here](#)

¹⁶ House of Commons Library (2022) *UK Prison Population Statistics:* [here](#)

¹⁷ Ministry of Justice (2020/21) *Youth Justice Statistics:* [here](#)

¹⁸ Runnymede and University of Greenwich (2017) *Have Prisons Become a Dangerous Place?* [Here](#)

16. Our new report, *Deaths of racialised people in prison 2015 – 2022*, concluded that the deaths of Black and racialised people in prison are among some of the most contentious, violent and neglectful of all deaths in prison.¹⁹ The report identified key issues in the deaths of Black people, including the inappropriate use of segregation, the failure to respond to warning signs, the neglect of mental and physical health, and bullying and victimisation and cultures of disbelief.

Racial inequalities in mental health

- Black people were almost 5 times more likely to be detained under the Mental Health Act in the year to March 2021.²⁰
- People of Black, Black British, Black African and Black Caribbean ethnicity and those of mixed ethnic heritage are proportionately more likely to be subject to the use of force in mental health settings than other ethnic groups.²¹
- INQUEST is working on the deaths of two young Black women detained in a mental health setting in London, one of whom died in a 24-hour watch CCTV seclusion room.

Institutional racism in immigration detention

- Evidence from the first ever public inquiry into immigration detention revealed the scale of institutional racism in Brook House immigration removal centre.²²
- An independent public inquiry into a knife attack by a Sudanese man experiencing a mental health crisis in a hotel housing asylum seekers during the COVID-19 lockdown found that it was an ‘avoidable tragedy’. It also highlighted the failures to scrutinise events in the lead-up to the stabbing.²³
- INQUEST has been monitoring the deaths of people in immigration removal centres, immigration detention centres, and prisons in England and Wales since 2000. We publish these figures on our website.²⁴

¹⁹ INQUEST (2022) *Deaths of racialised people in prison 2015-2022* [here](#)

²⁰ Government (2022) *Detentions under the Mental Health Act*: [here](#)

²¹ NHS (2019) *Mental Health Bulletin 2018-19 Annual report*: [here](#)

²² Bail for Immigration Detainees (2022) *Evidence from the first ever public inquiry into immigration detention*: [here](#)

²³ BBC (2022) Asylum inquiry: Hotel knife attack was ‘avoidable tragedy’: [here](#)

²⁴ INQUEST (2022) Deaths of immigration detainees: [here](#)

Deaths in custody/detention

17. The deaths of Black people in custody that INQUEST has worked on share many thematic concerns. These include:

- The racist attitudes of police, prison and healthcare staff towards Black people.
- The stereotyping of Black people in relation to their supposed extraordinary strength, dangerousness and criminality.
- The inhumane and disciplinary treatment of Black people, even when they are in extreme distress.
- The excessive and often unnecessary use of force and violence, including Tasers.
- The double-discrimination of and the use of restraint against Black people with mental ill health.
- The systematic neglect of Black people's well-being, even when there are clear warning signs that their mental or physical health is deteriorating.
- The failure to investigate deaths as potential criminality/wrongdoing.
- The failure to consider the properly consider the question of race in investigations and inquests.
- The lack of accountability of those responsible at an individual or corporate level.
- The failure to enact meaningful change.

We consider here the deaths of 6 Black people from our casework which illustrate the thematic issues.

18. Prince Fosu,²⁵ 31, died in 2012 in his cell in Harmondsworth Immigration Removal Centre (IRC). He was experiencing a psychotic illness when he was detained by police and transferred to the IRC. Six days of purported checks every 15 minutes showed no positive evidence that he had eaten, drunk, or slept. Six days after entering the IRC, he was found dead. His death was found to have been caused by dehydration, malnutrition and hypothermia. The inquest jury concluded that his death was the result of 'neglect' and found gross failures by multiple agencies and individuals caused Prince's death.

19. Sheku Bayoh,²⁶ 31, died in 2015 following restraint by police officers in Kirkcaldy, Scotland. He died after police officers responded to reports of a Black man in an agitated state carrying a knife. The first officers on the scene subjected Sheku to CS spray, Pava spray and the use of batons. He was handcuffed and had ankle and legs restraints applied to him. Within minutes

²⁵ INQUEST (2020) *Jury concludes neglect and gross failures contributed to the death of Prince Fosu in immigration detention*: [here](#)

²⁶ INQUEST (2022) *Sheku Bayoh: Scottish Public inquiry into death of Black man following restraint opens Thursday*: [here](#)

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he had stopped breathing and then died. A post-mortem documented 24 separate injuries to his body. Intense pressure from the family, lawyer and INQUEST 'persuaded' the Scottish government to announce an independent inquiry in 2019 which is ongoing.²⁷ The family of the Sheku and their solicitor have been the subject of targeted racist abuse, which the Inquiry chair condemned as 'despicable'.²⁸

20. Annabella Landsberg,²⁹ 45, died in 2017 in HMP Peterborough. Whilst in segregation, staff restrained Annabella, after which she lay unresponsive on the floor of her cell for 21 hours with prison and healthcare staff failing to recognise her condition or aid her. A nurse sent to assess Annabella threw a cup of water over her believing her to be faking illness. She was eventually transferred to hospital where she was found to be severely dehydrated and suffering from multiple organ failure. The inquest jury highlighted a catalogue of serious failures in the management and healthcare systems at the Sodexo run prison.

