

**For immediate release 24 March 2006**

## **IPCC REPORT ON THE DEATH IN POLICE CUSTODY OF CHRISTOPHER ALDER TO GO BEFORE PARLIAMENT**

The family of former paratrooper Christopher Alder called on the then Home Secretary David Blunkett in April 2004 to hold a public inquiry<sup>1</sup> into his death in police custody on 1<sup>st</sup> April 1998. INQUEST have been working with Christopher's sister Janet Alder and her lawyers since shortly after his death. Following seven weeks of evidence the jury at the inquest held in 2000 into his death returned a verdict of unlawful killing and said that the death was due to 'positional asphyxia'.

Following the BBC1 *Rough Justice* programme *Death on Camera* screened in April 2004, which contained the video evidence of Christopher's death on the floor of the custody suite in Queen's Gardens Police Station in Hull, David Blunkett asked the Independent Police Complaints Commission to review lessons to be learnt from the death.

The IPCC Review report will be laid before parliament on the afternoon of Monday 27 March 2006. Janet Alder will be meeting IPCC Chair Nick Hardwick in the morning and then reading a pre-publication copy of the report at 1pm. She will be available for interview afterwards, along with Deborah Coles, Co-director of INQUEST.

The family continue to call for a full public inquiry into Christopher's death, to examine all aspects of the death, the conduct of all bodies including the Crown Prosecution Service involved in the subsequent investigation, and to require for the first time a full account from the officers who stood by as he died. INQUEST and the family trust that the IPCC Review will at long last prompt the public inquiry so urgently needed.

### **Background:**

Christopher Alder, a 37 year old black man who was a former paratrooper decorated for service in Northern Ireland, died on 1<sup>st</sup> April 1998 after being arrested and taken to Queen's Gardens Police Station, Hull. He was arrested at Hull Royal Infirmary where he had been taken after a fight outside a nightclub. He was taken in a police van to the station. He was supported into the custody suite and after 13 minutes police officers called an ambulance. However despite resuscitation attempts Mr Alder died.

From video evidence shown to the jury it was demonstrated that he died after being left unconscious face down on the floor of Queen's Gardens Police Station Custody Suite for 11 minutes. His trousers were around his knees, he had been doubly incontinent and blood formed a pool around his mouth. Apart from removing the handcuffs when he was initially brought into the police station the four police officers present in the custody suite did not touch Mr Alder in the 11 minutes he lay dying on the floor despite his condition. Rattles of his breath were also clearly heard on the video.

The jury heard that Mr Alder had been involved in an altercation outside The Waterfront nightclub during which he had been hit in the mouth and had fallen to the floor. He was taken to Hull Royal Infirmary where he was seen by a

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<sup>1</sup> A copy of the letter to David Blunkett is attached to this press release

doctor. Mr Alder was confused and uncooperative at the hospital and was unable to be treated. Police officers dragged him from the premises. Both inside the hospital and outside the police drew a CS Spray canister and threatened to use it on him. Once outside Mr Alder complained that he wanted to return to see the doctors. According to police officers he was still being abusive and they warned him that if he did not leave he would be arrested. He refused to leave and was arrested for breach of the peace and handcuffed behind his back. Mr Alder was then put into the back of a police van and conveyed to the police station.

On arrival at the police station evidence was heard that he was found motionless in the police van. The video then showed him being dragged into the police station custody suite and placed face down on the floor. Officers were heard to speculate that he was faking illness.

Failure after failure occurred in the police investigation held under the supervision of the Police Complaints Authority. The death was never treated as potential homicide and the custody suite never sealed and preserved as a scene of crime. Crucial blood staining was wiped from the custody area and van. No proper enquiry was ever made as to why Christopher's trousers were around his knees with mud on them and on his thighs. The clothes of the police officers who had been involved with him were not the subject of any examination report and sent for dry cleaning. The clothes, and tooth, of Christopher Alder himself were destroyed.

Five police officers were suspended from duty and after the inquest there was a subsequent trial for manslaughter. Having listened to submissions at the end of the Prosecution case, the Judge at Teesside directed on 21<sup>st</sup> June 2002 that the police officers could not safely be convicted on the evidence on either count that they faced, and the Jury must therefore enter not guilty verdicts. As a consequence the officers have never answered any questions about the incident, exercising their right not to incriminate themselves under the Coroners Rules at the inquest and because of the failure of the prosecution.

The need for this Inquiry is all the more pressing following the successful civil case against Humberside Police which concluded on Friday 27th January 2006, when Jason Paul, arrested on suspicion of the murder of the Christopher Alder, and subsequently charged with causing grievous bodily harm with intent upon him, was awarded damages against the police. His jury found that his arrest and charge arose because Humberside Police Officers wanted to deflect potential criticism away from the police, over the death.

**Notes to editors:**

INQUEST is the only non-governmental organisation in England and Wales that works directly with the families of those who die in custody. It provides an independent free legal and advice service to bereaved people on inquest procedures and their rights in the coroner's courts.

