

**Report, dated 27th February 2006, of the
Review into the events leading up to
and following the death of
Christopher Alder on 1st April 1998**

**by the
Independent Police Complaints Commission**

Volume 2 of Appendices

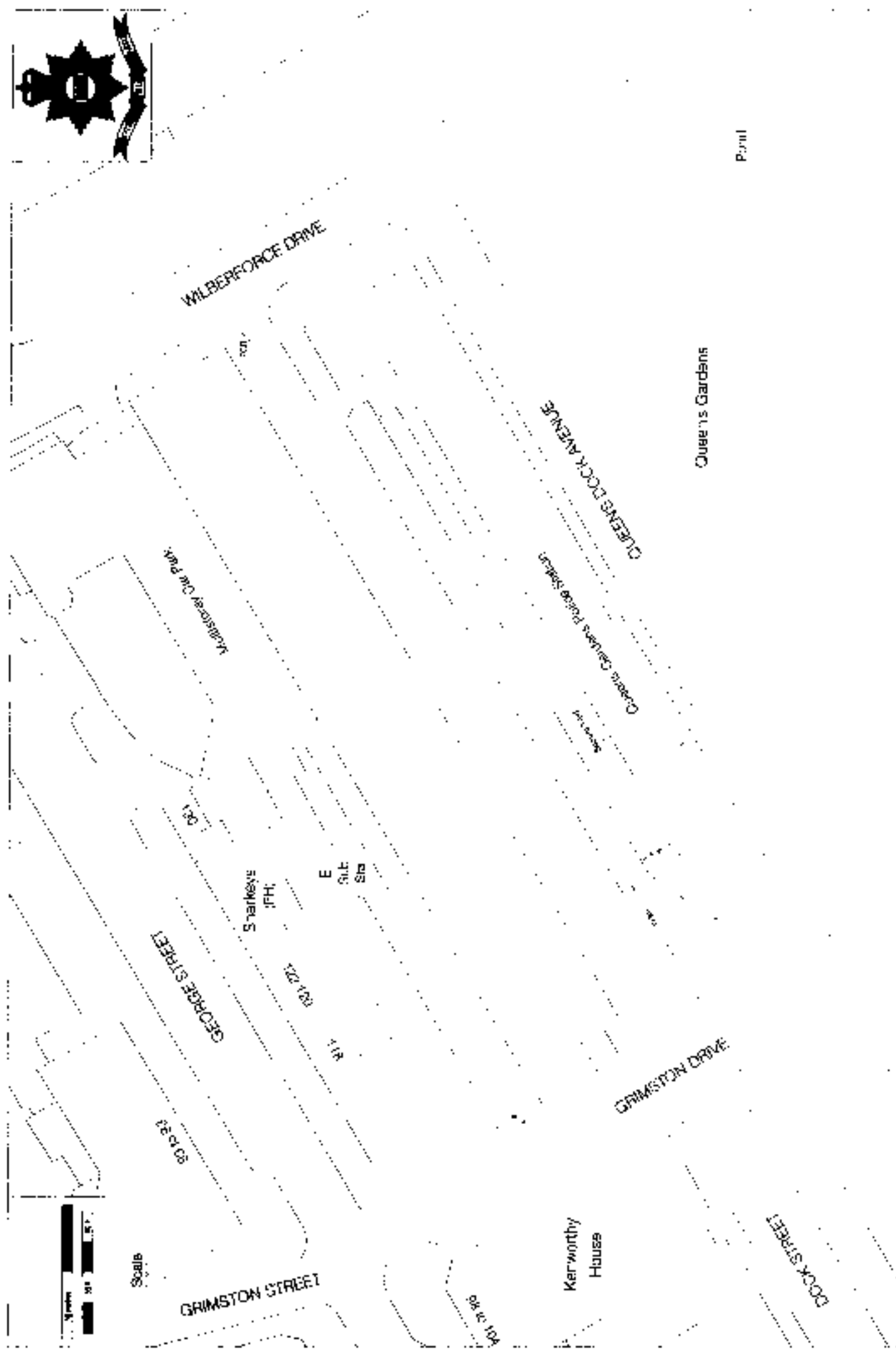
*Return to an Address of the Honourable the House of Commons
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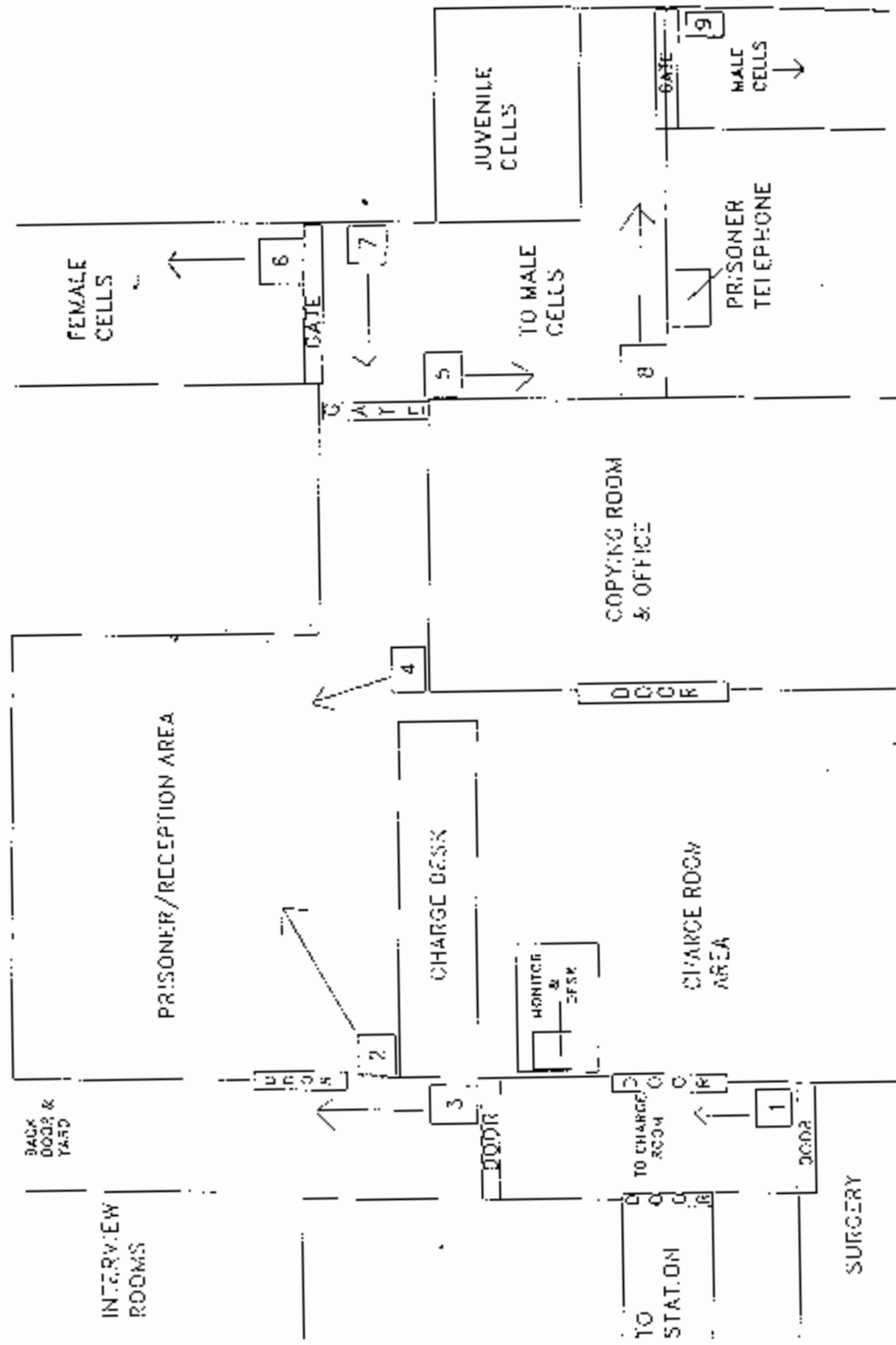
Queen's Gardens

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Queen's Gardens Police Station
Hull

CHARGE ROOM COMPLEX AT QUEEN'S GARDENS





SECURITY
KEEP GATE LOCKED
AT ALL TIMES.

Appendix 22: Timeline of Events in Custody Suite

| TIME | ACTION |
|---------|--|
| 3.41.08 | Charge Room phone rings. |
| 3.42.00 | PS Dunn is informed that Mr Alder is on his way in. |
| 3.46.22 | Custody Suite doorbell rings. |
| 3.46.43 | Charge Room door opens. |
| 3.46.52 | Mr Alder placed on floor of the Charge Room by PC Blakey and PC Dawson. |
| 3.47.03 | PS Dunn and PC Barr come from behind the counter to have a look at Mr Alder. A/PS Ellerington standing in doorway. All five officers standing around Mr Alder. |
| 3.48.28 | PS Dunn and PC Barr return to behind counter. PC Dawson walks to the side of the counter. |
| 3.48.41 | A/PS Ellerington closes door to the Charge Room and remains. |
| 3.48.46 | PC Blakey takes handcuff key from his pocket. |
| 3.48.53 | PC Blakey bends down to Mr Alder to begin to attempt to take handcuffs off. |
| 3.48.55 | PS Dunn glances over the counter at Mr Alder and PC Blakey. |
| 3.49.07 | PS Dunn looks over the counter at Mr Alder and PC Blakey. |
| 3.49.10 | PS Dunn stops looking over the counter at Mr Alder and PC Blakey |
| 3.50.06 | PC Dawson walks over to PC Blakey and Mr Alder. |
| 3.50.07 | PC Wildbore(?) walks to the side of the counter to momentarily look at Mr Alder. |
| 3.50.09 | PC Wildbore(?) Returns to the office area of the Charge Room. |
| 3.50.12 | PC Dawson bends down to assist PC Blakey to remove the handcuffs. |
| 3.50.16 | PC Dawson stands up and returns to the counter. |
| 3.50.55 | PS Dunn glances over the counter at Mr Alder. |

Appendix 22: Timeline in custody suite

| | |
|---------|---|
| 3.50.58 | Matron Winkley goes to the side of the counter to look at Mr Alder. |
| 3.51.00 | PC Blakey removes handcuffs from Mr Alder and stands up. |
| 3.51.07 | PC Blakey gives handcuffs to PC Dawson. |
| 3.51.23 | A/PS Elterington leaves Charge Room. |
| 3.51.48 | PC Dawson, PC Blakey, PS Dunn and PC Barr all behind the counter looking at the computer. |
| 3.53.04 | PC Dawson and PC Blakey return to the side of the counter. |
| 3.53.05 | PS Dunn looks over the counter at Mr Alder. |
| 3.53.16 | PS Dunn stops looking over the counter at Mr Alder. |
| 3.57.17 | PC Barr looks over the counter at Mr Alder. |
| 3.57.25 | PC Barr stops looking over the counter at Mr Alder, and comments that "He's not making those noises any more" |
| 3.57.29 | PC Dawson and PS Dunn look over the counter at Mr Alder. |
| 3.57.34 | PC Barr puts on gloves and walks to Mr Alder. PC Dawson stops looking over the counter. |
| 3.57.39 | PS Dunn stops looking over the counter. |
| 3.57.48 | PC Barr bends down to attend to Mr Alder. PC Blakey, PS Dunn and PC Dawson stand by Mr Alder looking at him. |
| 3.57.58 | PC Dawson leaves Mr Alder's side to call ambulance. |
| 3.58.01 | PS Dunn and PC Barr attempt to put Mr Alder in the recovery position. |
| 3.58.18 | PC Dawson returns to the prisoner side of the counter. |
| 3.58.19 | PC Blakey bends down to attend to Mr Alder. |
| 3.58.24 | PS Dunn, PC Barr and PC Blakey all bending to attend Mr Alder. |
| 3.58.32 | PS Dunn stands and moves to the counter. |
| 3.58.34 | Matron Winkley leaves the Charge Room and walks down the corridor towards the cells. |
| 3.58.35 | PS Dunn returns to Mr Alder. |

Appendix 22: Timeline in custody suite

| | |
|---------|---|
| 3.58.42 | PC Barr discovers that Mr Alder has no pulse. |
| 3.58.56 | PC Barr and PS Dunn roll Mr Alder onto his back. |
| 3.59.07 | PC Barr and PS Dunn roll Mr Alder onto his side to try to get him into the recovery position. |
| 3.59.11 | PC Wildbore? leans over the counter to look at Mr Alder. |
| 3.59.13 | Matron Winkley returns to the Charge Room carrying boxes. |
| 3.59.18 | PC Wildbore? stops leaning over the counter. Matron Winkley goes to Mr Alder's side carrying boxes. |
| 3.59.25 | Matron Winkley puts boxes on counter. PC Blakey stands up and moves to the side. |
| 3.59.33 | PS Dunn stands up and takes gloves from the boxes on the counter. |
| 3.59.36 | PC Barr rolls Mr Alder onto his back. |
| 3.59.40 | Matron Winkley and PS Dunn put on rubber gloves. |
| 3.59.44 | PC Barr kneels down at Mr Alder's head. |
| 3.59.47 | PC Barr stands up. |
| 3.59.54 | Matron Winkley kneels down at Mr Alder's head. |
| 3.59.57 | PC Barr sends PC Dawson to look for an "airway", PC Blakey follows. Matron Winkley, PC Barr and PS Dunn all attend to Mr Alder. |
| 4.00.13 | PC Blakey returns to the Charge Room. |
| 4.00.22 | PI Ford appears behind counter looking over at Mr Alder. |
| 4.00.27 | PS Dunn kneels by Mr Alder's head and administers the airway. |
| 4.00.33 | PC Wildbore? looks over the counter at Mr Alder. |
| 4.00.35 | PS Dunn and PC Barr appear to begin CPR. |
| 4.00.48 | PC Wildbore? leaves the custody area. |
| 4.01.01 | PI Ford stops looking over the counter at Mr Alder. |
| 4.01.05 | PI Ford walks around the counter and approaches Mr Alder. |
| 4.01.08 | Matron Winkley walks away from Mr Alder. |

Appendix 22: Timeline in custody suite

| | |
|---------|--|
| 4.01.14 | Matron Winkley stands behind the counter. |
| 4.01.15 | Matron Winkley leaves the counter area. |
| 4.01.16 | PI Ford stands to the side of the counter. |
| 4.01.24 | PI Ford returns to behind the counter and looks over at Mr Alder. |
| 4.01.32 | Matron Winkley stands to the side of the counter with PC Blakey. |
| 4.01.33 | PC Dawson stands behind counter looking over at Mr Alder. |
| 4.01.43 | Matron Winkley walks to Mr Alder's side. |
| 4.03.43 | Phone rings. |
| 4.03.57 | PC Blakey opens Charge Room door and stands there. |
| 4.04.43 | PI Ford leaves counter area to get another Ventax from the surgery. |
| 4.04.51 | PI Ford returns to behind the counter. |
| 4.04.56 | Matron Winkley leaves Mr Alder and walks away from the custody area. |
| 4.04.59 | Matron Winkley returns to Mr Alder's side. Ambulance technician Victoria Drennan enters the Charge Room. |
| 4.05.05 | Ms Drennan attends Mr Alder's side. PS Dunn and Matron Winkley move away. |
| 4.05.54 | Paramedic Stephen Krebs enters Charge Room. |

Appendix 23: Transcript from Custody Suite (03.45-04.05)

Transcript of conversation from entry of Mr Alder until ambulance crew arrives.

