

EXTERNAL Amnesty International
AI INDEX NUMBER: EUR 45/06/96 International Secretariat

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20 March 1996

UNITED KINGDOM: UNLAWFUL KILLING OF RICHARD O'BRIEN

Amnesty International is concerned about a number of issues surrounding the arrest of Richard O'Brien that resulted in his violent death. The Government of the United Kingdom is responsible for ensuring that arrests are carried out -- in accordance with international standards -- in a manner that respects the human rights of the individual being arrested. The death in police custody of Richard O'Brien highlights the dangers of restraint methods employed by law enforcement officials in effecting arrests and the inadequacy of current procedures for the investigation of deaths in custody. Police officers must be held accountable for their actions and not be allowed to exercise the excessive use of force to restrain a detainee during the course of an arrest.

Although the police conduct internal investigations into deaths in custody, many of such investigations have not satisfied international standards and have yet to result in effective mechanisms to ensure that law enforcement officials do not act with impunity. Amnesty International is concerned that the failure to initiate disciplinary or criminal proceedings against the alleged perpetrators of human rights violations could lead to a loss of confidence in law enforcement officials and create the perception that the government condones the type of ill-treatment that led to Richard O'Brien's unlawful killing. Unless criminal proceedings are initiated against those responsible for the unlawful killing of Richard O'Brien, public confidence will continue to deteriorate and similar deaths in police custody could occur.

Richard O'Brien, a 37-year-old Irishman residing in south London, was arrested on 3 April 1994 by five Metropolitan Police officers. They had been called in to maintain order during a disturbance at a local club. Richard O'Brien, who was not involved, was waiting outside for a taxi with his wife and 14-year-old son when the police arrived. Police officers alleged that Richard O'Brien was drunk and disorderly; those allegations were disputed by his family and contradicted by the pathological evidence. It was stated at the inquest that during the arrest a police officer pushed Richard O'Brien and he retaliated by pushing the police officer in the shoulder. Police claimed that O'Brien then struggled violently. Richard O'Brien was then pushed to the ground; his arms were handcuffed behind his back and his legs folded into his back. One of the arresting officers then knelt on his back for five minutes while he lay face down on the ground. Richard O'Brien's son testified during the inquest that he heard his father plead with police officers: "Let me up, let me up. I can't breathe. You win!" The police officer allegedly responded by saying "We always win!" When he pleaded with the police officers to check on his father, the police arrested him and then his mother as well. Alison O'Brien and her son were taken to the police van to which Richard O'Brien's limp body was then carried. Alison O'Brien and her son watched as Richard O'Brien's body was manoeuvred into the van. His hair was pulled by officers as he was pulled into the van and he was subjected to racist remarks ("We can't

get the big fat paddy in”)¹. Forensic evidence presented at the inquest established the presence of pools of blood of Mr O’Brien’s blood type on the pavement where he had been assaulted by the officers and blood and human hair was also found on the floor of the police van. It was only when they arrived at the local police station that police officers tried to provide medical treatment and attempted, without success, to revive him by artificial respiration. Richard O’Brien was dead within 10 minutes of his arrest, according to the findings of the inquest jury.

The pathologist instructed on behalf of the Coroner conducted a post-mortem and found that Richard O’Brien had 31 sites of injury to his body, including cuts and bruises to his face, a dislodged tooth, fractured ribs, and torn muscles. None of the five officers involved in the detention were able to advance any explanation for the findings of physical injury. Richard O’Brien also had pinpoint bleeding suggestive of haemorrhaging connected to burst facial blood vessels. The pathologist gave the cause of death as “postural asphyxia following a struggle against restraint”.

The circumstances of death were investigated in 1994 by the police under the supervision of the Police Complaints Authority (PCA). A report was then submitted to the Crown Prosecution Service (CPS), which determined that there was insufficient evidence to mount a prosecution against any of the five police officers involved in arresting Richard O’Brien.

At the November 1995 inquest into the death of Richard O’Brien, held at St Pancras Coroner’s Court in London, the jury returned an unanimous verdict of “unlawful killing”. Post-mortem photographs available at the inquest clearly showed extensive facial injuries. One arresting officer gave evidence that he held Richard O’Brien on the ground with a knee on his back for about five minutes during which he had gone quiet. The Head of Physical Training and Education at Hendon Police College gave evidence that placing a knee on a detainee’s back presented an “obvious risk”, and that no recruit had ever been trained or would ever be trained to adopt this method of restraint. Conflicting evidence was given by a police constable who trains probation officers to restrain detainees by placing a knee on the back of a detainee.

The Coroner commented that the case of Richard O’Brien had shown “an appalling lack of instruction”. In his final statement he recommended that

- all police officers should have regular retraining courses with regard to methods of restraint;
- police should be better educated on how to monitor individuals detained in certain forms of restraint;
- there should be a common means for police to obtain immediate help in medical emergencies relating to physical restraint; and
- there should be further research into injuries - fatal or otherwise - related to physical restraint.

After the inquest the file of Richard O’Brien was returned to the Crown Prosecution Service for further consideration of initiating criminal proceedings in the light of the findings of the inquest; a decision is still pending. Civil proceedings on behalf of the O’Brien family are also still pending.

Amnesty International has investigated several deaths in custody since 1991 and is concerned that the circumstances which led to Richard O’Brien’s death occur all too frequently and could possibly lead to another death at the hands of law enforcement officials in the United

¹ “Paddy” is a derogatory term used by some English people to mean an Irish person.

Kingdom. Unless steps are taken by the authorities to ensure that a detainee's inherent right to life is respected, public concern about law enforcement in the United Kingdom will increase.

For further information on deaths in custody, please consult the following documents:

- *Death in Police Custody of Joy Gardner*, August 1995, AI Index: 45/05/95;
- *Death in Metropolitan police custody of Brian Douglas and Shiji Lapite*, July 1995, AI Index: EUR 45/04/95;
- *Unlawful Killing of Detained Asylum-Seeker Omasese Lumumba*, November 1993, AI Index: EUR 45/13/93.