Further Information	<a href="http://www.inquest.org.uk">www.inquest.org.uk</a>
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*Our Ref:* REB/TDM/ALDER/82393

*Your Ref:*

*Please ask for:* Ruth Bunday

*Date:* 13 April, 2004

Right Honourable David Blunkett MP  
Home Secretary  
The Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

Dear Home Secretary

**RE: Christopher Alder – Deceased – Date of Death in Hull Police Station – 1<sup>st</sup> April 1998**

By the time this letter reaches you, you will no doubt be aware of the Rough Justice television programme to be shown during the evening of 14<sup>th</sup> April relating to the death of Christopher Alder, and the unanswered questions which remain. We hope very much that you will make yourself fully aware of the contents of that programme.

We know that you have received a letter from Deighton Guedalla Solicitors dated 22<sup>nd</sup> December 2003 asking on behalf of their clients, Leon and Kelvin Wilson, Mr Alder's sons, for a Public Inquiry to be held, with a further letter sent of today's date. We endorse the presentation of the facts contained in those letters, and do not intend to repeat their contents here, but urge upon you our own request on behalf of Janet Alder for a Public Inquiry to be held, particularly given the public alarm that will be generated by the programme about the circumstances of this death and the failure at every level to deal with its investigation.

From the outset, the police investigation under the auspices of the PCA into Christopher Alder's death was an unmitigated disaster. The death was never treated as potential homicide and the Custody Suite never sealed and preserved as a scene of crime. Crucial blood staining was wiped from the custody area and van. Missing items, for example Christopher Alder's belt which he had been wearing at the hospital from which he was transported, were never sought. No proper enquiry was ever made as to why Christopher's trousers were around his knees with mud on them and on his thighs, inexplicable unless he had been man handled and/or fallen. The clothes of the police officers who had been involved with him were not the subject of any examination report and sent for dry cleaning. The clothes, and tooth, of Christopher Alder himself were destroyed. The video recording, particularly subsequent to his actual death on video, has never to this day as far as we are aware been watched in full.

From our contact with the Investigation Officers, it appeared that they presumed immediately there was a case to be answered in respect of negligent action by the officers in the course of their duties, the officers considering that this "radical" assessment would be such an amazing gift to the family that nothing further needed to be investigated and thus an analysis of potentially more serious criminal offending behaviour was pre-empted. No effort was made to challenge the accounts given by the police officers involved – the questioning of them in interview was weak, and the purpose of further enquiry appeared to be to accumulate facts that would corroborate the officers accounts rather than challenging these in any way.

The Crown Prosecution Service were not prepared to address the racial issues inherent in the case, given Christopher Alder's ethnicity. We asked them to consider appointing Counsel, preferably black Counsel, sensitive to and experienced in racial issues, but the response of the CPS was that they were not prepared to go "off circuit" and appoint anybody to prosecute the case who was not from the North East of England. As things emerged, this alleged policy proved meaningless. The CPS were never prepared to address the possibility of a completely "skewed" investigation and conducted no independent review of it. They were specifically requested in a letter from us of 22<sup>nd</sup> February 2001 to explain why there had never been any investigation as to what else could have possibly have happened between Mr Alder leaving Hull Royal Infirmary and arriving at the Custody Suite. They made no effort to sit down with family members to learn of their concerns but treated our client, Janet Alder, in particular as a complete nuisance and attempted to use us as a buffer to avoid contact with her.

Tragically, CPS and their Barristers appear never to have addressed the necessary ingredient of "wilful" in respect of the charge of deliberate or reckless misconduct in public office. The lack of scrutiny of the entire video which detailed events later than the death itself meant that an opportunity to secure evidence was lost which might in fact have exposed attitudes revealing recklessness, or worse, racially aggravated lack of concern. Excerpts from the video suddenly discovered at the beginning of the trial of April 2002 at the very least showed a reluctance on the part of at least one of the officers later to be charged even to co-operate with a request for examination of his clothing.

Whilst the inquest into Christopher Alder's death at Hull ended with a verdict of unlawful killing on the basis of gross negligence manslaughter, and the Divisional Court on application for Judicial Review was to determine that the Coroner had been correct in allowing the Jury, on the evidence before it, to consider such a verdict, the Crown Prosecution Service subsequently failed to learn lessons from those proceedings in terms of Jury questions indicating concern, and responses of medical experts.

The Crown Prosecution Service, following the inquest, decided not to bring manslaughter charges but first applied the wrong test of survivability, and only finally changed their mind when we provided medical evidence that the actions and inaction by the officers were more than minimally causative of death. At the eventual Crown Court trial, the Crown inexplicably chose to call all the medical experts, whether supportive of the prosecution case or not, themselves, laying themselves open at half time to a submission by the Defence of no case to answer because of the conflict of views.