Key:

| | |
|-----|----------------------------|
| () | Phonetically sounds like |
| .. | Natural pause |
| ... | Indecipherable speech |
| - | Continuation of speech |
| M | Police Officers - male/s |
| F | Police Officers - female/s |

Above also used for ambulance crew

Dunn [On telephone] Charge Room Sergeant (Dunne) .. hey up you
 (Annie) how are you .. I'm tired .. oh God what is it

[Pause in speech]

Dunn [On telephone] Oh God what is it that's pathetic oh God .. who is he

Dunn [On telephone] You couldn't .. oh well

[Pause in speech]

Dunn [On telephone] Give us a name .. all right it is a female or a male ..
 all right then .. thanks Anne bye

[Sound of receiver down]

Dunn Another coming in through .. said that he'd been breach of the
 peace

Dunn We'll see what he's brought in then

[Clanging noise]

Dunn See what it is and gonna kick em straight back out again

[Typing sound]

Barr Yeah .. see it's your fucking first four there we got that in our system

Dunn So what the fuck are they .. should get aren't they going to follow that .. do you know what .. I think they the whole lot

Barr Wouldn't mind taking them all out three times but just to take one out once and then one out another time

Dunn Hard work I know since erm

Barr It's not enjoyable

Dunn Since our olds ones .. they they can't manage the distance so some days he couldn't get much of a walk at all .. used to get two walks a day we used to take them both out twice a day .. and you only out save on the time when you took both out-

M Yeah

Dunn -... now but .. when you taking one out it goes on a different journey you know you just can't win

Barr Well it is but it's just not enjoyable because its like first time around is fine second time bloody hell

Barr I'd rather go for a longer walk and take them all at once

Barr That's what ... getting a scape goat

[M sniggers]

Barr No seriously

Dunn Could do with a sleigh

M It's fucking bad you know

Dunn [Makes whipping sound] mush, mush, mush .. we took ours .. my mam lives out at Bromsbury .. Market Weighton .. went out the other day to see her on Sunday afternoon we'd take the dog out for a walk .. so we all went walking round .. got ... we were going through this field it was full of rabbits .. two of them got one go nick them .. you know coming back with a rabbit in their mouth and

mam said oh the oh the dogs got a rabbit .. well its actually trained
to do that [laughing] oh she's ever so good int she

[Chuckling]

Dunn There's me chucking this rabbit away so the dog will go and sniff it
out and find it

[Pause in speech]

46.53

Dunn Don't really like .. fucking bun fight in it

Barr Two arseholes in Hesse at this time of the morning its not on is it

[Male whistling/pause in speech]

Barr Those are not our prisoners

[Male whistling/pause in speech]

[Pause in speech]

[Sound of door/banging/movement noise]

[Very faint voice and slam of door. thud]

Dunn For fucks sake, what's this?

[Sound of door bell]

M Right [sighs]

M Put him there

[Overlap of speech]

Blakey You alright.. steady steady steady lads

Dawson Nice and slow

[Sound of voice on radio]

Dunn Lets just have look

Dawson Prevent breach of the peace

[Breath sound]

Dunn Take him to hospital

Dawson He's just come from hospital .. we've been

Blakey They won't have him at all

Dawson This is acting

Blakey Er he's right as rain .. well not as right as rain .. but he's

Dawson He's been in hospital

Blakey This is a show this

Dawson Been abusive to the staff .. the staff aren't gonna treat him .. he's
got a simple haematoma to the back

[Male clears throat coughing and gurgling sounds]

Dunn He's got a what

Dawson They call it a simple (haematoma) which is obviously a laceration ..
refused to be treated .. refused to have his head x-rayed .. erm

Blakey He was urinating all over the hospital floor

Dunn Right

Dawson He was a complainant in an assault

Dunn You what

Dawson He was a complainant in an assault

Dunn So what's he been arrested for then

Dawson Breach of the peace because he wouldn't leave .. he came out of
the hospital grounds and told us to fuck off he was going back in as
soon as we went

Blakey He was on his feet he was .. this is just a .. this is just a

Dawson This is just an acting thing

Blakey He kept throwing dying swan acts falling off the trolleys and that

Dawson And then when he was outside he was quite aggressive .. quite
forthright

Dunn He's shit his self. So breach of the peace is that he wouldn't leave
the hospital

Dawson Breach of the peace is that he was gonna go back in the hospital ..
as soon as we left

Blakey He was shown off the premises

[gurgling sounds]

Dawson We asked him to leave We give him we give him five other sort of options til the van arrives

[Male makes noise]

Dawson He still wouldn't go .. he fronted us up and er .. he was fine and he's .. this is acting now

[Breath noise in background]

Dawson He was up and down in the hospital

Dunn So do we know who it is then

Dawson He was spitting all over

Blakey All we know he's called Christopher Alder .. we haven't got an address for him yet .. he's on our system I'm sure .. I know his brother Steve's on the system

Barr Can we get him on his side .. he's gonna be restricted there

Dunn Do you wanna take the cuffs off

Dawson Yeah we ought to take the cuffs off for

Blakey Get the gloves on

Dunn Just er lets check him over . there's no breach .. the breach of peace has passed now

Dawson It has it has passed but what do we do with him

Dunn I don't know

M What next

M What like other police station or

Dawson Now we've taken him from the hospital the breach of peace has gone

Dunn So there's no real need to have him in here . I would argue

[Breath noise]

Blakey Thanks Matt

Barr His wrists

Dunn Well if we knows his name lets check him out and see if he's wanted and .. bollocks .. he can go ...

Dawson Exactly

Dunn Tidy the cell up

Dawson We knew this when we

Dunn Yeah I know, its not a criticism of you

Dawson He was given more than enough opportunities by staff to be some where

Dunn Bloody hell don't think I'm critising you but what I mean is what we are achieving by keeping him here . we're not are we

Dawson We're not .. I mean we've asked him where he lives and he won't tell us where he lives .. 20 something we got out of him

Barr Do they know he's got an injury

Dawson Aye

Barr Did you say he had ...

Dawson Oh he . he was assaulted outside nightclub

[Overlap of speech]

Dawson We did our enquiry we went to do the follow up there .. and he'd been before and the nurse asked us to stay while they went and x-rayed him . demanded he wanted to go to the toilet and then pissed all over the toilet and on the floor

Barr What's his name

Dawson Christopher Alder

Barr Alder

Dunn A L D E R

[Heavy breathing sounds – In Background]

Dawson I think so

Barr [Muttering] Got no form like

Blakey Bloody hell , come on you bloody things (reference to the removal of the handcuffs)

[Huffing and puffing]

[Radio traffic in background]

Dawson You winning love

Blakey Bloody knackered

Dawson [Muttering] Need hand

Blakey Oh I am just trying to get the bloody [sneezes] . that's it .. I think it's alright

M They were ...

[Male sneezes]

[Movement noises]

Dawson They don't show you this on the joining video do they

Dunn Good job they don't

Blakey Here we go

Barr Head the other way

[Movement noises]

[Male makes noise]

Dunn Just hang on one minute With no trousers on

[Male makes noise]

Winkley Where abouts [faint]

Barr Is he yours

Blakey Yeah

[Movement noise]

Dawson Are these yours

Dunn Have you found it?

[Male coughs]

M Not gonna fuck off having this

M Only bailed ain't it .. on breach of peace .. two weeks time .. gonna
and get the van then

M Do you know who he was in that club with

[Sound of door]

Dunn [Very faint] No we ain't got a result on the second Alder yet

[Male makes noises]

Barr He's one eye's pink anyway .. got it open

[Sound of door]

M Should still have found him .. but not there

M Yeah well previous taken ...

M Know what I mean

Barr You have F6 they'll tell you what you've got completed

[Male makes noises]

Barr - so there's space next to 8 6 its 2 .. 1 .. you will do a five now that

Dunn I did 2 up .. you're the one on the form

Barr Can you hang on a second please

M He put this on but I don't know

M What's his brother

M Yeah right what's his name

M Richard .. Richard Emmanuel Alder

M That's him yeah .. that's his brother

[Banging/Coughing sound]

M You know you get bits of things that are wet you ask

[Male makes noise]

[Sound of typing]

[Male makes noise]

[Sound of typing]

[Male makes noise]

[Male makes noise]

M Should we move him

M Oh that's him yes

M Oh great

M That's him yeah

M Not his brother

M Yeah

[Male makes noise]

[Pause in speech]

[Male makes noise]

Dunn Did you bring his shoes in from outside

M Outside

[Male makes noise]

Dawson He's got a tooth missing as a result of the assault

M There is no reason

[Male makes noise]

M He's not very fit to be released is he

Dawson Well I don't know .. the trouble is he wan't wan't like this at his time
of arrest he

[Overlap of speech]

M -just stood there .. fronted up

M Stopped

M Fronted up having a bit of an argument this is just erm

[Male makes noise]

Dunn Are the cuffs off him?

M Yeah

M Yeah

Dawson He's been spitting coughing up blood all .. since he been .. but he
doesn't spit it into a bowl he spits it where it suits him

[Male makes noise]

Dawson Really , we've got an option to take him back to the hospital for the night

Blakey They won't have him though will they

Dunn They won't have him .. he's just totally refused

M They won't have him

M They can't refuse him

M They've give him loads of chances

[Unidentified noise]

[Male makes noises]

M He was shouting and bawling and abusive behaviour as well

M Oh yeah

M Thought dying swan act

M Oh yeah he's well acting up .. been threatening the nurses threatening us

M [In background] Who

Dawson He had to be warned that if he didn't behave he was gonna be gassed so we're put a use of force report in for that

Dunn Making threats to you .. we must have a section 5

[Male makes noise]

M You've got enough for a public order offence then ...

M No but probably can't do -

Winkley [In background] Not really good is he

Dunn - making threats to you, it must be

M Yes

Dunn Because when he , he was violent then .. we must have a section five

Dawson He's going nowhere cos he's .. he's he's he's .. he's a , he was in a semi dazed state he's just had somebody who's busted ...

[Male makes noise]

Dunn He's .. he's going nowhere (Boss)

Dunn He was shouting and being abusive at the hospital all the time you know

[Overlap of speech – inaudible]

Dawson What to me outside the hospital

Dunn Yeah

M No .. no .. no

M Wasn't

M Would you say

Dunn You just told me he was threatening people

Dawson He was telling people they were fucking arseholes alright ..

Dunn I see you are section 5

[Male makes noise]

M Bit tired like

M Yes .. they're ... anyway

M He opened it ...

M Yeah he's disabled .. mentally disabled

M Him shouting and swearing ...

M Definitely moved there at times

M Solve our problem at the end of the day

M Are you going keep him or

Dunn No I mean is .. if he wants to be an arse hole then you know-

[Male makes noise]

Dunn -once he plays up .. he plays the system .. bang him in the cell and then-

M Oh yeah

Dunn - I do him for the breach of the peace .. we have to charge him with with a public order offence ..

M He really does

[Overlap of speech – inaudible]

M He actually does cos em

M We found out who he is

Dunn Yeah and I'd rather I'd do him for an offence than just have him laid here for a breach of the peace

M In van

M There's certain enough for that

M Yeah is and all

M In in the hospital and outside the hospital

Dunn You go and get a quick statement from staff there and then he won't .. if he gets charged with it then he only goes back and do it another time will he

Dawson And do a public order to the staff inside rather than for us

Dunn Well if he's been shouting and swearing, been threatening toward you then lets do him .. there will be no problem on what you're saying

Blakey Well he's .. well no do him for us outside in Mansell Street

M And he .. yeah

Blakey Just being generally abusive and obnoxious .. saying I want to go for a piss .. well you want x-ray .. well I wanna go for a piss

Dunn Well what's he done outside

Blakey Outside .. well he's fronted us up. Just fronted us up .. cos he basically said he can have us any time if he fancied. We had to escort him off the premises and then in the street we give him

Dunn I mean if you you

Dawson Several options to go

Dunn If you .. considered the situation enough to get your gas out and threaten him with

Dawson Well I oh well yeah

Blakey Absolutely yeah

Dunn Then you must have felt threatened at the time but -

Dawson Oh yeah .. oh yeah .. he's come across I am the big I am

M Oh absolutely

M -come across said er

M -oh aye outside and

M We'll do our statements I think

M Yeah

M Just generally started outside

[Overlap of speech – inaudible]

Dunn Well I think you should have to say .. you had to surround him with
like ...

[Laughing]

M No but you gonna get told off as well know what I mean

Dunn We'll book him for breach of peace review with a few more
packages.

[Male makes noise]

Dunn Stick a the charge on here and when he comes round we'll find out
who he is

Barr Is there any .. can you check up if anybody else is out tonight

M Can't we ... get onto them

M Can we take him that side room there

[Shouting outside of cell]

[Overlap of speech]

M Yeah we'll take him .. in that statement like

M Been through that already John

[Overlap of speech]

M Yeah well I can type it .

[Overlap of speech]

M Yeah but they sent him over ...

[Overlap of speech]

Dunn Have they said at the hospital Tudor, that he's fit to detain here or

Dawson We asked them that because we said our Sergeant ain't gonna be happy .. and the Doctor says there's nothing more we can do for him .. if he can't be x-rayed, he said something of a simple haematoma to the back of his head .. he's got a tooth missing and a tooth dislodged

Dunn Right

Dawson Erm so we said is he fit to be detained .. and he said well

Barr He's not making those noises anymore

[Sound of drawer]

Barr There's fucking blood coming out of his mouth as well

Dawson There's blood been coming out of his mouth since he's been in hospital

M I know there was

M Since he come out of hospital

Dunn Well call an ambulance again I mean where the fuck are they at

Dawson I am happy if he can go back there. We can't follow him around like minders can we, this is the trouble

Barr He's not fucking breathing lads

Dunn Just have a look at him and see if he's all right

[Pause in speech]

Dawson Do you want an ambulance

Barr Yeah better get an ambulance fast .. dead quick

M Ops on 018

Barr Get him on his side (Sam)

M Ops 018

[Shouting in background]

Barr **Just bring him round here**

[Radio]

Dawson **Yeah can you get onto ambulance control please erm .. an
ambulance please to CCO office, over**

M **Yeah that way**

[Sound of radio]

[Movement noise]

12.26

M **Move his chest**

M **Yeah .. mind out .. okay**

Dunn **Try his pulse**

[Sound of footsteps]

Barr **We've lost him Sarge .. fucking lost him .. no pulse**

[Pause in speech]

Barr **There's no pulse .. there's no pulse Sarge**

Dunn **Christ**

M **Get on him .. get on him**

[Movement noise]

M **Thought he hadn't**

M **... on 18**

Dunn **Put him on his side**

Barr **Get head back**

Dunn **Put him on his side**

M **On his side**

Dawson **[Radio traffic] This is an emergency, over**

M **Call them urgently**

[Radio traffic]

Dunn **Put him in the recovery position .. put him in the recovery position**

[Sound of radio]

Appendix 23: Transcript of custody suite

Dawson It's F Division CCO over

M [On radio] Yes is that . . . over

Dawson In the backyard over yes, yes ..

Barr We'll have to start compression Sarge

M [On radio] nature of injury please

Dawson Yeah .. could have stop breathing over

M [On radio] Roger

Winkley He's not breathing you know

Barr Get an airway

M He won't

[Movement noise]

[Shouting in background]

M You shift here

M Come back up

Winkley You got erm

Dunn Yeah put his tongue .. make sure his tongue's out the way

Barr He's okay with his tongue

M Yeah

[Male makes noise]

Dunn Get his head back

Barr Have we got an airway .. have we got an airway anywhere .. go
and look in the surgery for an airway

[Sound of telephone ringing]

M [On telephone] Charge Room .. he's ... yeah sorry about that

M Just er

M [On telephone] er right we've got a bit of an emergency happening
ok sir okay cheers

Dunn Er just get resus which way up to these bloody things go

[Sound of footsteps]

Winkley That side .. that down to his end -

Dunn Into his mouth

Winkley -that into you

Dunn This one into his mouth

M Yeah

M Yeah

Barr Come on two blows

Ford Is this kid who's been in hospital

Barr Two blows

M That's it

Barr And again

[Blowing sound]

Barr Ok its been a bit of a response, ok

Dunn five

Barr fifteen ...

Dunn Now five to two

Winkley Count five two

M Try now .. go on

[Coughing side]

Winkley Bringing blood up

M Round there

[Blowing sound]

[End of tape]

Transcript of further tape

Tape ref: Tape 7 – 01-04-98/ 04:00:00 – 05:00:30

[Coughing sound]

Dunn Bigger than there you have to go more than that Matty .. five go on
 .. stop

M [In background on telephone] Hello .. charge room we got any
 emergency resus

M Need to ... it

Winkley Yeah

M [In background] Wait

[Shouting outside room]

Dunn Feel for his pulse, feel for his pulse

Dawson [In background on telephone] Yeah absolutely .. okay .. called
 Ambulance definitely on the way

Barr No pulse

Dunn No pulse .. no pulse

[Grunting sound]

M Stop at 15 . keep blowing 5

M New ones

[Pause in speech]

Dunn It's at the bottom of his breast bone

Barr I've got it there .. I've got it there

M Right

Barr I've got it there

Dunn Go on .. yeah fine

[Blowing noise]

M Lost the signs

Winkley Here you are, try this bigger one

M Well we've got no problem .. he was er .. he's refused treatment

Winkley He's not ventilating

M And mate was our complainant in the cells .. we're goner need an ambulance .. followed em to hospital and then obstructed us for this

M He's phoned them about three times .. refusing to get back banging his head and say and then just to finally refuse the treatment .. he did not want it

M Right .. so he was given fit to detain failed to say .. seem ...