21. Kevin Clarke,³⁰ 35, died in 2018 following restraint by Metropolitan Police officers while experiencing a mental health crisis. In 2020 an inquest jury concluded that his death was contributed to by restraint and highlighted serious failures involving Metropolitan Police Officers, the London Ambulance Service, South London and Maudsley NHS Trust (SLaM) and Jigsaw, an assisted housing provider. The jury found that opportunities for earlier, less restricted intervention were missed by SLaM and Jigsaw, and that the use of restraints by police were 'a high risk option' which 'escalated the situation to a medical emergency'. During the 33-minute long restraint, Kevin told officers 'I can't breathe' and 'I'm going to die', but they said they did not hear him. Despite this, the jury concluded that it was 'highly likely' that at least one officer heard Kevin say 'I can't breathe'. The IOPC have been forced to reinvestigate the death in light of the jury findings. Kevin died ten years after Sean Rigg and eight years after Olaseni Lewis died, all involving the same Trust and police service, despite promises that change would occur.

22. Chris Kaba,³¹ 24, died in 2022 after being fatally shot through the head in his car by armed Metropolitan Police officers in South London. He was unarmed.³² The IOPC has launched an ongoing homicide investigation following public and political pressure. In the aftermath of the incident, the Metropolitan police said Chris had been shot 'after a police pursuit'

²⁷ Guardian (2022) Sheku Bayoh inquiry must be 'watershed moment', say campaigners: [here](#)

²⁸ Guardian (2022) *Sheku Bayoh's family facing 'despicable' racism, says inquiry chair*: [here](#)

²⁹ INQUEST (2019) *Inquest finds serious failures at Sodexo run HMP Peterborough contributed to death of Annabella Landsberg*: [here](#)

³⁰ INQUEST (2020) *Jury find system wide failures contributed to death of Kevin Clarke*: [here](#)

³¹ Guardian (2022) *What do we know – and don't – know about why Chris Kaba was shot dead by police*: [here](#)

³² BBC (2022) *Chris Kaba: inquest opens into death of man shot by police*: [here](#)

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suggestive of a chase. At the opening of the inquest this with the lead investigator for the IOPC saying that police officers did not activate their lights or sirens while following the vehicle.³³

23. Oladeji Omishore,³⁴ 41, died in 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 screwdriver which he used for lighting cigarettes. The family are taking the IOPC to the high court in a test case as they accuse them of failing to properly investigate and treating the officers involved as witnesses, not suspects.³⁵

Treatment of bereaved families and other witnesses in post-death investigations

24. Bereaved families have often felt that their private life and that of their deceased relative were subject to the most scrutiny during the post-death investigation process. They have witnessed attempts to demonise the person who died, introduce racist narratives and construct a negative reputation, which deflects attention away from the wrongdoing of state agents.

Post-death investigations not addressing race or racism

25. The role of post-death investigations in scrutinising and challenging racism is crucial, but the extent to which they do this is questionable. In our latest report³⁶ on the deaths of Black and racialised people in prison, we examined whether the race or ethnicity of the prisoner, or the potential role of racism or discrimination in the death, were addressed in the post-death investigation processes associated to the 22 people featured in the report. Our review concluded that none of the investigations addressed the race or ethnicity of the deceased, nor the potential role of racism or discrimination in any of the deaths.
26. In our previous submission to the OHCHR, we highlighted how the potential role of racism is neither part of the inquest nor the post-death investigation process. We also stressed the Independent Office for Police Complaints’ (and its precursor the IPCC’s) historical lack of understanding of race-related issues, particularly in relation to the restraint-related deaths of Black men.

³³ Guardian (2022) *Chris Kaba was not a suspect before being fatally shot by police, hears inquest*: [here](#)

³⁴ INQUEST (2022) *Chelsea bridge death: The family of Oladeji Omishore raise concerns about misinformation*: [here](#); INQUEST (2022) *Chelsea bridge death: Statement from the family of Oladeji Omishore*: [here](#)

³⁵ Guardian (2022) *Chelsea Bridge death: family bring test against police watchdog*: [here](#)

³⁶ INQUEST (2022) *Deaths of racialised people in prison 2015-2022* [here](#)

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Accountability

27. The racism that caused the deaths is also present in the post-death investigation processes. Numerous inquests of deaths in state custody returning highly critical conclusions of the unlawful, excessive or disproportionate force used, or found serious neglect. But despite this, criminal charges are rare and criminal convictions rarer still. Since 1990 there has only been one successful prosecution for manslaughter in relation to a police-related death.³⁷ There has been no successful prosecution for murder for a police-related death. Prosecutions are also extremely rare for deaths in prison.³⁸
28. Disciplinary action is also rare and has seldom resulted in effective sanctions against the officers involved.
29. To see our previous work on accountability, please refer to our 2020 submission to the OHCHR;³⁹ the recommendations of our 2020 report;⁴⁰ Deborah Coles' chapter in the Institute of Race Relations' 2015 report;⁴¹ and our submissions to the Home Affairs Select Committee inquiry into police conduct and complaints⁴². The Committee concluded that a culture of 'obstruction and delay' undermined IOPC investigations into police misconduct.

Concluding remark

30. We welcome the WGEPPAD visit and would urge focussed attention on the need to address and scrutinise anti-Black racism and human rights violations across policing, prisons, immigration and mental health settings.

³⁷ BBC (2021) *Dalian Atkinson: PC Benjamin Monk jailed for ex-footballer's death*: [here](#)

³⁸ INQUEST (2022) twitter thread: [here](#)

³⁹ INQUEST (2020) submission to the Office of the High Commissioner for Human Rights report: [here](#)

⁴⁰ INQUEST (2020) *Deaths in Prison: a national scandal*: [here](#)

⁴¹ Institute of Race Relations (2015) *Dying for Justice*: [here](#)

⁴² INQUEST (2020) written and oral submission to Home Affairs Select Committee inquiry into police conduct and complaints: [here](#) and [here](#); Guardian (2022) *Culture of obstruction has sunk investigations and police conduct, MPs say*: [here](#)