



Deaths after police contact: constructing accountability in the 21st century

James Mehigan

To cite this article: James Mehigan (2018) Deaths after police contact: constructing accountability in the 21st century, *Policing and Society*, 28:4, 503-505, DOI: [10.1080/10439463.2018.1406443](https://doi.org/10.1080/10439463.2018.1406443)

To link to this article: <https://doi.org/10.1080/10439463.2018.1406443>



Published online: 28 Nov 2017.



Submit your article to this journal [↗](#)



Article views: 150



View related articles [↗](#)



View Crossmark data [↗](#)

Deaths after police contact: constructing accountability in the 21st century, by David Baker, London, Palgrave Macmillan, 2016, 233 pp., £63 (hardback), ISBN: 978-1-137-58966-8

It is easy to think of deaths after police contact as relating to police shootings or deaths arising out of overt police brutality. However the category is much broader than that and encompasses the deaths of many who have been failed by the police and other agencies. When an officer is dealing with situations where ‘something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now!’ (Bittner 1974) they often have to deal with vulnerable people who need support from multiple agencies. Those who die after police contact have often therefore been in contact with numerous facets of the state. To this end Baker’s work argues that the very name of this field of study – ‘Deaths after Police Contact’ (DAPC) – is an imprecise and perhaps distracting description of the issues at play in the causation of these deaths. Instead he suggests that they might more accurately be referred to as ‘deaths after multi-agency involvement’ (p. 188). In many cases those who die after police contact may have been let down by other services as well as, or rather than, the police.

This can create huge challenges for the construction of accountability in cases of DAPC. In this work Baker engages with this challenge by looking in depth at two fora for the construction of accountability in DAPC cases: the coroner’s court and the Independent Police Complaints Commission (IPCC). In particular he looks at the narrative conclusions produced by the former and the reports produced at the end of the investigations conducted by the latter. His dataset looks at 68 narrative conclusions (summarised helpfully in an appendix at the end of the book). More than half of the cases also involve contact with agencies other than the police.

The value of this approach is that it does what the coroner can’t do in an individual case: take the wider view. It is a problem endemic in the role of the coroner that they must look at the cause of the individual death (or deaths) and restrict that review to a relatively tight time period and set of issues. Determining the scope of an inquest will often determine how much can meaningfully be said about the causes of death, who may or may not be responsible and what could be done to prevent future deaths. It is a consistent theme in this work that lessons are not being learnt, notwithstanding the various processes that come into play when someone dies having been in contact with the police. It may well be that the tight scope of so many inquests prevents this.

The analysis of narrative conclusions provides some fascinating insights. One finding is that if the death arises out of an incident involving multiple agencies, juries are more likely to be critical of the non-police agencies. However when the police are the sole agency involved, juries are more likely to criticise their acts or omissions (p. 86). Baker also finds that juries usually see police use of force as legitimate, perhaps because they see the police’s social function as enforcement. This is in contrast to their view of healthcare organisations, which have a life preservation role and therefore juries are more critical of their failings when they lead to deaths (p. 96).

The dataset includes six police shootings. While juries may criticise deaths caused by restraint, there are no examples in the (admittedly small) dataset of juries being critical of the police use of firearms. These cases generally do not involve other agencies and the immediate cause of death is itself clear. It is this clarity that appears to make it less likely for juries to criticise the police. While narratives may use euphemistic language around the use of force, they are unequivocal in their language when dealing with firearms, which may be because of the higher levels of planning, control and supervision that go into armed operations (pp. 98–99).

Baker finds that the narrative conclusion provides a rich source of qualitative data on DAPC which enable ‘diverse, multi-causal and complex verdicts to be recorded’, but by treating the deaths as a series of individual cases, which is inevitable without a national oversight system, it is impossible to learn from these deaths (p. 103).

While the narrative conclusion has a diversity of style and content which derives from the ‘non-standardised, regionalised and discretionary nature of the coronial system’, the IPCC is a national

body with statutory foundations (p. 111). This research contrasts the approach taken by juries in writing narrative conclusions to the IPCC in compiling its reports by looking at the IPCC report and its corresponding narrative conclusion. Baker concludes that the IPCC often explains the issues in greater detail while the coronial system tended to be more analytical and critical (p. 132). So while both structures should be working towards protecting the right to life under Article 2 of the European Convention of Human Rights, both have a very different approach to it.

Throughout the book Baker looks at the overarching issues related to the construction of accountability in DAPC cases. While he refers to many high profile examples, he uses one particular death, that of Sean Rigg in Brixton police station in 2008, to connect his work to a tangible example of the death of a vulnerable man, who needed support from numerous agencies. The death of Sean Rigg is used to illuminate the issues for the reader. There was a major conflict between the conclusions of the coroner's jury and the IPCC report. Officers were clearly shown by video evidence to have perjured themselves in court. The differences between the IPCC's conclusions and those of the jury signified a crisis of legitimacy for the IPCC and led to a significant review of the operations of the IPCC (Casale *et al.* 2013). The case gets to the heart of the challenges of accountability in instances of DAPC and Baker uses it skilfully and respectfully.

There are many lessons to be learnt from Baker's work, not least in the way he has mapped the slippery mechanism by which those involved in the death of vulnerable people after police contact can be held to account, but if I may, I would like to look at two that drew my attention. The first is the idea that police officers should be re-conceived as 'safety officers' rather than 'enforcers' or 'crime fighters'. The majority of those who died in this study were not resisting arrest or being violent. By re-imagining the role of the police, perhaps officers might make the preservation of life the number one priority in such encounters in future.

The second lesson is a legal one and that is the impact that Article 2 has had on the construction of accountability. Article 2, according to the evidence in this book, has had the effect of improving the quality of inquisition that now takes place into deaths where the state may have had a role or responsibility. This is a well-known development. However, something within it which Baker starts to bring out with his research is the potential for juries to speak truth to power when dealing with state failings that have led to deaths. In many cases, including that of Sean Rigg, it is the plainspoken narrative conclusion that overturns the police version of events and forces us to consider the failings of the state.

This is a book that should be read by anybody interested in police accountability and the role of policing in a democracy. DAPC remains a constant concern for anyone who works with or studies the police. Since the book was published there has been a change in personnel at the top of UK policing. The most senior police officer in the country is now somebody who ran a failed operation which led to the homicide of an innocent young man. The inquest jury was barred from considering whether this was an unlawful killing but returned an open conclusion having rejected the police version of events that they had been acting lawfully (that inquest pre-dates the dataset in this book). That somebody with this background could become the most senior police officer in the country speaks volumes about the state's interest in reducing DAPC.

Over the past summer at least four black men have died after police contact with forces across the country. It seems that the relentless human toll of policing is not something that we as a country are prepared to seriously engage with. If we are to achieve any reduction in such deaths it will only be after considering the work of scholars such as Baker and taking their findings and proposals for reform seriously.

References

- Bittner, E., 1974. Florence nightingale in pursuit of Willie Sutton: a theory of the police. In: Herbert Jacobs, ed., *The potential for reform of criminal justice*, Vol. 3. Beverly Hills, CA: Sage. now in Egon Bittner (1990), *Aspects of Police Work*, 233–68. Boston, MA: Northeastern University Press.

Casale, S., Corfe, M., and Lewis, J., 2013. *Report of the independent external review of the IPCC investigation into the death of Sean Rigg*. London: Independent Police Complaints Commission.

James Mehigan
Department of Criminology, Open University, UK
 james.mehigan@open.ac.uk

© 2017 James Mehigan
<https://doi.org/10.1080/10439463.2018.1406443>