[Speech becomes inaudible]

Dawson -... like you said well how's that gonna be .. we said well we don't want him here and then he was fronting up outside .. he was given the options there for him to go .. so

[Overlap of speech - inaudible]

[Male makes noise]

M - I arrested him and then he started to perform and that's how we got the gas .. we didn't go in the gas mind cos we said that no struggle and I don't know .. but we had to drag him in here because he was

M refusing to walk

M Well he was just giving us .. all the time

M Has he just collapsed

M He's been laid down there

M Move his head to the side .. it was his own fault

[Overlap of speech – inaudible]

M Still on their way

M And he was coughing blood before spitting out blood from where tooth .. had been smashed during the assault

M [In background] What had he been .. he'd been hurt

M Well cuts to face and he's banged his head

M Against the wall (Tone)

M He's been able to walk ain't he

M Er there is a video which we viewed was from .. of an assault with other people .. the video is still there .. there's only match stick men tiny in the distance but

Ford Is anybody there now

M But when he were .. when they getting him to hospital

M No .. cos we went there .. going back to see him .. and er

M Who's .. who's handling this ...

[Sound of telephone ringing]

M We don't we asked him about it

Winkley That was ambulance at back gate

M Right mate come on

M Not opening the back gate-

Winkley No

M -not actually

Winkley Not

M Yeah ambulance

M [In background] Can we get em through

M Open this door now

M Yeah we have been through it

[Movement noise]

[Sound of door]

M [In background] And he was like .. (sat up) we came in here and he was coughing and spluttering blood up .. we were deciding what to do .. and then we saw the blood

M Right

Winkley I'll watch the time

M Go through to office and

[Voice outside room]

[No speech audible]

M Said to him to slow down

M Yeah

Dunn The troops coming through

Winkley Shall we get another er (Bentax) out the cupboard out the

M Where are they

Winkley At the surgery

M What , what sort of Bentax....

M He's in it

M Have you got that door

Dunn Come on chop chop

M Go on lads go on

M Come on get him going

M Come on

M [In background] Don't even know if these things got ... know where we are

Dunn Nothing

[Movement noise]

[Male coughs]

Winkley Can we get the ambulance people

M [In background] What are these

Winkley One of those don't matter the ambulance is here

Krebs [In background] How old is he

Drennan It's Chris

Krebs Hey

Krebs Old how is he

Dunn Oh I don't know 30 something

Drennan Chrs been beat up outside Waterfront tonight yeah

[Pause in speech]

Drennan Remember he had bang to the head .. when did they release him ..
what did they say

About 20 minutes ago they released him

Drennan Did they give him an x-ray and everything

M No refused it

Drennan Okay

[Banging outside room and shouting let me out]

Drennan Right can you you put him down on the chest and we'll have -

M Yeah we got

Drennan Right

[Sound of door]

Drennan It's Chris again

[Banging sounds]

M Want his head up

[Sound of telephone ringing]

Drennan Right .. yeah

Krebs Head injury got anything at all

Drennan They just released him again

[Voices in background – inaudible]

Drennan Again

M [In background] yeah .. not well .. removed him to

Drennan Again

M Reckon he's ... a choice

M Chris

M Maybe we should put some at for him erm

[Movement noise/pause in speech]

Dunn Do want us to keep doing his thing while you're doing that

Drennan Hm .. we'll cut that off

Krebs How long has he been down?

Barr Not more than three or four minutes

Drennan Pump his chest

Dunn Do his chest with keep doing it til we get this on

Drennan Right .. 5 .. 10 .. go on 3 .. 4

[Male makes coughing noises]

Drennan Yeah

[Movement noises]

Drennan Did they check him for drugs at hospital

M Didn't do it

Krebs Sorry

Drennan Did they check him for drugs at hospital

M They didn't have an opportunity to do anything for him .. he was just

Drennan They didn't get no bloods of him

M Nothing he was just

Drennan Did they do an alcohol meter

M Yeah they did I think he blew about eighty

Krebs That's not too bad

Drennan Not too bad is it

Krebs Not too bad at all

Drennan He's down

[Male sighs]

Appendix 24: Transcript from Custody Suite (05.45)

[Muttering]

Barr When he was actually blowing ...

Dunn But you know it's easy to look back -

M No you can't

M -is it...

Barr Yeah nobody thought

Dunn Well what they've say .. they say that he was cut before and er in all the circumstances that surrounded it

Barr Yeah but look what happened . look what happened . the ambulance went to him twice

Dunn Yeah

Barr The doctors .. the doctors kicked him out .. I mean you ask the question was he fit to be detained

Dunn Well yeah

Barr You ask the question .. you had like five medical people looking at the guy

Dunn But then he's he's laid face down .. I mean you could say we should have put him in the recovery position..

Barr No we took the handcuffs off the only thing that you can put it on is take the .. he 's actually it's positional asphyxia if that you take the handcuffs off ...

Dunn Yeah

Barr But he was he was obviously in to that

Dunn I mean the other thing I was concerned about you know when you said he didn't have a pulse the reason I didn't want to rush into it

Barr I know .. it's all right you didn't lose it

Dunn No .. no I know but it ... rushed cos like I can remember people saying you sure there isn't a pulse

Barr Yeah I was .. wasn't

Dunn Yeah I know you was .. and I don't deny what you said .. but I wanted to be sure .. now how can you .. you don't want to believe

[Sound of door]

[Sound of footsteps]

Winkley [Muttering]

Barr Yeah that's it yeah yeah .. and he's alright

Winkley [Muttering]

[Pause in speech]

Barr I'm not going down the fucking road .. telling ya

Winkley Definitely

Barr Fucking banana boots on . I am not going home

[Laughing/pause in speech]

Barr Or if I go in and open the doors it'll be on me chin, pull it over with two eye holes in it

M I'd be ... that's all I know

Part 2

[No speech/movement noise]

0.23

Dunn It seems to be worse now

Barr As far as I'm concerned

M [Muttering] .. asked them about him

M He seemed to be aware

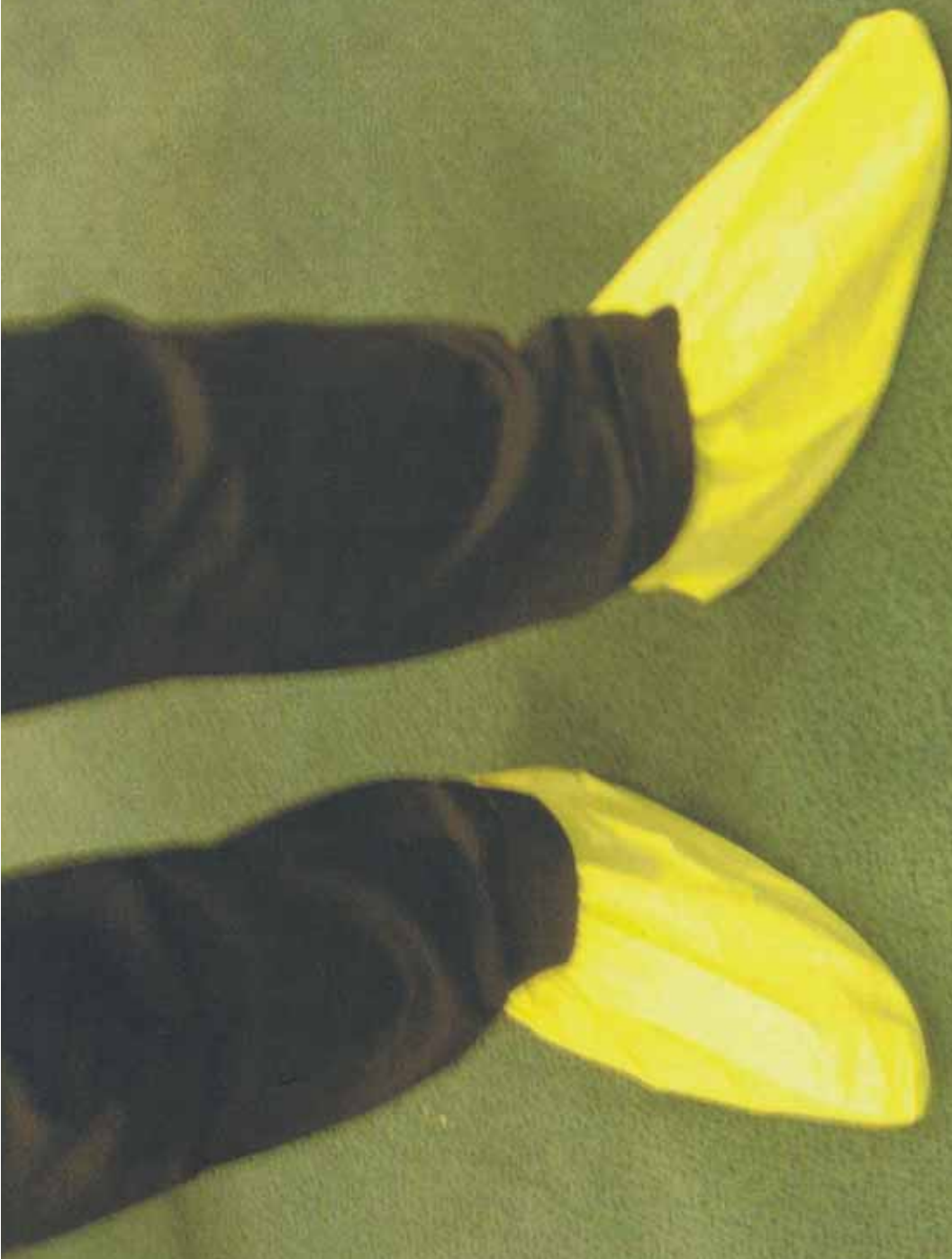
Winkley Yeah .. yeah

Barr I know it is John I know it is all I am saying that but as far as I'm concerned I am just stating that

Dunn But then you see my concern at the time .. I don't know whether he was .. either way my concern is that he was only in for breach of peace .. what were we doing with

Barr No but end of the day you asked all of the relevant questions get the impression

[Overlap of speech - inaudible]



13 10 2005



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Appendix 26: Persons in Custody

Appendix 26: Summary of Persons in Custody

| | Name (Redacted) and Sex | Sex | Ethnic Origin | Time arrest | Reason for arrest | Time arrival at OCHS | Time detained authorised | Number of minutes from arrival to authorisation of detention | Custody Officer | Witness Statement |
|----|----------------------------|-----|------------------|--------------|------------------------------|-------------------------|-----------------------------|--|-----------------|----------------------|
| 1 | G.P. | M | White | 13:33 | Warrant | 14:04 | 14:08 | 4 | Green | Yes |
| 2 | D.G. | F | White | 13:50 | Theft of vehicle | 19:53 | 19:58 | 5 | Green | Yes |
| 3 | M.M. | M | White | 15:10 | Theft | 15:28 | 15:33 | 3 | Electrowing | Yes |
| 4 | D.R. | F | White | 15:23 | Warrant | 15:23 | 15:24 | 3 | Sturt | Yes |
| 5 | S.W. | M | White | 15:28 | Warrant | 15:53 | 15:57 | 4 | Sturt | No |
| 6 | D.C. | F | White | 18:40 | Shoplift | 19:12 | 19:13 | 1 | Sturt | Yes |
| 7 | J.G. | F | White | 18:55 | Criminal Damage | 19:26 | 19:58 | 12 | Green | Yes |
| 8 | P.P. | M | uk | Approx 19:30 | Burglary | uk | uk | uk | uk | Yes |
| 9 | S.H. | M | White | 20:27 | Possession of Off. Weapon | 20:41 | 20:43 | 2 | Green | Yes |
| 10 | D.H. | M | White | 21:03 | Burglary | 21:19 | 21:22 | 3 | Green | Yes |
| 11 | C.G. | M | White | 23:10 | Armed/Thief | 23:15 | 23:24 | 9 | Dunn | Yes |
| 12 | S.W. | M | White | 23:10 | Armed/Thief | 23:15 | 23:42 | 27 | Dunn | Yes |
| 13 | L.M. | F | White | 23:20 | Drunk and Disorderly | 23:53 | 23:58 | 5 | Dunn | No |
| 14 | C.M. | M | White | 23:45 | Thief | 23:55 | 00:13 | 28 | Dunn | Yes |
| 15 | B.C. | F | White | 01:35 | Drunk and Disorderly | 01:51 | 02:01 | 10 | Dunn | Yes |

Appendix 27: Witnesses at Inquest

| | |
|--------------------------------|------|
| Janet Alder | |
| Marc Atkinson | |
| Jurgen William Jarvis | |
| Jason Peter Ramm | |
| David Nnoromele Okwesia | |
| Aimun Freigoun | |
| Adrien Mark Broadhead | |
| Jason Cooney | |
| Jason Alexander Paul | |
| Robert Stevenson | |
| Ian Livingstone Lynch | |
| Richard Edward Hillyard | |
| Karen Lynn Mills | READ |
| Paul Andrew Edwards | READ |
| John Boothby | READ |
| Jacqueline Claire Smith | |
| Stephen Paul Krebs | |
| Victoria Drennan | |
| David Milner Frankland | READ |
| Pamela Marjorie Merritts | |
| Carole Margaret Walker | |
| Helen Elizabeth Townend | |
| Beverley Tweed | |
| PC Ian Alan Goode | |
| Dr Aamer Khan | |
| Danielle Claire Rogers | READ |
| Clive Lawrence Grasby | READ |
| Catherine Rhodes | READ |
| Michael Thomas Prince | READ |
| Alan Harper | READ |
| Kenneth Stuart Crichton | |
| PC482 Julia Bates | READ |
| Insp Derek Whitehouse | READ |
| Dr Patrick Edward Naughton-Doe | |
| Patrick Gabriel N'Jie | |
| David Roy Berridge | READ |
| Michael John Gallagher | READ |
| Stephen Michael Meredith | READ |
| John Robert Smith | READ |
| PC Darren Paul Wildbore | |
| Stephen Spurling | READ |
| PC Kevin Bulless | READ |
| Graham Jones | READ |
| PC Beatrice Ogunley-Smith | READ |
| Roy Todd | READ |
| Helen Parsons | READ |

Appendix 27: Witnesses at inquest

| | |
|-------------------------------|------|
| PC 2092 Steven Kane | |
| Gillian Leak | |
| PC Colin Walker | |
| Insp Keith Tolan | |
| D/Supt John Frank Holt | |
| Dr John Chalmers Clark | |
| Eileen Ellen Carter | READ |
| Deborah Louise Cooper | READ |
| Anthony Christopher Green | READ |
| Debra Greenley | READ |
| Joan Sullivan Guymer | READ |
| Steven James Hoyles | READ |
| Hunt David Anthony | READ |
| Mark James Meikleman | READ |
| Craig Stuart McCall | READ |
| Gordon William Parker | READ |
| Peter Andrew Pinch | READ |
| Stephen George Woods | READ |
| Dr Norman Mark Dearden | |
| Prof Walter Richard Timperley | |
| PC Nigel Thomas Dawson | |
| Dr Nathaniel Roger Blair Cary | |
| Dr Carl Gray | |
| PS James William Pearson | READ |
| Professor Jack Crane | |
| Dr Peter Nigel Cooper | |
| Dr John Gosnold | |
| Professor Alexander Forrest | |
| Dr Janet Elizabeth Porter | |
| Professor Vivian James | |
| Dr Graham Edward Cook | |
| Jennifer Diane Hopson | |
| Dr Keith John Barclay Rix | |
| Dr William Lawler | |
| Dr Paul Rice | |
| Michael John Gallagher | |
| C/Insp Christopher Hillerby | |
| Insp John Ford | |
| Richard Alder | READ |
| Jeffrey Wade | READ |
| Dr Alan Courtenay Crosby | |
| Malcolm Terence Rogers | |
| D/Insp John McDermott Barr | |
| PC 1443 Neil Blakey | |
| PC 324 Mark Ellerington | |
| PC 974 Matthew Barr | |
| PS 1028 John Andrew Dunn | |
| Leonard Thomas Bottomley | READ |
| Malcolm Leslie Dunne | |

Appendix 28: Witnesses at Crown Court trial

Aimun Friegoun
Jason Ramm (read)
Paul Anthony Myatt
Jason Andrew Cooney
Karen Lynn Mills
Carol Margaret Walker
Dr Aamer Khan
Dr John Peter French
Vicky Drennan
Stephen Paul Krebs
Dr Patrick Edward Naughton-Doe
Pam Marjorie Webster (Nee Merrills)
Helen Elizabeth Townend
Sgt 1319 Bulless
Det. Inspector Alan Brookes
Gillian Leak
Dr John Chalmers Clark
Dr Peter Nigel Cooper
Dr Carl Gray
Dr Nathaniel Cary
Dr Graham Cook
Professor Roger Hall
Professor Alexander Forrest
Dr Walter Timperley
Dr Mark Dearden
Dr John Gosnold
Professor Jack Crane
Dr Janet Elizabeth Porter
Professor Jennifer Adgey
Inspector Keith Tolan
Chief Superintendent John Frank Holt
Benjamin Walkup (read)
Richard Adams (read)
Sgt Brett Ruddy (read)
Inspector Trevor Thackray
Chief Superintendent Andrew Everett
Inspector John Ford
Inspector Robert Little
John O'Donnell
Chief Inspector Andrew McGowan