Quite why it was directed that the case be heard at Teesside remains obscure. The Judge at Hull dealing with venue commented apparently in open court that whilst the trial had to be moved from Hull, it could not be heard in Leeds or Bradford "for obvious reasons." Both Leeds and Bradford of course have a far greater ethnic population than the catchment area for Teesside Crown Court.

The preparation for trial by the Prosecution was shambolic. It was discovered that the CPS Casework Lawyer in charge of the case had a finding against him from a Tribunal of victimisation of a CPS employee who had previously complained of racial discrimination. The Lawyer resigned from the Alder case and on Thursday 14<sup>th</sup> March, 2002, less than a month before the trial was to begin, new CPS Lawyers from the York office were appointed. On 15<sup>th</sup> March a conference was held in London with Counsel for the Crown which we attended together with our client, at which quite obviously the newly appointed CPS team had not been able to get to grips with the case nor indeed could they have been expected to have done so at that point. The conference was unimaginably awful, gross racial insensitivity displayed, and we were shocked at the gulf of understanding that was apparent.

The Senior Casework Lawyer in the new CPS team then met with our client for a full day on 21<sup>st</sup> March 2002 and made detailed and careful notes of that meeting, showing just how valuable it

would have been had CPS had a meeting of this sort a year and a half previously. It was too late to deal with the issues that Janet Alder raised. Even this new CPS team appeared very quickly to assume the same irritation with her as previous colleagues which was indeed a dismaying reaction in so short a time.

On 9<sup>th</sup> April 2002, a day before the trial, a third member of Counsel was appointed to the Prosecution team with a specific task of liaising with the family. She had no knowledge of the case, and quickly found herself in an impossible position. Once again lip-service had been paid to family contact with no possibility of this proving in anyway meaningful.

Having listened to submissions at the end of the Prosecution case, the Judge at Teesside directed on 21<sup>st</sup> June 2002 that the police officers could not safely be convicted on the evidence on either count that they faced, and the Jury must therefore enter not guilty verdicts. Jury members themselves visibly reacted with alarm and incredulity. Nobody from the Prosecution team had given our client Janet Alder any warning that this might possibly take place on that particular day and from that moment on nobody from CPS or the team of Barristers for the Prosecution spoke, or has since spoken, to our client again.

Lest you think that this would prove the final injury to Christopher Alder's family members, worse was to come. The Police Complaints Authority proceeded to recommence their enquiries now that the criminal case had collapsed. The Authority member responsible, Ms Sally Hawkins, ultimately directed the Police Authority to bring disciplinary proceedings for neglect of duty against all five officers involved in Christopher Alder's death. The Police Authority had no power to refuse such a direction, but immediately responded in such a way so as to deny all possible meaning and efficacy to those proceedings by announcing that the officers involved would not need to be legally represented, police code for their decision that removal from the Force or further suspension from duty would not be included as outcomes, leaving only possible penalties of fine, loss of pay or reprimand. Though utterly disillusioned by this time, our client instructed us that she would wish to observe the disciplinary proceedings – that request was refused but whilst we were still in the process of making representations about the refusal, the Hearing, unknown to us, took place, before a different Chief Officer from the person originally appointed and notified to us, and the officers were acquitted of any wrongdoing.

This was still not the end. More than one year after the collapse of the Crown court trial, the Attorney General decided to refer to the Court of Appeal a reference on a point of law relating to the Judge's Direction as to the ingredients to be proved for the common law offence of misconduct in public office to be made out. Once again, family members were not informed of this and we only became aware from a member of the Press, who had picked up the proposed reference from a document headed "Notes to Editors" which formed part of a related press release about deaths in custody. We immediately wrote to the office of the Attorney General, and to the Court of Appeal on 16<sup>th</sup> July 2003, asking to be kept in touch with this proposed reference so that we could if necessary apply to the court for our client to be represented as an interested party. Once again, but scarcely to our surprise, we were not kept in touch at all and informed of the two day hearing before the Court of Appeal on 29<sup>th</sup> and 30<sup>th</sup> January only a few days before, making it impossible for us to have any role whatsoever. The Judgement of the Court of Appeal was given on 7<sup>th</sup> April 2004. We maintain that had the Crown's case against the officers been properly prepared and researched, there would have been evidence before the jury which would have been capable of establishing guilt, leaving the matter of course for the jury to decide whether the offence was proved once they had the opportunity of hearing from the officers themselves as to what risk they perceived Christopher Alder faced as he lay in front of them.

We do not apologise for the length of this letter which is only a bald summary of failure upon failure to deal with the reality behind Christopher Alder's death and the lessons to be learned from it. You will know of course of recent significant decisions by the Courts and House of Lords with respect to the type and extent of the investigation required under Article 2, Right to Life, ECHR, namely Amin,

Khan, Middleton and Sacker. Whilst Christopher Alder's death occurred prior to October 2000, the same principles should apply.

In all these circumstances, only a Public Inquiry will suffice in terms of providing at long last a full, impartial, and rigorous investigation into Christopher Alder's death.

Yours sincerely

**Ruth Bunday**  
**HARRISON BUNDEY**