Appendix 29: Differences in Police Discipline

Appendix 29: Changes in police discipline system between 1995-2005

| | PACE 1984 | Police Act 1996 (in force 1 April 1999) | Police Reform Act 2002 (in force 1 April 2004) |
|-------------------------------|--|--|---|
| RANK OF INVESTIGATING OFFICER | Minimum Chief Inspector. At least the same as the officer concerned ¹ | Minimum Inspector At least same rank as officer concerned | Any suitably qualified IO for referable matters and where the investigation is into a member of a police force at least the rank of sergeant and at least the same rank as the officer concerned. ² In some minor matters same as PA 1996 |
| ALTERNATIVE RESOLUTION | Informal Resolution | As before | Local Resolution. Complainant can appeal to IPCC on process |
| SUPERVISION OF INVESTIGATION | PCA supervised enquiry | As before | IPCC sets level, and can alter at any time. Options are: Local Investigation by the force - complainant has right of appeal to IPCC. IPCC Supervised (less intrusive than PCA) complainant has right of appeal to IPCC. Managed : IPCC has direction and control of Police investigation Independent : using IPCC staff |
| NOTICE OF AN INVESTIGATION | Reg 7 notice. Old style caution (no inference on silence) | Reg 9 notice. Old style caution (an inference on silence) | Reg 9 notice. Caution similar to criminal. Hearing can draw inference from silence. |
| RANKS SUBJECT TO DISCIPLINE | Police Officers only | As before | All police staff incl special constables |
| ROLE OF OVERSIGHT | PCA were the tribunal in directed | Directed cases PCA can attend to act as | IPCC directed hearings. IPCC may |

¹ S.I. 1985 No.518, reg. 6(4)

² S.I. 2004 No. 643, reg. 18 and S.I. 2004 No. 645, reg. 8

Appendix 29: Differences in Police Discipline

| BODY | cases. ACPO officer (usually Deputy Chief Constable) sitting with 2 PCA members | observers | present the case and in legal rep cases it may instruct counsel or a solicitor to present the case? Exceptional cases may be hearing in public |
|---|---|--|--|
| APPLICABLE CODE | Discipline Regulations 1985 | Conduct Regulations 1999 | Conduct Regulations 2004 |
| STANDARD OF PROOF | Beyond Reasonable doubt | Balance of probability | Balance of Probability |
| DOUBLE JEOPARDY | No double jeopardy | PACF repealed. Guidance issued for such hearings | As before |
| NON-FORMAL OUTCOMES | Admonishment | Written Warning Advice Guidance and training | As before |
| ALTERNATIVE TO DISCIPLINARY INVESTIGATION | | Unsatisfactory performance procedures | As before |
| SERIOUS CASES | No fast track option | Fast Track hearings | As before - see SOC&P Act 2005, Sch. 11 |
| PARTIES PERMITTED TO ATTEND HEARING | Only attend hearing if a complainant | As before | Interested parties plus friends can attend |
| APPEALS BY OFFICERS FOLLOWING CONVICTION | Police Authority Appeal Appeal for any officer convicted to Secretary of State Subject to PII | Chief officer Review (all cases) or Police Appeals Tribunal for reduction in rank and above As before | As before |
| DISCLOSURE OF OUTCOME OF INVESTIGATION | | | Disclosure of report subject to harm test |
| OVERSIGHT OF SYSTEM | PCA Supervision & PCA Misconduct Review | As before | IPCC Guardianship Appeal to IPCC re Non-recording of complaint Local Resolution Investigation Powers to inspect forces |

Appendix 30: DISCIPLINARY HEARING:

Judgement of Chief Constable Sean Price

1. Thank you. Before I start in relation to the submission made to me yesterday, could I make what I hope is an understandable apology but I hope the reasons for me apologising are also understandable in that I know I kept you waiting for a considerable period of time for me to come back after the submission and that is because I had a great deal which I needed to look at because of the scope of the submission that was made and found that I had to go back and look at much of the evidence that had been presented in order to be able to make my final decision and so I do apologise because of the time that took but I do believe that it was time that needed to be taken for the careful consideration of everything that's gone on. So thank you very much.
2. I have been asked to decide on a submission that I dismiss the charges of all officers on the grounds that there is no case to answer. I will examine first my powers to do this. I intend to use for my authority decided cases within the wider criminal and legal context and I'm obliged for the access made to me to a current copy of Archbalds for this purpose. R v. BROOM 2002 is the most recent case which gives this power in to Judges and builds upon the earlier and often quoted GALBRAITH case. The principle is that a submission of no case to answer should be allowed where there is no evidence upon which, if the evidence adduced were accepted, a reasonable jury, properly directed, could convict. In my role I suppose I act more as a Magistrate as I have to be, as Presiding Officer, a Judge of both the facts and the law. In essence, therefore, I have to decide if there is sufficient evidence to prove the charge without hearing any further, i.e. even without the defence case, does the prosecution prove its charge sufficiently to require an answer.
3. I would note also that I continue to have the power to make that decision at any stage after the prosecution has presented its case if I feel there is no case to answer. So I find that I have the power to make this decision should I decide to do so but it must be based on those details and facts.
4. In the submission from Sergeant SAVAGE I do find that the case is a little less straightforward as in hearing the Presenting Officer's case, I am sure and I am absolutely sure on the grounds of fairness, we have also heard much of the substance of the defence case though of course the emphasis of the facts presented has been somewhat different. But the Presenting Officer at this stage must be able to demonstrate that he has shown neglect beyond reasonable doubt for each of the officers.
5. The death of Mr ALDER is a tragedy, no-one can say why he died and there can only be a range of speculation on a whole range of what might have been. What if he had not been drinking, what if he had not been assaulted, what if he had stayed at the hospital, what if his change in condition had been noticed earlier? All of these issues were part of the events in his last hours but none can be shown by anyone to have caused his death or indeed to have hastened

it. In this discipline hearing after the trauma of an unlawful killing verdict at inquest and unsuccessful prosecution of officers for misconduct in public office and manslaughter, after a sequence of events on the night that found a doctor and a senior nurse finding a patient not serious and fit for detention, after all that and all our earlier what ifs, we concentrate on the actions of five officers during the last 11 minutes of Mr ALDER's life almost to the exclusion of all else and that concentration is only on neglect of duty and whether the Presenting Officer has made his case on that alone. I will examine the actions of each officer on the fateful night in detail in a moment but feel before doing so that I must address the context within which all their decisions and ultimately mine, needs to be made.

6. Every night in every town there are people who for all sorts of reasons put themselves in a condition from drink or drugs where their behaviour finds them being prisoners in police stations. These people will come sometimes straight from the street and sometimes from hospital. Due to their nature and their injuries they will sometimes be co-operative and sometimes not. They will swear, spit and assault. They will sometimes feign a whole series of conditions. They will sometimes defecate and urinate in their clothes which also will often be very dishevelled. They will often be with the police because we are the agency of last resort, the place people go to when no-one else feels able to deal with them. We have a duty of care as a service for them when they are in our custody and in 99.99 per cent of cases we do so.
7. This is sadly not one of those cases but this does not establish culpability it merely sees a result. To examine culpability we must look much deeper into the incidents of that night and early morning. For the Presenting Officer we must find neglect beyond reasonable doubt but what will that look like? Under para 4 schedule 1 of the 1985 Regulations, neglect of duty arises where, where a police officer without good and sufficient cause neglects or omits to attend to or carry out with due promptitude and diligence anything which it is his duty to attend to or carry out. The Presenting Officer argues that by leaving Mr ALDER without action and attention save for the removal of his handcuffs, for the last 11 minutes of his life, they neglected their duty of care to the prisoner. Is this shown beyond reasonable doubt is what needs to be demonstrated plus a lack of any good and sufficient cause for action or indeed inaction?
8. Let us progress this by looking at what each officer did. Let me start with PC DAWSON. PC DAWSON calls at the hospital casualty unit and is in company with PC BLAKEY and he is following up Mr ALDER's assault that happened near to the Waterfront Club. Whilst at the hospital he witnesses ALDER's behaviour with staff and in particular his swearing, uncooperative behaviour, spitting of blood and urinating on the floor. He makes attempts to encourage Mr ALDER to co-operate with treatment but ultimately Dr KHAN refuses him further treatment. PC DAWSON then encourages ALDER to leave the hospital but perhaps sensing this is unlikely to happen, ascertains the nature of his injuries from Dr KHAN. He even mentions that it's for his sergeant and he is assured that Mr ALDER's condition is not serious and that he's fit for custody.

9. When we look at what witnesses say about the conduct of PC DAWSON and indeed PC BLAKEY, we see that it is quite complimentary and if I turn to the evidence of Nurse TOWNEND at this point and it's page 40, whoops, sorry that's Dr KHAN, it's page 40, sorry it's page 43 of Nurse TOWNEND and the question that's asked of her is:

"So far as the police officers were concerned were they doing their best in a difficult situation?"

"Yes, they were helping us out for the hospital";

"They showed no trace of aggression towards Christopher ALDER?"

"No".

"You never heard them offer a disparaging or snide remark about him?"

"No".

They were utterly professional about it?

Answer,

"Yes"

10. Then look at Dr KHAN's evidence and that this time is on page 41:

"Throughout the period you saw" (and this is the question put to him), "they behaved perfectly properly?"

"Yes"

"You saw nothing in their behaviour which gave you any cause for concern?"

"No"

"They were dealing with a difficult situation in a professional manner?"

"Yes".

"In a professional manner, sorry?"

"Yes".

"We could go through your various statements but will you accept from me in the course of those statements you used the words very difficult, wild and aggressive. Those are all words that could be applied to Mr ALDER that evening?"

"Yes".

11. So we have a picture of a patient at that stage who was behaving in a most difficult way and we have independent witnesses certainly at this stage seeing PC DAWSON and PC BLAKEY as acting in a most professional manner. Once outside the hospital A&E, PC DAWSON sought to cause Mr ALDER to go away but he did seem intent upon returning. He was eventually arrested by PC DAWSON for breach of the peace, handcuffed behind his back and a van was summoned that van being driven by the then Acting Sergeant HILLERINGTON, Mr ALDER was taken to the van and placed inside. There does not seem to have been any difficulty in carrying out this task and again if I can turn to independent witnesses and I look to Mr ROGERS the security guard in his second statement and he covers this issue;

"By this time Mr ALDER was going through a quiet period. He did not appear at all bothered and walked normally into the van. The two police officers assisted him up the steps of the van and told him to sit down, which he did. Mr ALDER looked at me and said he would see me and used my name, he seemed perfect. I had no worries or concerns - he seemed alright. The van doors were closed and the van drove off. Two police officers followed in their police car".

12. He also suggests some feigning behaviour by Mr ALDER in statement 2, page 3, para 5.

Appendix 30: Transcript of judgement in discipline hearing

"I did get the impression that Mr ALDER was putting a lot on at times he was very up and down and very aggressive to the medical staff and police officers. He did, however, listen to me and I could talk to him. I had the impression he was trying to show that he was not bothered. At no time did he take unconsciousness or any other illness".

13. On arriving at the Station, a journey of only 5 minutes at the most, PC DAWSON states that he finds ALDER in the same position he had previously been in but asleep and snoring heavily. PC DAWSON then with PC BLAKEY carries Mr ALDER from the rear of the premises into the custody suite and lays him with care on the floor of the reception area. He is positioned face down, head to the right and with his hands handcuffed behind his back. On arrival the custody officer's immediate reaction is to send Mr ALDER back to hospital. PC DAWSON, together with PC BLAKEY, explains that they brought ALDER from the hospital and then goes on to explain ALDER's role as a complainant and of his subsequent behaviour in the hospital. He further confirms that Dr KHAN had stated that Mr ALDER was fit for detention. His actions through the remaining 11 minutes, the crucial 11 minutes, are not many in terms of actions towards Mr ALDER. He does assist in the removal of the handcuffs and then very much when it's realised that Mr ALDER had stopped breathing he is the one who's responsible for summoning the ambulance.
14. In the case of PC BLAKEY he is with PC DAWSON up until really the custody office and their actions are taken in tandem. PC BLAKEY helps in the explanation to the custody officer about what has happened at the hospital and PC BLAKEY it is who takes the handcuffs off Mr ALDER and for just over 2 minutes where he has some difficulty taking off the handcuffs, he notice, is very, very close to Mr ALDER but he notices nothing untoward in Mr ALDER's condition during that period. The CCTV that's on does seem to show him noticing the noises that are being made by Mr ALDER but he doesn't take any action at that stage. When it's clear that Mr ALDER is not breathing he helps with the resuscitation and makes great efforts there to do whatever he can.
15. In the case of Acting Sergeant ELLERINGTON, as he was then, ELLERINGTON drives the van which picks up DAWSON, BLAKEY and Mr ALDER after his arrest. He doesn't assist in putting ALDER into the van but is present when BLAKEY and DAWSON do so. He similarly does not assist with the exit but again observes that exit and says that he heard him snoring and formed the view that Mr ALDER was in a deep sleep. He remained at the charge room door behind BLAKEY and DAWSON and was clearly able to hear their exchange with Sergeant DUNN. He seemed to be observing ALDER on the video but after about 5 minutes he then leaves the charge office.
16. PC BARR is acting as the warder; this is not a role that is defined in statute. His actions following the entry of Mr ALDER are a suggestion that Mr ALDER is put on his side for a few minutes but this is not done. The handcuffs are, however, taken off and I think it's directly as a result of what

PC BARR says. PC BARR certainly notices when the snoring or the noises being made by Mr ALDER stop and he then plays a major role in the resuscitation attempts with Mr ALDER. During that 11 minutes, for about 4 minutes we're able to say he was engaged away from Mr ALDER and we believe he was on the computer.

17. Then come finally to Sergeant DUNN. Sergeant DUNN is the custody officer. Sergeant DUNN's initial reaction in seeing ALDER is to say to the officers, "take him to hospital". He is then told by BLAKEY and DAWSON about them having just come from the hospital and the refusal there to give any further treatment. He is also told about Dr KHAN and the issues of him saying that he is fit for detention. He is seen to look at ALDER on a number of occasions over the counter during the crucial 11 minutes and also from the doorway of the reception area. He spends quite a bit of time discussing the arrest and also discussing whether the hospital would give further treatment to Mr ALDER if he sends him back. When the alarm is raised he is very significant in the attempts to resuscitate Mr ALDER. So these are the actions that took place.
18. Now let's look at what the complicating factors are by viewing the video, looking at the actions of the officers and then trying to determine exactly what happened. I suppose I've called this next section, 'What are the potential reasonable doubts'?, because I thought that was a good way of trying to examine what was happening.
19. First of all in the 4 to 5 minutes it took Mr ALDER to travel from hospital to the Police Station, do we really know what happened and I'm not in any way - suggesting any action by any other party, I'm saying what happened internally to Mr ALDER? I don't know that we can ever establish that now and certainly it doesn't seem to have been possible to establish by any medical authority in all the examinations that have taken place. Did he just fall asleep in that 4 to 5 minutes? Was he asleep when he arrived at the Police Station or did he undergo this catastrophic change that led to coma and ultimately death? We just don't know when that happened. A very crucial point, we just don't know when that happened. He could have been asleep almost to the end of the period even of the 11 minutes or it may have been during that journey that the change happened.
20. Then we've listened to the noises on the CCTV tape and some people refer to them as snoring, some people refer to them as breathing difficulty, again we don't know if there was any breathing going on between the very loud noises that clearly were associated with breathing but may have been breathing difficulties, he may have been snoring. Very, very difficult to ascertain what was happening there, some people definitely heard it as snoring, some people hearing it now hear it as breathing difficulty. Does the fact that you know somebody had died alter the significance you give to sounds that you hear, almost impossible to tell. The difficulty there is we do not know for certain when the catastrophic change in Mr ALDER's condition took place. How can we with any certainty say when the officers were in neglect in not noticing the change?

Appendix 30: Transcript of judgement in discipline hearing

21. Much has been made of Mr ALDER's non-movement. I cannot say if that was significant or not but what I can say and I think it is reasonable to bring in common-sense, but what I can say and outline from my previous experience on many occasions is that when people are heavily intoxicated and they start snoring loudly and fall into a deep sleep, often they do not move for long periods of time. Again we don't know and that is part of the difficulty in trying to determine when changes in Mr ALDER's condition took place. With all of these don't knows, are the officers still in neglect? And that brings in the issue of did they have good cause for not acting even if there were some signs of concern, the second, or the first part really, of a neglect charge?
22. I think in defence and certainly the presentation would say that 4 to 5 minutes before Mr ALDER is in this condition on the charge office floor, he had been at the hospital. There, not many minutes prior to that, he had been seen for over a 1 hour period and examined by Dr KHAN and Senior Nurse TOWNEND. Both the doctor and the nurse agree that his injuries are not serious and his detention in custody is safe. The officers might have considered otherwise but they, with the exception I have to say of Acting Sergeant ELLERINGTON, are untrained for many years in first aid and may well have been comforted by the opinion of experts as to Mr ALDER's condition. Is this good and sufficient cause for them not acting, does it put in some doubt?
23. With this background let us examine once again each officer and whether they did commit neglect beyond reasonable doubt. Let's start again; if I can I want to deal with these officers together which is DAWSON and BLAKEY because much of their actions were together. Both DAWSON and BLAKEY had the longest time with Mr ALDER and viewed the greatest amount of his behaviour and demeanour. Together with the then Acting Sergeant ELLERINGTON, they were the only people who were in a position to see a change in him from when he got into the van until he got out. Let's look at their actions throughout. I think we heard from the evidence that was given a little bit earlier about their actions at the hospital that they were seen as being professionals. I would say caring professionals, there was a long period of dealing with Mr ALDER when he was being very difficult when every option was taken, I would suggest other than arresting him. When they see that they might have to arrest Mr ALDER, they then make sure with Dr KHAN that he is fit for detention, but doing that before taking the action. They then try to convince him to go away and it's when finally outside it's clear that he won't go away and that he's going to the casualty that they make the decision to arrest him which on the grounds of the evidence seems to me they were reluctant to do it, but they do it. They seem to have formed a view during this period that he was a very difficult person and through their observations and quite truculent. Are any of these the actions of officers who are neglectful? I think we would all agree that we can see no grounds at all for neglect on this pattern of behaviour.
24. When we get to the arrival at the Police Station, both officers say they believe Mr ALDER to be sleeping. They do not rouse him from that sleep, that's an

issue that's been mentioned on a number of occasions, they do not rouse him from that sleep but they carry him very gently and very carefully and I think we're all agreed about the care and gentleness that was taken in carrying Mr ALDER in and place him down in a position that could be argued was very close to if not exactly the position that is recommended in the Force instructions that were in existence at that time and again we have some agreement about the paper that was produced yesterday which said about the three-quarter prone position and head to one side. So it could be argued that was the position of safety that had been recommended to officers at that time. They thought he was feigning sleep or they thought he was deeply asleep and the presenting case argues, as I say, that they should have roused him. I think there would have been a good cause to rouse him and it would be indisputable had he not just been seen by a doctor and a nurse minutes before, also we cannot say whether he was at this stage in a deep sleep, whether he was feigning sleep or whether this catastrophic change had happened, there is just no way to know.

25. After examination is it reasonable to wake someone? Certainly in a hospital they would not do so and I think we've seen that evidence from Dr KHAN's statement. They might have done so had they been given the card at the hospital that outlined what they were supposed to do in relation to people with head injuries who've been discharged but we know from the evidence again given that they weren't given that card and they weren't given that advice. So they weren't given the card, they weren't given that advice, what advice were they given by the hospital? They were told he was not serious and that he was fit for custody.
26. When we see the video we see for 11 minutes Mr ALDER and lying on the floor of the custody suite and it is easy to see how that can be interpreted in so many different ways. If we accept the care the officers have taken bringing Mr ALDER into the custody suite, the care in which they placed him down, does that suddenly become uncaring in that he's left there or can we argue that he is in a safe position in a safe place where he is under potentially supervision and at least observation all the time. I know that in the hospital for example or indeed had he been taken to an observation cell, he would have been left alone for probably 15 minutes between observations by either the medical practitioner, had it been the hospital, or by the custody staff had it been in the Police Station. So there is an argument and a case and certainly there is some doubt about whether he was safer where he was then he would have been had he been placed somewhere else. To me it has not been shown beyond reasonable doubt that the inactions of the officers amounted to neglect. It is also very arguable that because of the very, very recent treatment that Mr ALDER had had at the hospital, that they had good cause for their lack of action. I therefore, do not find the case proved in relation to PC DAWSON or PC BLAKEY.
27. I'll now move onto Sergeant ELLERINGTON. Sergeant ELLERINGTON was the only trained first-aider amongst all of the officers in terms of current qualification. But even with this qualification he was not of the level of expertise of Dr KHAN and Nurse TOWNEND. He observes Dr

KHAN with the group including the arresting officers and ALDER when he arrived at the hospital. Later he also believes ALDER to be asleep. In the short time he is in the custody suite he does not appear to be observing, he does appear, sorry, to be observing ALDER but takes no action. He argues because there is no need. As we do not know when the massive change occurred in Mr ALDER's condition. We cannot say whether there was something for him to see, there is nothing on the video and his actions are consistent with the events earlier related to him from the hospital by the arresting officers. Again in his case neglect is not proved beyond reasonable doubt as he had cause to believe that ALDER was not as unwell as he turned out to be due to the examinations made before by a doctor and a senior nurse, therefore we do not prove the neglect beyond reasonable doubt and again there is an argument for saying that there may have been good cause for inaction.

28. May I move now to PC BARR? He was keeping an eye on ALDER and suggests as we know moving him onto his side and that the facts that the handcuffs might be restricting him. Handcuffs are removed but he is not moved onto his side. Now we can again discuss whether he was already in the safe and recovery position as recommended. I know not the proper recovery position but the recovery position that was recommended at that time in Force Orders. It is, however, a strong indication that he was watching and paying attention to Mr ALDER and willing to speak if he saw a problem. This is emphasised by his statement, *"he's not making them noises no more lady"*. He then played a major role in the resuscitation. But neglect, it seems to me there is good evidence that he was watching, taking care and watching and listening to breathing. He certainly showed that he recognised when the loud breathing had stopped. He also was well aware that Mr ALDER had been recently examined. Again with PC BARR neglect has not been proved beyond reasonable doubt as he was clearly watching and taking actions throughout and those actions were what he thought was fit. Again even had he decided not to act or to act there would have been good reason for him not taking action because of the knowledge he had of Mr ALDER having very recently been examined.
29. Now I'd like to move to Sergeant DUNN. The first thought of Sergeant DUNN when he sees Mr ALDER is to send him to hospital but he listens to Constables BLAKLEY and DAWSON who outline accurately what has happened at the hospital. Had Mr ALDER been brought in from the street to the custody office in the state he was brought in from hospital, he would I am confident have been sent straight to hospital by Sergeant DUNN. But having come 4 to 5 minutes earlier from hospital I have much sympathy as it is recognised even in PACE as an exception. I regret to put to the Presenting Officer that I am not convinced by his argument of the broken leg versus convulsions theory in relation to why Mr ALDER should have been brought back to hospital. I think this was a case where the person had been drunk and treated for a head injury and declared fit and was acting as if he was drunk. It is argued that Sergeant DUNN should have independently checked if he had doubts, but I must emphasise again Mr ALDER had travelled only 5 minutes from hospital where he had been examined for over an hour. It would be most unfair to judge this as an error of his part rather than the hospital's. As for the

play-acting suggestion that could have been tested but when taken in the overall sequence of events seems plausible and given Mr ALDER's previous aggressiveness the temptation to allow him to continue sleeping must have been great with the added assurance of a professional medical okay. Again looking at the 11 minutes on video we may question the issue of leaving Mr ALDER in the condition that he was in for that period but again as with the other officers if this was a safe place and a safe position then I think we cannot prove beyond reasonable doubt that there was a neglect in connection to the leaving for that period. I therefore, believe that it is not proved beyond reasonable doubt that Sergeant DUNN was neglected, excuse me, was neglectful as there are grounds that he had good cause for believing Mr ALDER to be in much better condition than he was, those grounds being the treatment he had so recently received at hospital and examination.

30. Collectively and with hindsight the hospital and all the officers were wrong about Mr ALDER's condition. We cannot say for certain when his dramatic change in well-being happened and that seriously affects our ability to judge where it would have been seen and acted upon by those present. Can any of us be confident of when sleep becomes coma and when a man pronounced fit for custody becomes minutes from death? Can any of us tell when the decision to leave somebody where they are because they are safe and sleeping will be viewed as a lack of care and neglect, even if it is only for a few brief minutes? There are areas of huge doubt and in deciding the submission I do not find the case against any of the officers to have been demonstrated beyond reasonable doubt. The charges are, therefore, dismissed against all the officers.
31. I do, however, now wish to make some further points of clarification. The first is regarding the treatment of prisoners who display a lack of consciousness or are difficult to arouse. The PCA and ACPO guidelines in relation to rousing and the seeking of medical treatment where there is any doubt are sound and they are there to protect the vulnerable. The circumstances of this case are unique and I would not wish the judgement to be seen as referring to anything but the specific facts of this very difficult case. I certainly would not wish in any way to deflect adherence to the guidelines. Secondly, I find no criticism whatsoever in the bringing of these matters to a discipline hearing and the charges were the only appropriate ones I believe in the circumstances outlined. It was right and it was proper for the case to be heard. I am grateful to the Presenting Officer and the team for a very well balanced presentation of the facts.
32. Finally, I can only return to my great sadness over the tragedy of Mr ALDER's death. As I mentioned previously we would all rather that different decisions had been made on that night, however well they might have been justified. It is impossible to say what caused or might have prevented the death of Christopher ALDER but nonetheless it is a great tragedy for his family and friends. That concludes the hearing, thank you very much.



Complaint Ref No: 9

INVESTIGATING OFFICER'S REPORT

CHRISTOPHER ALDER :

DEATH IN POLICE CUSTODY AT QUEENS GARDENS POLICE STATION, HD1

ON 1 APRIL 1998

Investigating Officer:

Superintendent J F Holt
West Yorkshire Police

WEST YORKSHIRE POLICE

INVESTIGATION REPORT

TO : Mr J Elliott
Police Complaints Authority

STATION : Headquarters

COPY : Mr G M Sau
H M Coroner for Hull & East Riding
Essex House
Manor Street
Hull

DATE : 30 June 1998

REF : 980001

FROM : Superintendent J F Holt

1 TERMS OF REFERENCE

"To investigate the circumstances leading to the death in police custody of Christopher ALDER and any other matters arising."

2 ALLEGATIONS IN BRIEF

Against PS 1028 DUNN PC 974 BARR, PC 1229 DAWSON, PC 1443 BLAKEY, APS 324 ELLERINGTON.

Criminal

2.1 On 1 April 1998 at Hull you did unlawfully kill Christopher ALDER.

Discipline (Parallel to Criminal)

2.2 Neglect of duty - neglected or omitted to carry out with due promptitude and diligence your duty in relation to the care and treatment of Christopher ALDER whilst in your custody

3 INTRODUCTION

- 3.1 At approximately 1.30 am on Wednesday 1 April 1998 Christopher ALDER a customer at the 'Waterfront' Club, Hull became involved in a dispute with another customer.
- 3.2 Later outside the club, Mr ALDER was assaulted by a man as a consequence of the earlier dispute and he received injuries to his mouth and head and was conveyed by ambulance to the Hull Royal infirmary.
- 3.3 At the hospital Mr ALDER was examined by medical staff, however due to his erratic and unco-operative behaviour not all procedures were concluded, before he was escorted from the hospital Accident and Emergency department by police officers.
- 3.4 Mr ALDER'S behaviour outside the hospital led to his arrest, he was handcuffed and conveyed to Queens Gardens Police Station, Hull, by police van.
- 3.5 Mr ALDER was carried into the custody area at the police station and was laid on the floor. Initially Mr ALDER was breathing, when it was realised that he had stopped breathing attempts were made to revive him by police officers present.
- 3.6 An ambulance was summoned and further attempts by the paramedics failed to revive Mr ALDER who was certified dead by Dr Patrick NAUGHTON-DOE a Police Medical Examiner. Dr John Chalmers CLARK carried out a post mortem examination later the same day. He subsequently concluded that the cause of death was 'undetermined (probably multi-factorial)'.

4 DATE AND MEANS COMPLAINT RECEIVED

- 4.1 The matter was referred to the Police Complaints Authority under the provisions of Section 88 (b) of the Police and Criminal Evidence Act 1984.
- 4.2 Superintendent J F HOLT was appointed Investigating Officer on 1 April 1998 with the approval of the Police Complaints Authority. He completed his enquiries on 30 June 1998.
- 4.3 The investigating inspectors are Inspector K TOLAN and P MORRIS and they were appointed by Superintendent HOLT to carry out enquiries into this complaint and also to act as disclosure officers.

5 ANTECEDENT HISTORY OF CHRISTOPHER ALDER

- 5.1 Christopher ALDER was born in Hull on 25 June 1960 to Nigerian National parents.
- 5.2 4 lines redacted at the request of the IPCC
- 5.3 Between 1976 and 1981 he served in the Parachute Regiment leaving with commendations (Service No 24433475).
- 5.4 On leaving the Army he settled in Andover, Hampshire, with his common law wife Nicola WILSON. They have two sons Leon (c 18.3.83) and Kelvin (b 27.10.85) shortly after whose birth they separated.
- 5.5 In 1990 he commenced a relationship with Jennifer HOBSON and in 1991 they moved to Hull only to separate some eight months later.
- 5.6 He has been employed on a number of labouring jobs and also as a Security Officer between 1992 and 1993.
- 5.7 In November 1997 he accepted a course studying Administration and Information at the BWB Training Centre at Hull.
- 5.8 There are a number of previous convictions recorded. (Part III, pages 116-120).

5.9 Solicitor representing the deceased's family:-

Paul W J HOLLAND
Stamp, Jackson and Proctor
Solicitors
5 Parliament Street
Hull HU1 2AZ
(01452-324591)

6 **EVENTS AT THE WATERFRONT CLUB 1 APRIL 1998**

- 6.1 The Waterfront Club is situated on Princes Dock Street, Hull, the premises are contained on five floors although the bars and dance floors occupy three floors. The bar area known as the 'Soul Suite' is located on the top floor of the building.
- 6.2 The club employs 'doormen' to police the premises and in addition the reception area and immediate environment of the club is covered by closed circuit television cameras.
- 6.3 Tuesday nights are 'Student Nights' and are generally busy. On Tuesday 31 March 1998 the club opened at 9.30 pm and at its height the club contained approximately 700 customers across the three main areas. Despite these numbers the staff reported few problems.
- 6.4 Christopher ALDER was a regular visitor to the Waterfront and in particular the 'Soul Suite'. ALDER was known to several members of the staff and other customers.
- 6.5 At approximately 1.30 am on Wednesday 1 April 1998, Christopher ALDER was stood near to the dance floor in the 'Soul Suite' he was holding a pint glass of beer. At this time ALDER was seen to get involved in an altercation with another customer Jason RAMM.
- 6.6 The exact circumstances of why Christopher ALDER was aggrieved towards Jason RAMM are unclear, it is speculated that the reason was no more than that RAMM had accidentally bumped into ALDER.

- 6.7 Whatever the reason Christopher ALDER spat beer at Jason RAMM there was then at least a scuffle where both men, ended up on the floor. The club 'doorman' ejected RAMM from the premises while ALDER remained inside.
- 6.8 Jason RAMM remained in the vicinity of the 'Waterfront' and clearly he felt aggrieved towards Christopher ALDER. It appears that it was his intention to confront ALDER as he left the club. Amongst the persons in RAMM's company at this time was Jason PAUL.
- 6.9 Christopher ALDER left the 'Waterfront' and there was ultimately a confrontation between ALDER and Jason RAMM. Witnesses vary on which one was the aggressor. There was a scuffle or a fist fight between the men, before RAMM moved away from ALDER.
- 6.10 Christopher ALDER then became involved in a confrontation with Jason PAUL. Again witnesses vary on who was the aggressor. There is agreement however that it was ALDER who throw a large number of punches at PAUL before PAUL struck ALDER with one punch to his face.
- 6.11 This one punch sent Christopher ALDER to the floor, and onto his back, the back of his head struck the floor. Various witnesses described ALDER as having injuries to his mouth and the back of his head. Others describe ALDER as being unconscious.
- 6.12 The weight of the available evidence would suggest that the punch delivered by Jason PAUL was effective enough to bring the confrontation to a swift conclusion.

- 6.13 Christopher ALDER received assistance from other persons present, an ambulance was called and ALDER was subsequently taken from Princes Dock Street to the Hull Royal Infirmary.
- 6.14 The circumstances of this assault upon Christopher ALDER have been fully investigated by the Humber-side Police under the supervision of Superintendent BATES.
- 6.15 It has been established that as a result of the assault Christopher ALDER received injuries to his mouth and back of his head. In relation to this present enquiry Dr CLARKE the Home Office pathologist who examined ALDER has stated that these injuries did not cause Mr ALDER's death.
- 6.16 The Humber-side Police investigation resulted in Jason PAUL being arrested and interviewed, PAUL is presently charged with an offence of assault on Christopher ALDER. PAUL next appears at P.O. Magistrates Court on 10 July 1998.
- 6.17 The same investigation resulted in the arrest and interview of Jason RAMM. Both the prosecution file in relation to Jason PAUL and the advice file in relation to Jason RAMM have been forwarded to Crown Prosecution Service, Manchester South for their consideration.
- 6.18 For the benefit of the reader, the case summaries from those reports are included elsewhere in this report.

7 DETAILS OF INVESTIGATION

- 7.1 Paul Anthony MYATT (Part II, pages 1-8) was the Senior Assistant Manager on duty at the 'Waterfront' on Wednesday of 1 April 1998. On being alerted to Christopher ALDER's condition outside the club, he telephoned the ambulance and the police. MYATT went on to assist PC's DAWSON and BLAKEY in their enquiries by showing them video recordings of the incident involving ALDER.
- 7.2 Stephen Paul KREBBS and Vicky DRENNAN (Part I', pages 9-33) were the ambulance crew who attended the Waterfront incident, examined Christopher ALDER and conveyed him to the Hull Royal Infirmary (HRI).
- 7.3 Christopher ALDER had behaved erratically and aggressively during this initial contact with him. During the journey to the HRI however Mr KREBBS had developed a rapport with ALDER.
- 7.4 At the HRI Christopher ALDER was transferred to the care of the hospital staff. The necessary documentation was completed by Mr KREBBS. ALDER was again behaving erratically as Mr KREBBS and Ms DRENNAN left the HRI and recommenced their duties.
- 7.5 David Milner FRANKLAND (pages 34-35) was a Hospital Porter on duty that night and assisted in transferring Christopher ALDER onto a trolley. Mr FRANKLAND describes Mr ALDER as being confused and dazed. Mr FRANKLAND took ALDER to cubicle 6 and left him there with Nurse Jacqueline SMITH.

- 7.6 Carole Margaret WALKER (Part II, pages 36-39) was the receptionist at the HRI Accident and Emergency Department on the morning of 1 April 1998. She describes Christopher ALDER as being very noisy and abusive during his stay at the HRI. On leaving the HRI ALDER was bodily dragged backwards from the building by two police officers as he appeared to be not co-operating and attempting to sit on the floor.
- 7.7 Jaqueline Claire SMITH (Part II, pages 40-44) received Christopher ALDER from Mr KREBBS and Ms DRENNAN. ALDER is described as confused, abusive and aggressive towards Ms SMITH and later towards Helen TOWNEND who took over the care of ALDER.
- 7.8 Pam Marjorie MERRILLS (Part II, pages 45-50) saw Christopher ALDER shortly after he had arrived at the HRI to obtain details from him for the hospital records. She too describes ALDER as abusive and aggressive.
- 7.9 Helen Elizabeth TOWNEND (Part II, pages 51-66) was the acting charge nurse on duty at the HRI on the morning of 1 April 1998. Miss TOWNEND took over the care of Christopher ALDER her statement describes ALDER'S condition, the treatment that she was able to complete and her attempts to carry out other procedures.
- 7.10 Miss TOWNEND describes Christopher ALDER'S behaviour as varying during his time in the department from being compliant, to being abusive, aggressive threatening and unco-operative. ALDER'S behaviour had resulted in Miss TOWNEND requesting the presence of a hospital security guard (Malcolm

RODGERS) and the presence of police officers (PC's ROGERS and GOODE initially, PC's DAWSON and BLAKEY later).

- 7.11 Once an attempt to obtain an X-ray of ALDER's skull had failed, Miss TOWNEND decided jointly with Dr KHAN that it was not possible to treat Mr ALDER due to his condition.
- 7.12 Miss TOWNEND describes ALDER as struggling to be restrained by two police officers (PCs DAWSON and BLAKEY). ALDER was dragged backwards by the officers, ALDER's legs trailing on the floor. Once outside ALDER was seen to stand upright and speak to the officers. Miss TOWNEND returned to her duties.
- 7.13 Dr Aamer KHAN (Part II, pages 87-81) was the Senior House Officer at the HRI on the morning of 1 April 1996. Dr KHAN examined Christopher Alder and immediately formed the opinion that he was drunk. During the time he was in the hospital Mr ALDER's behaviour varied, he was at times abusive, threatening and unco-operative.
- 7.14 Dr KHAN noted ALDER's injuries and was of the opinion that the head injury was not serious. Dr Khan's decision to X-ray ALDER's skull was based on the fact that ALDER was unclear as to whether he had been unconscious at all since sustaining the injury.
- 7.15 Being unable to obtain X-ray or the further co-operation of ALDER, Dr KHAN spoke to ALDER and PCs DAWSON and BLAKEY. Dr KHAN was of the opinion that ALDER was fit to be with the police officers.

- 7.16 The police officers dragged ALDER out of the hospital 'backwards'. Dr KHAN believes this was an example of ALDER being unco-operative.
- 7.17 PC 942 Danielle Claire ROGERS and PC 1515 Ian Alan GOODE (Part II, pages 82-87) attended the IRI on 1 April 1998 on an enquiry relating to a missing from home. While there they briefly spoke to Christopher ALDER at the request of the nursing staff to calm him and secure his (ALDER'S) co-operation with the nursing staff attempts to treat him. They did not remain at the hospital and had no further involvement with ALDER.
- 7.18 Malcolm Terrance RODGERS (Part II, pages 88-95) is a security guard who worked at the IRI on the morning of 1 April 1998. He was originally called to the area of Accident and Emergency Department by Nurse TOWNEND because of the behaviour of Christopher ALDER.
- 7.19 Mr RODGERS describes Christopher ALDER's behaviour during his time in the department in line with that of previous witnesses. At times Mr RODGERS was able to secure ALDER's co-operation and obtain information from him.
- 7.20 Mr RODGERS describes ALDER being dragged out of the hospital backwards by PCs DAWSON and BLAKEY. Once outside and released by the police officers ALDER stood unaided. ALDER was abusive to the two police officers for five to ten minutes. The officers advised Mr ALDER to go away but he stood there and refused to leave.

- 7.21 ALDER was arrested by one of the officers and handcuffed. ALDER did not resist. While waiting for transport ALDER calmed down and was quieter. Acting Police Sergeant ELLERINGTON arrived driving the van and assisted the arresting officers in placing ALDER in the rear compartment. ALDER walked normally into the van and sat down unaided. APS ELLERINGTON transported ALDER to the Police Station, neither arresting officers acted as escort but both followed in a police car.
- 7.22 Mr RODGERS states that at no time did the police officers draw their batons or gas. The officers were not aggressive and spoke to ALDER in a civil manner. The officers did not abuse ALDER either physically or verbally.
- 7.23 Beverly TWLED (Part II, pages 99-107) is the radiographer on duty at the HRI on 1 April 1998. She describes her attempts to obtain an X-ray of ALDER's skull. She describes ALDER's behaviour in line with that of previous witnesses.
- 7.24 Kenneth Stuart CRICHTON (Part II, pages 108-109) is the Security Attendant based at Queens Gardens Police Station. He viewed Christopher ALDER via a camera monitor, being assisted into the Police Station. Mr CRICHTON describes ALDER as appearing drunk and being unable to support himself.
- 7.25 PC 1351 Darren Paul WILDBORE (Part II, pages 110-113) entered the charge room at Queens Gardens Police Station on 1 April 1998 for the purposes of completing a search report. In addition to police staff, PC WILDBORE saw Christopher ALDER laid on the floor handcuffed behind his back. PC

WILDBORE later saw PS DUNN and PC BARR attempting to resuscitate Mr ALDER.

7.25 Bridget WINKLEY (Part II, pages 114-124) was the matron on duty during the morning of 1 April 1998. During that morning she had left the charge office briefly, on her return she was aware of Christopher ALDER's presence, and that of PC's DAWSON and BLAKEY.

7.27 Mrs WINKLEY describes ALDER's position on the floor, the presence of blood near to his mouth, and the noise ALDER made was described as a 'rattling noise'. Mrs WINKLEY states she is a trained first aider and was of the opinion that ALDER was in no immediate danger nor required any medical attention.

7.28 Once PC BARR had alerted all those present to the fact that ALDER was no longer making any noise, Mrs WINKLEY together with other officers attempted to revive ALDER prior to the attendance of ambulance personnel.

7.29 Stephen Paul KREBBS and Vicky DRENNAN (Part II, pages 9-33) were the ambulance personnel who responded to Queens Gardens Police Station. Both witnesses recognised the patient as Christopher ALDER who they had seen earlier that morning.

7.30 Mr KREBBS and Ms DRENNAN spent in excess of thirty minutes attempting to revive Mr ALDER using Cardio Pulmonary Resuscitation, a suction unit to assist in removing vomit and fluid from ALDER's throat, injections of adrenaline and the provision of oxygen.

- 7.31 The attempts to resuscitate Mr ALDER having failed Mr KREBBS and Ms DRENNAN reached a joint decision to stop. Both witnesses remained at the Police Station to brief the Force Medical Examiner, Dr NAUGHTON-DOE.
- 7.32 Mr KREBBS and Ms DRENNAN confirm that when they treated Christopher ALDER at Queens Gardens Police Station they did not find any additional injuries to those ALDER had sustained during the incident outside The Waterfront club.
- 7.33 Dr Patrick Edwards NAUGHTON-DOE (Part II, pages 125-127) is a deputy forensic medical examiner to the Humber-side police. On 1 April 1998 he attended at Queens Gardens Police Station in connection with the death of Christopher ALDER. He arrived at 0530 hours and confirmed ALDER's death at 0720 hours.
- 7.34 David Roy BERRIDGE (Part II, pages 128-130) is the Scenes of Crime Officers who attended Queens Gardens Police Station. Mr BERRIDGE took photographs of the cell area. Michael John GALLAGHER (Part II, page 131) took photographs of the police van used to transport Christopher ALDER.
- 7.35 Gillian LEAK (Part II, pages 132-137) is the forensic scientist who attended at Queens Gardens Police Station, the statement describes her examination of the custody unit and the police van used to transport Christopher ALDER. Ms LEAK's evidence is discussed in detail at Part 8 below.
- 7.36 Dr John Chalmers CLARK (Part II, pages 138-157) carried out a post mortem examination on Christopher ALDER at 5.00 pm Wednesday 1 April 1998. Dr

CLARK records the cause of death as 'Undetermined' (probably multi factorial).

The details of Dr CLARK's evidence is discussed in detail at Part B below.

- 7.37 That concludes a summary of the events of 1 April 1998, with reference to numerous individuals involved in the events of the early hours of that date. The remainder of this part of the report concentrates in greater detail on the involvement of key individuals, and examines the evidence available to support or refute the allegation that the officers involved are criminally liable for the death of Christopher ALDER.

8 FORENSIC AND MEDICAL EVIDENCE

- 8.1 The forensic and medical evidence in this case should be considered as critical in terms of the decision to undertake any criminal proceedings. Whilst Dr CLARKE is a Senior Lecturer in Forensic Pathology, I will deal with his evidence in a purely medical context later in this part of the report.

Forensic

- 8.2 In concentrating firstly on any forensic examination of scenes or articles seized during the course of this investigation, it is fair to say this is not a case which relies heavily on forensic evidence. Indeed the role of the witness Gillian LEAK in this case is to be seen in terms of eliminating speculative assumptions about what has happened, rather than supporting other evidential findings.
- 8.3 Two regularly productive fields of forensic investigation were considered in the early stages of this enquiry with the following results -
- 8.4 (i) Blood pattern analysis
- The examination of blood patterns or splashes found at crime scenes and the interpretation of the results, can either provide conclusive evidence in support of a known sequence of events or disprove a disputed sequence of events.
- 8.5 In this case there are two areas of bloodstaining - the rear of the police van used to transfer Christopher ALDER from hospital to Queens Gardens Police Station, and the Charge Office floor at Queens Gardens.

8.6 Examination of both "scenes" in the expert opinion of Gillian LEAK supports the theory that no assault of Christopher ALDER has taken place at either location, and tends to provide very strong support for the officers assertions that ALDER was alone in the rear of the police van and was found slumped to one side when the van arrived at the Police Station.

8.7 The view that no assault took place in the Custody Suite at Queens Gardens is of course indisputably enforced by the whole sequence of Christopher ALDER's detention being video recorded.

8.8 (ii) Cross Transference of Fibres from Clothing

Contact between individuals is another productive arena of forensic science, and can show that physical contact between individuals has taken place. It is particularly relevant where knowledge of a victim is denied by either a suspect, or other individual wishing to distance themselves from a particular scene.

8.9 Whilst the Police Officers' clothing was seized almost immediately as a matter of routine, the Investigating Officer authorized its early release on the basis that all five officers who had involvement with Christopher ALDER on 1 April 1998, had some physical contact with him rendering the evidential value of any cross transference negligible to the point of being completely inconsequential.

Medical

8.10 The medical evidence is a different issue and needs to be examined in detail to identify whatever it provides the basis on which to build a criminal case.

- 8.11 In attempting to simplify some of the issues involved, an appropriate starting point is to look at the physical injuries suffered by Christopher ALDER, and it is clear that in relation to visible injuries the continuity provided from the point when Paramedics attended The Waterfront Club, up to the point when he was certified dead at Queens Gardens is invaluable in determining what happened to Christopher ALDER.
- 8.12 The ambulance staff involved on 1 April were fortunately, from the evidential perspective, involved in all three relevant scenes. Stephen KREBBS and Vicky DRENNAN attended the initial call to attend The Waterfront Night-Club, they provided some initial assistance to Christopher ALDER and transported him to Hull Royal Infirmary.
- 8.13 Whilst at Hull Royal Infirmary they remained until ALDER was handed over to nursing staff for treatment. Vicky DRENNAN will state that ALDER's behaviour was *"unruly, aggressive and unco-operative"* and she was *"concerned for the medical staff."*
- 8.14 ALDER's physical injuries as seen by KREBBS and DRENNAN, a wound to the back of the head and a severe cut to the mouth, are confirmed and recorded by medical staff at the hospital, particularly Nurse Helen TOWNEND and Dr Aamer KHAN who were principally involved in attempts to treat ALDER's injuries.
- 8.15 Upon subsequently being removed from the hospital the absence of any other physical injuries, other than those already referred to, is corroborated independently by two sources.

- 8.15 Firstly, the video recording from the Charge Office at Queens Gardens Police Station which records the movements of Christopher ALDER from his arrival in custody, up to and beyond the point where he is tragically certified dead by the Force Medical Examiner Dr NAUGHTON-DOE.
- 8.17 Dr NAUGHTON-DOE refers to the head injury described earlier but makes no reference to the wound to the mouth, which will be due to the presence of an airway and other signs of medical intervention that to some extent obscure the mouth injury.
- 8.18 The second independent corroboration of the injuries sustained by ALDER is provided by Stephen KREBS and Vicky DRENNAN, who having resumed from Hull Royal Infirmary received the call to attend at Queens Gardens Police Station where they once more tended to Christopher ALDER.
- 8.19 The question of care afforded to Christopher ALDER is a common thread which runs throughout this enquiry, and the role of fully qualified medical staff is one which may be questioned at some length.
- 8.20 The key players involved in providing that expert care have already been mentioned in some detail. It is highly unlikely that the actions of the Paramedics KREBS and DRENNAN would be subject to criticism from any quarter. They attended the initial incident, transferred Christopher ALDER to hospital, left when they were satisfied he was in capable hands and finally left no avenue unexplored in attempting to save ALDER's life when called to Queens Gardens Police Station.

- 8.21 The role of the principal medical staff at Hull Royal Infirmary may be subject of greater scrutiny, and the principal staff involved were undoubtedly Nurse Helen TOWNEND and Doctor Aamer KHAN.
- 8.22 During the early hours of Wednesday 1 April 1998 they clearly had a duty of care in respect of Christopher ALDER, that duty however relies on the willingness of the individual involved to make themselves amenable to treatment.
- 8.23 There is ample evidence that Christopher ALDER, at least during his time inside Hull Royal Infirmary was not amenable. Dr KHAN refers to ALDER shouting, *"I'm alright, I don't wanna stay, I fucking wanna go home"*, and *"I don't wanna be here, fucking let me go home."*
- 8.24 Helen TOWNEND, who is referred to by ALDER on more than one occasion as a *"fucking old cow"*, supports the view that ALDER was not amenable to receiving treatment and refers to ALDER's comments *"Fuck off, leave me alone."*
- 8.25 In spite of the difficulties caused by Christopher ALDER's unco-operative and aggressive behaviour, an assessment was made of his injuries and his blood pressure, alcohol level and Glasgow Coma score readings were all obtained, none of which caused any undue cause for concern.
- 8.26 Prior to treating the injuries, Dr KHAN decided to have Christopher ALDER's skull X-rayed, primarily because ALDER himself could not confirm whether he had

been rendered unconscious by the bang on the head he received outside The Waterfront Club.

- 8.27 ALDER's behaviour deteriorated to such an extent that it was not possible to obtain the X-ray as planned. Dr KHAN who was satisfied that the head injury was a *"simple haematoma"*, made a final plea to ALDER to allow treatment to be administered and was given the response, *"Fuck off, I don't need your help."*
- 8.28 That response ultimately resulted in ALDER's removal from the hospital without any treatment having been administered to his injuries. Whether that decision, which was primarily as a result of ALDER's own actions, had any bearing on his subsequent demise is one of many difficult questions to answer in this case, and one which may never be unequivocally answered.
- 8.29 What can be accepted in support of the medical staff's assessment of Christopher ALDER's injuries, is Dr CLARK's assertion that the head injury suffered by ALDER did NOT cause his death.
- 8.30 Of all the forensic and medical evidence available none is more critical to this enquiry than that provided by the Home Office Pathologist Dr John CLARK.
- 8.31 As referred to above, Dr CLARK is unequivocal in his assessment that the visible injuries suffered by ALDER were not responsible for his death, referring to the head injury as *"a relatively minor one, which would be insufficient to account for his final collapse and death."*



8.32 Establishing a reason or reasons for Christopher ALDER's death is less clear cut and Dr CLARK's final official cause of death as "undetermined", (probably multi-factorial) gives an appropriate indication of the difficulties to be encountered in establishing primary causation and liability.

8.33 It is fair to say that those present at the commencement of the post mortem examination on the afternoon of 1 April 1998, including the Investigating Officer, expected to witness evidence of a serious head injury such as a fractured skull and brain haemorrhage.

8.34 Not only was that initial assumption incorrect, there also appeared at the time of the post mortem to be no natural disease that could have caused ALDER's death.

8.35 This has subsequently been independently agreed by expert examination of the brain and heart which found no significant abnormality.

8.36 At the conclusion of the post mortem it was felt that the best chance of establishing a substantive cause of death, other than examination of the areas referred to earlier, lay in the toxicology results from blood samples taken

8.37 Examination of those blood samples revealed 'moderately' high levels of alcohol, (approximately 1 1/2 times the legal limit for driving) but no drug was identified as being present in the samples taken from Christopher ALDER.

8.38 In relation to other issues that may raise concerns in this case, no CS gas was detected in either the blood or stomach contents. In addition potential carbon

monoxide poisoning during transport in the police van is ruled out by the recorded carbon monoxide levels found in the blood.

8.39 The reasons for Christopher ALDER's death are therefore those which combined during the early hours of Wednesday 1 April 1998 and are referred to by Dr CLARK as "multi-factorial". Of critical importance to the criminal investigation is the part played by the Police Officers involved, specifically whether their failure to identify that Christopher ALDER was in danger and therefore act appropriately, could be held to be the cause of his death.

8.40 Involvement of Police Officers with Christopher ALDER on 1 April 1998 is independently corroborated by other witnesses, up to the point when he was placed in the Mercedes van outside Hull Royal Infirmary.

8.41 Malcolm Terrence RODGERS, the Security Guard at Hull Royal Infirmary is the last "independent" witness to see ALDER alive. An extract from a statement made by RODGERS on 7 May 1998 gives a description of ALDER immediately prior to being taken away in the police van *"He seemed perfect. I had no worries or concerns - he seemed alright. The van doors were closed and then drove off. The two Police Officers followed in their police car."*

8.42 It is therefore wholly appropriate to focus on the actions of the officers beyond that point in trying to establish individual or collective responsibility for Christopher ALDER's death in relation to the expert opinion of Dr CLARK.

- 8.43 Evidence contained in the video sequences from Queens Gardens is referred to elsewhere in this report, as are the explanations for their actions given by each officer.
- 8.44 On arrival at the Police Station, Christopher ALDER's condition had deteriorated so rapidly during the short van journey that in the view of Dr CLARK, *"He had almost certainly developed severe hypoxic brain damage, rendering him unconscious."*
- 8.45 Whilst the three officers involved in the arrest and transportation of ALDER, state they attempted to rouse him prior to removal from the rear of the van, they were clearly insufficiently concerned to mention the fact to the Custody Officer when ALDER was carried into the Charge Office.
- 8.46 From arrival at the Police Station Charge Office at 3.46 am up to the point when PC BARR states, *"He's not making any of them noises any more lads"* at 3.57 am there is no further attempt to rouse or address Christopher ALDER.
- 8.47 Christopher ALDER is laid face down on the floor and although his handcuffs are removed his left hand remains behind his back, and although PC BARR states, *"Can we get him on his side, he's going to be restricted with them cuffs on"*, no attempt is made to place ALDER in a more comfortable or medically suitable position.
- 8.48 In the opinion of Dr CLARK, *"The face down position could have further impaired his ability to breathe and so potentially precipitated his death."*

- 8.49 What is significant is that the actions of the officers involved are brought into question AFTER Christopher ALDER became seriously ill, and that they played no part in his deterioration into the condition he was in on arrival at the Police Station.
- 8.50 In concluding this part of the report, the Investigating Officer refers again to Dr CLARK's expert opinion when referring to the lack of medical treatment at the Police Station. *"The obvious question arising from all of these, is that, had his condition been recognised at an early stage, would the outcome have been any different? The answer is that it is impossible to know."*
- 8.51 That the officers at Queens Gardens failed to adequately offer the appropriate care and treatment that should have been afforded Christopher ALDER cannot be disputed. That failure prevented the possibility of Christopher ALDER's death being avoided, but it is very difficult to draw the conclusion that those failings actually caused his death.

9 VIDEO EVIDENCE QUEENS GARDENS POLICE STATION

9.1 Of all the evidence in this case the most compelling and disturbing is held in the video recording at Queens Gardens Police Station. Viewed in isolation it provides an apparently damning indictment of the behaviour of the officers involved, particularly the Custody Staff whose prime responsibility is the "care and treatment" of detained persons.

9.2 This evidence must however be seen as part and parcel of the whole sequence of events, and the officers actions examined during the whole period of their involvement with Christopher ALDER. This is particularly important in the case of the arresting officers Pcs BLAKEY and DAWSON who witnessed ALDER's behaviour at HRI, and whose demeanour at the hospital is independantly corroborated by a number of key witnesses.

9.3 There are a number of static video cameras located in the custody area at Queens Gardens Police Station. Three are referred to in this report and are as follows:-

- (a) Rear Police Station Yard sited to allow viewing of the prisoner entrance door into the passageway leading to the Custody Suite. A monitor is located within the Custody Suite to allow viewing but there is no recording facility. Thus there is no recording of Christopher ALDER being removed from the police van and being escorted to the prisoner entrance door.
- (b) Prisoner passageway sited to allow viewing of persons entering the passageway through the prisoner entrance door from the rear Police Station

yard. A further door is also shown which gives access into the Custody Suite. The video is frame recorded and is audio/visual. Thus Christopher ALDER is shown being brought through the prisoner entrance door, along the passageway and through the door into the Custody Suite

- (c) The final camera is located in the Custody Suite and is sited to view the booking in area including the door from the passageway covered by the preceding camera. The video is frame recorded and is also audio/visual. Thus Christopher ALDER is shown being brought into the Custody Suite and laid on the floor.

N6 The two frame recorded tapes have been joined to show continuity. In each case one in nine frames is recorded but this still gives good clarity and movement detail

9.4 A transcript of the recording has been produced and is attached (Part III, pages 43-62). Throughout the transcript any reference made to time is actual time from the commencement of the video e.g.,

- (a) Page 1 [00:14] [door bell] - the door bell sounds 14 seconds into the tape.
- (b) Page 2 [1:05] [breathing sound] - at 1 minute 5 seconds into the tape a breathing sound is heard

9.5 Real time is shown on the picture of the video
e.g., The door bell described at Paragraph 7.40(a) above commences at 3 hours 46 minutes 21 seconds (3:46:21) on 1 April 1986.

9.6 For the purpose of this report real time will be referred to as that which is shown on the video.

9.7 There are a number of significant and critical times and these are commented upon - where considered necessary as follows:-

(Hours - minutes- seconds - 24 hour clock)

3:46:21 Door bell rings to signify Christopher ALDER is to be brought into the cell area.

3:48:50 Christopher ALDER is placed on the Custody Suite floor in front of the charge desk where he is to remain.

PC DAWSON immediately notifies PS DUNN the reason for the arrest "Prevent Breach of the Peace "

PS DUNN replies, "Take him to hospital."

PC DAWSON, "He's just come from hospital "

Both PC DAWSON and PC BLAKEY claim that Christopher ALDER is acting and putting on a show. A discussion then ensues as to the reason and circumstances surrounding the arrest.

3:48:00 Breathing sound. This is one of the many sounds of Christopher ALDER breathing and may more aptly be referred to as snoring.

3:48:24 PC BARR, "Can we get him on his side he's going to be restricted with them cuffs on."

3:48:51 APS ELLERINGTON who had been stood in the open door to the Custody Suite now closes it with himself in the Custody Suite.

3:48:54 PC BLAKEY begins to remove the handcuffs from Christopher ALDER and has obvious difficulty.

3:50:11 PC DAWSON assists and one handcuff is removed.

3:50:59 Both handcuffs are now removed. Total time to remove the handcuffs is 2 minutes 5 seconds.

3:51:20 APS ELLERINGTON leaves the Custody Suite. He had been present for the 4 minutes 59 seconds that Christopher ALDER had been laying on the floor of the Custody Suite.

From this time there is no obvious supervision of Christopher ALDER

3:52:13 Yet more breathing or snoring sounds coming from Christopher

3:52:27 ALDER. Apparently ignored or unpoliced by Police Officers present

3:55:42 in Charge Room.

- 3:53:05 Sergeant DUNN looks over the charge desk at Christopher ALDER for a period of 10 seconds until he is heard to breath/snore. He is apparently unconcerned by what he sees.
- 3:53:20 Unknown officer comments, "The trouble is he was not like this at the time of his arrest."
- 3:53:27 PC BLAKEY looks at Christopher ALDER from the side of the charge desk.
- 3:53:48 Unknown officer comments, "Don't think we've got no option but to take him back to hospital then aye." Further conversation ensues on the lines that the hospital won't have him.
- 3:54:20 Sergeant DUNN considers that there is sufficient evidence for a public order offence and there is discussion on these lines.
- 3:56:30 There is general agreement between Sergeant DUNN and the arresting officers that Christopher ALDER will be detained and then charged with Section 5 of the Public Order Act 1986.
- 3:57:07 PS DUNN, "They've said at the hospital to you that he's fit to detain here or have they?" PC BLAKEY responds suggesting the affirmative which Sergeant DUNN accepts. This is the one and only time the phrase "fit to detain" is uttered.

N.B. This question is asked 10 minutes 17 seconds after Christopher ALDER was laid on the Custody Suite floor.

3:57.24 PC BARR looks over the charge desk and says, "He's not making any of them noises any more lads "

N.B. This is 10 minutes 34 seconds since Christopher ALDER was placed on the Custody Suite floor.

Shortly after there is the comment, "We'll phone an ambulance again, I mean I'm happy if they're not happy. I'm happy if he can go back there we can't go following him round like minders can we, this is the trouble "

3:58:00 PC DAWSON then requests an ambulance to attend Queens Gardens Charge Office. PS DUNN and PC BARR with assistance from the Matron Bridget WINKLEY then begin medical intervention and attempt to resuscitate ALDER, until this work is continued by the Paramedics DRENNAN and KREBBS who arrive at 4:05:00.

4:06:45 Paramedics cease work on Christopher ALDER.

9.8 Although the video evidence is to be viewed primarily to establish whether the behaviour of the officers, either collectively or individually, is so grossly negligent as to be sufficient to form the basis of a criminal case, some other concerns are also raised

9.9 Chief amongst those concerns are the levels of first aid training given to officers tasked with important decisions about fitness for detention and suitability for treatment.

9.10 In addition some dismay may be expressed at the immediacy of access to first aid equipment.

9.11 In support of those concerns identified above the following are excerpts from the transcript after the realisation that Christopher ALDER is in serious difficulty's.

..... have we got an airway, have we got an airway anywhere. look in the surgery for an airway

..... which way up do those bloody things (resuscitator) go?

... , have we got anybody who knows a bit about resuss

9.12 In looking at this part of the video in isolation it would be difficult to criticise the officers for not doing their best. The criticism that may be levelled at the service is that in terms of the ability to provide adequate early intervention their best was not good enough.

9.13 In conclusion the video recording of the Charge Office shows five key points:-

- (i) The arresting officers make an assumption that Christopher ALDER is "play acting" and never review that opinion, even when PC BLAKEY spends over 2 minutes trying to remove the handcuffs.
- (ii) The Custody Officer's initial reaction, "Take him to hospital" portrays an immediate concern for ALDER's condition, but the information that he has already been there causes an immediate change of mind.
- (iii) Critically PS DUNN makes no independent assessment of Christopher ALDER's fitness for detention, when an attempt to rouse him would undoubtedly have led to a realisation he was in serious difficulty.
- (iv) Christopher ALDER is alive but in difficulty when he is brought to Queens Gardens. The position he is placed in does nothing to alleviate his problems and he dies whilst discussions take place about the reasons for his continued detention.
- (v) No attempt is made to address Christopher ALDER even though the assumption is that he is "play acting" and therefore presumably aware of the discussions taking place.

9.14 There is however one final inescapable piece of evidence provided by the video, and supported by the medical evidence referred to elsewhere in this report, and that is that in spite of it apparently being unrecognised by five Police Officers,

Christopher ALDER was already seriously ill when he was brought into the Custody Suite.

10 MISCELLANEOUS WITNESSES

- 10.1 Acting Police Sergeant 1319 Kevin BULLESS (Part II, pages 180-182) was aware of the incident at the Waterfront and the subsequent arrest of ALDER, he had learnt of those incidents from Acting Police Sergeant ELLERINGTON though not in any great detail.
- 10.2 Acting Police Sergeant BULLESS attended the charge room at 04.45 hours and spoke with PC's DAWSON and BLAKEY. At that time acting Police Sergeant BULLESS signed each officers pocket book to verify that it was up to date in relation to their entries concerning ALDER.
- 10.3 Inspector John FORD (Part II, pages 183-186) was the duty Inspector during the morning of 4 April 1998. On hearing a radio message requesting an ambulance to the charge room he himself attended. He there saw PS DUNN and PC BARR attempting to resuscitate ALDER.
- 10.4 Inspector FORD received a briefing from a number of officers including PC DAWSON and Sergeant DUNN. Inspector FORD's understanding of what had occurred was that Christopher ALDER had been supported into the cell area and placed on the floor. Inspector FORD later briefed senior Police Officers on what had happened.
- 10.5 PC 1942 Christine Neil JONES (Part I, pages 187-188) accompanied the body of Christopher ALDER from the custody unit to the Medico Legal Centre at Sheffield.

- 10.6 Richard Owade ALDER and PC 389 Beatrice Ogunley SMITH (Part II, pages 189-190) provide evidence of the identification of the deceased as Christopher ALDER.
- 10.7 Detective Inspector BROOKES (Part II, pages 191-193) attended Queens Gardens Police Station at 0455 hours on Wednesday 1 April. During the course of his enquiries he obtained an account from Police Sergeant DUNN regarding Christopher ALDER's treatment. (This account is reproduced at Part III, pages 63-64).
- 10.8 Christopher Martin MILLS (Part II, pages 194-195) is a Forensic Audio Consultant who assisted in providing a transcript of the video from Queens Gardens Police Station utilised in this enquiry. The transcript is included at Part II', pages 43-62.
- 10.9 Malcolm Leslie DUNNE (Part I' pages 196-198) is the Humberside Police Physical Training Instructor. He describes the content of the "Officers' Training Course" and in particular the training given in relation to "Positional Asphyxia" and "Excited Delirium".
- 10.10 James William PEARSON (Part II, pages 199-200) is a Police Sergeant responsible for IT Training in Humberside Police. He was responsible for development and training of the KUB computerised Custody Record system. He explains that the system is wholly computerised, as a result of which the time generated at 0346 on ALDER's detention record is system generated by using a "tab" key and is not capable of manual interference.

11 DOCUMENTARY EVIDENCE

- 11.1 The documents referred to by the staff of the Hull Royal Infirmary are included at Part III, pages 1-30 as detailed on the list of exhibits
- 11.2 Log Number 72 and Log Number 89 both of 1 April 1998 are included (Part III, pages 31-34) together with a transcript of relevant radio/telephone messages taken from the master tape for the Humber-side Communications Room. (Part III, pages 35-38)
- 11.3 Included for information is the screen print from the custody computer referred to by PS 1028 DUNN (Part III, page 39). The only information field completed is that of time of arrival i.e., 03.46 01/04/98.
- 11.4 Included for information is a diagram of the immediate area of the Charge Room at Queen's Gardens Police Station (Part III, page 40) and a general plan of the whole custody area (Part III, page 41).
- 11.5 In addition to the transcript of the video prepared by the witness Christopher MILLIS, further transcripts prepared by members of the Investigating Team are included in relation to other segments of the custody video. (Part III, pages 42 and 63-64)
- 11.6 A schedule of timings is included for information, which records the key events of 1 April 1998. (Part III, page 65).

- 11.7 Included for information are extracts from the Humberside Police Standing orders, and Guidance and Information on the conveyance of prisoners and custody procedures. (Part III, pages 66-76), together with a Course handout on the topic of "Excited Delirium". (Part III, pages 77-82).
- 11.8 Included for information are the Job Descriptions and Personnel Specifications for the posts of Beat Officer, Patrol Sergeant, Warder and Custody Sergeant. (Part III, pages 107-115)

12 OTHER INVESTIGATIVE CONSIDERATIONS

- 12.1 The enquiry from the outset has had a clear focus in that a major part of the investigation is concentrated on the evidence contained in the video recording at Queens Gardens Police Station. Clearly, as stated elsewhere in this report, there is a danger in concentrating solely on that part of the evidence in that it is then seen "out of context".
- 12.2 As a result as full a picture as possible is given of the events involving Christopher ALDER on 1 April 1998, particularly in relation to the events at Hull Royal Infirmary as well as the Police Station.
- 12.3 On 1 April 1998 there were two separate enquiries being conducted into the death of Christopher ALDER:
- (i) PCA supervised enquiry into the circumstances surrounding the death in custody
 - (ii) Humberside Police Crime Enquiry into the potential murder of Christopher ALDER following an assault outside The Waterfront Night-Club.
- 12.4 The Investigating Officer, once he had been made aware of the full circumstances of the events of 1 April 1998 concluded that the involvement of Police Officers with Christopher ALDER at The Waterfront Night-Club was so negligible as to be almost irrelevant in terms of the PCA supervised enquiry.
- 12.5 In addition access to the Humberside investigation was guaranteed, and any aspect of that enquiry could be reviewed at any stage if felt appropriate.

- 12.6 As it transpires there is nothing contentious to be found in the "Waterfront" enquiry. It has clearly been established that the only physical injuries suffered by Christopher ALDER, were as a result of an incident which took place prior to the involvement of the emergency services, and that the considered medical opinion is that those injuries did not cause Christopher ALDER's death.
- 12.7 Copies of the case summaries in relation to the two men allegedly involved in the "Waterfront" incident with Christopher ALDER, namely Jason PAUL and Jason RAMM are to be found elsewhere in this report.
- 12.8 Concentration of the Hull Royal Infirmary and Queens Gardens Police Station sequence of events is adequately covered in detail elsewhere in this report. The Investigating Officer however initiated a line of enquiry be pursued in an attempt to identify other independent witnesses who may have been present in either location at the material times.
- 12.9 In relation to Hull Royal Infirmary, enquiries were carried out to identify other people attending the Casualty Department at the times when Christopher ALDER was in attendance. Confidentiality was a concern for the hospital administrators, and it was agreed that a letter drafted by the Investigating Officer would be forwarded by the hospital to the relevant individuals.
- 12.10 It was disclosed by the Hospital Authorities that there were only 4 other people attending for treatment during the material times. Of the letters sent out 2 responses were received and negative statements obtained, the other 2 remain untraced.

- 12.11 A similar line of enquiry was pursued in relation to other prisoners held in the cells at Queens Gardens prior to the detention of Christopher ALDER.
- 12.12 There were 15 prisoners in custody at the material time, all of whom have been identified and traced. Of the 15 people, negative statements have been obtained from 13, one has verbally refused to co-operate and one has failed to respond to a Recorded Delivery letter.
- 12.13 The Investigating Officer concludes that the lines of enquiry show a desire to independently corroborate all information obtained in this case, and that the results support the view that there are no "gaps" in the evidence obtained during this investigation.
- 12.14 Details of the individuals contacted, statements obtained and the Investigating Officer's letter sent via the Hospital Authorities, are included elsewhere in this report.

13 INTERVIEWS WITH POLICE OFFICERS

- 13.1 This enquiry is largely an investigation into the potential criminal liability of the Police Officers involved, and as a result lengthy formal interviews, under caution, and in the presence of a Solicitor were carried out with each officer.
- 13.2 Prior to these interviews taking place, each officer made a full "duty" statement in relation to their involvement with Christopher ALDER on 1 April 1998.
- 13.3 It is worth noting that the duty statements were made in the belief that they would be used as witness statements in a potential homicide enquiry. The statements, all of which were made either prior to going off duty the morning of 1 April 1998 or on re-commanding the next tour of duty at 10 pm on 1 April, contain fairly full and frank accounts of the individual officers involvement.
- 13.4 In addition each officer made a pocket book entry of the incident either directly afterwards or as soon as practicable, these entries are also referred to in interview.
- 13.5 The statements are referred to in detail by the Investigating Officer during interviews with the officers, and provide an excellent opportunity for independent scrutiny of explanations given almost at the time of the incident, compared with those given some 6 weeks later at the criminal interview stage.
- 13.6 The Investigating Officer is of the opinion that whilst the in-depth thought processes of each officer is not articulated in the original statements, there is no materially significant difference between those statements and the explanations subsequently given in interview.

13.7 Prior to examining in detail the significant sections of the respective interviews, it is worth recalling the roles played by each of the suspended officers.

13.8 **PC 1229 Nigel Thomas DAWSON**

Attended the original incident outside The Waterfront Night-Club and whilst aware of the ambulance crew attending to Christopher ALDER, had no involvement with him at that stage.

13.9 Having made enquiries at the night-club, PC DAWSON, along with his colleague PC BLAKEY, attended Hull Royal Infirmary to establish the nature and extent of the injuries suffered by the victim of the alleged assault outside The Waterfront.

13.10 Whilst at Hull Royal Infirmary, PC DAWSON and his colleague remained, at the request of hospital staff, due to the unco-operative, abusive and aggressive behaviour exhibited by ALDER.

13.11 That behaviour ultimately resulted in Christopher ALDER's removal from the hospital and his subsequent arrest by PC DAWSON for conduct likely to cause a breach of the peace.

13.12 PC DAWSON "assisted" ALDER's entry into the rear of the police van that had been requested to transport the prisoner from Hull Infirmary to Queens Gardens, and along with PC BLAKEY he followed the van on its route to Queens Gardens custody Suite.

13.13 On arrival at the Police Station PC DAWSON, again in company with PC BLAKEY, "carries" ALDER into the Custody Suite and lays him on the floor.

13.14 PC DAWSON is the officer who can clearly be seen on the video recording assisting his struggling colleague to remove the handcuffs from Christopher ALDER, and that involvement is the last physical contact with ALDER prior to his death.

13.15 PC 1443 Neil BLAKEY

PC BLAKEY was PC DAWSON's "partner" for the tour of duty that commenced at 2200 hours Tuesday 31 March 1998, and in police jargon his role in this case is as "second jockey" to PC DAWSON. That means he corroborates the arresting officer's version of events.

13.16 There is little or no difference between the description of events provided by either PC BLAKEY or PC DAWSON, and the only time they perform different roles is during the 2 minute 7 second period when PC BLAKEY is struggling with ALDER's handcuffs, and PC DAWSON engages in conversation with the Custody officer about the reasons for ALDER's continued detention.

13.17 Acting Sergeant 324 Mark ELLERINGTON

On only his second shift as Acting Sergeant he originally attended The Waterfront Club in a supervisory capacity to ascertain the nature of the incident. On his arrival the ambulance containing Christopher ALDER had already left the scene en route to Hull Royal Infirmary.

- 13.18 Having established that PCs DAWSON and BLAKEY were commencing enquiries into the incident, APS ELLERINGTON resumed patrol.
- 13.19 His next involvement was to respond to the request for transport to Hull Royal Infirmary to collect a prisoner. APS ELLERINGTON drove from Queens Gardens Police Station to the hospital to provide that service.
- 13.20 On arrival APS ELLERINGTON saw Christopher ALDER handcuffed and in the presence of PCs DAWSON and BLAKEY. He was told by the arresting officers that ALDER was the complainant from The Waterfront incident and he was now under arrest.
- 13.21 APS ELLERINGTON drove Christopher ALDER from the hospital to the Police Station. He did so unaccompanied, with PCs DAWSON and BLAKEY following the van in their patrol car.
- 13.22 He was present when PCs DAWSON and BLAKEY attempted to "rouse" ALDER in the back of the van on arrival at Queens Gardens, and followed them into the Charge Office area when they "carried" ALDER into the Police Station.
- 13.23 APS ELLERINGTON remained in the Charge Office until a point shortly after the handcuffs had been removed when he left.
- 13.24 During his involvement from arrival at the hospital to the point when he left the Charge Office, APS ELLERINGTON is often the person physically closest to

Christopher ALDER, and even though his role in the Charge Office could be held to be "passive", he had a clear and unobstructed view of ALDER and his condition.

13.25 PC 974 Mathew BARR

Was performing uniformed warder duties on 1 April 1998. His involvement was in the acceptance of Christopher ALDER into custody and responsibility for his care and treatment whilst in detention.

13.26 The whole of his involvement in the tragic events of 1 April is recorded on video from his assertion, *"Can we get him on his side he's going to be restricted with them cuffs on"* to the point when realising something is seriously wrong he states, *"He's not making any of them noises any more lads."*

13.27 Of all the officers involved, PC BARR remains assisting the Paramedics up to the stage when it is accepted that Christopher ALDER's position is irretrievable and he is obviously dead.

13.28 PS 1028 John Andrew DUNN

The Custody Officer on the night in question, and the individual above all others given a statutory obligation to ensure the appropriate care and treatment of detained persons is provided at all times.

13.29 Like PC BARR the whole of PS DUNN's involvement with Christopher ALDER is recorded on the video recording from Queens Gardens Charge Office, including the point some minutes prior to ALDER's arrival, when a telephone call is received

giving details of a prisoner en route for breach of the peace and is greeted by PS DUNN's comment, "*Oh God, that's pathetic.*"

13.30 Immediately prior to ALDER being carried into the Charge Office corridor, and clearly whilst watching the monitor showing the arresting officer's arrival at the rear doors, PS DUNN is further heard to say, "*What the fucks sake is this.*"

13.31 From that point onwards PS DUNN's actions are all seen on video, and form the basis for the subsequent criminal interviews conducted with him, and the other officers involved.

13.32 Interviews with PC 1229 DAWSON (duty statement Part II, pages 121-140 and Pocket Book transcript Part II, pages 182-189).

PC DAWSON was interviewed at Humberside Police Federation Office, Kirk Ella Hall on Wednesday 13 May 1998 by Superintendent HOLT and Inspector MORRIS in the presence of his solicitor Hilary McLOUGHLIN and a Federation "friend" PC 1107 SKELTON. The interview times were as follows:-

Interview 1 : 1401 - 1444

Interview 2 : 1449 - 1533

Interview 3 : 1607 - 1659

13.33 The first interview is primarily an account given by the officer in support of the duty statement made by him on 1 April. Other than seeking confirmation or clarification of minor points there were no challenges to the officer's version of events.

13.34 During the second interview a number of key points are addressed, firstly the manner in which Christopher ALDER was removed from hospital, described in statements given by staff at Hull Royal Infirmary as being "dragged backwards" but refuted by PC DAWSON, *"Oh, no, no, no we weren't dragging him, no, he went with us."* When asked, "So was he facing the same direction as you were?" he replied, *"Yes."*

13.35 PC DAWSON makes reference to having seen Christopher ALDER "collapse" 2 or 3 times whilst in the hospital, and when asked if the collapse appeared genuine he replied, *"Oh it was definitely genuine?"*

13.36 When asked by Superintendent HOLT "had he collapsed outside (the hospital) whilst he was essentially in your custody, would you have taken him back into the hospital", PC DAWSON replied, *"I'd have reconsidered the matter, yes."*

13.37 In moving to transportation of Christopher ALDER to the Police Station following his arrest, and immediately before the van doors were closed on him, the following part of the interview is cited,

Supt Holt *"Is it fair to say that he (Malcolm RODGERS) was engaged in a fairly lucid conversation with him."*

PC Dawson *"Straight up and down normal conversation, yeah."*

Supt Holt *"Without any difficulty whatsoever."*

PC Dawson *"Without any difficulty whatsoever."*

13.38 PC DAWSON also states that there was no consideration given to anyone accompanying ALDER on the journey from the hospital to the Police Station, which

PC DAWSON states, *"Without being funny you could run it in five minutes. A fit person."*

13.39 Arrival at the Police Station and the events beyond are a critical period and PC DAWSON was asked to describe ALDER's position on opening the van doors, he responded, *"Mr ALDER was sat upright with his face looking forward, not slumped, with his hands behind his back and he was snoring, still handcuffed. So he was basically exactly in the position that we've put him in at the hospital. He wasn't slumped to the side or anything, he was upright but snoring heavily."*

13.40 PC DAWSON reinforces his assertion that ALDER was simply asleep and they were unable to wake him. As a result they had to physically carry him from the van into the charge office area.

13.41 The question of ALDER's perceived 'play acting' is referred to following the playing of the first 2 minutes of the charge office video and PC DAWSON is asked "..... on what basis you formed the opinion that it was acting." The officer replied, *"Anything that anybody asked him to do he did the opposite"* so when ALDER was asked by the officers, *"Come on, stop playing the goat, wake up"*, he does the opposite.

13.42 PC DAWSON in a response to questioning about concerns he might have when ALDER is placed on the charge office floor states, *"I've got no cause for concern at this stage, he seems to be breathing happily, snoring and he's on the ground and he's not going to fall over."*

at this stage, he seems to be breathing happily, snoring and he's on the ground and he's not going to fall over."

13.43 The officer is questioned at length about any concerns he had for Christopher ALDER's well being, each of which is answered with a "rider" such as *"The man was either in a deep sleep or was consistent with him doing what we didn't want to do. There was a mixture (of opinions) but at no stage did I have any alarm bells ringing."*

13.44 Part of the interview focuses on PC DAWSON assisting PC BL AKEY to remove the handcuffs from Christopher ALDER and DAWSON accepts that he was aware his colleague was "struggling" to remove the handcuffs from the prisoner, and accepts that during assisting his colleague he did come into physical contact with ALDER.

13.45 Superintendent HOIT asks as a result of the struggle to remove the handcuffs, "Was Christopher ALDER asked at any stage to stop acting, if that was the case, and allow for the cuffs to be taken off him." PC DAWSON replies, "No."

13.46 The officer is then asked, "..... would it have been a reasonable question to have asked at that time", and apparently avoiding the issue he replies, *"I can't answer that Sir."*

13.47 PC DAWSON then refers to an incident AFTER the death of Christopher ALDER when performing the role of warder he was unable to rouse a prisoner and arranged for his transfer to hospital saying, *"I'd learnt from the experience before with Mr ALDER, raised the alarm bells immediately."*

13.48 Although on that occasion the officer states the Consultant at Hull Royal Infirmary was not happy with the decision, Superintendent HOLT asked whether PC DAWSON was "satisfied from a professional point of view that the action that you'd taken was correct" and he replied, "Yes."

13.49 PC DAWSON is challenged over the fact that nobody apparently takes any notice of Christopher ALDER and avoids his own responsibility by saying, *"it's a loaded question"* and that he was engaged *"with the charge room Sergeant who was asking me questions in relation to the circumstances of his arrest."*

13.50 PC DAWSON seems to further want to avoid acceptance of responsibility for his role in the level of care provided to Christopher ALDER when he says about his discussions with the Custody Officer about the arrest, *"When I'm occupied with that I'm not occupied with other things."*

13.51 PC DAWSON who in his duty statement and in a pocket notebook entry refers to his opinion that Christopher ALDER was displaying all the signs of amphetamine abuse, is asked whether those concerns were put to the Custody Officer and he replies, *"No I didn't, it was an inner thought of mine which I put in my book for reference."* This comment itself may lead to a belief that whilst "play acting" was the only possibility openly discussed, other opinions or possibilities were thought of but not articulated.

13.52 PC DAWSON is asked by Superintendent HOLT whether the fact that Christopher ALDER was black influenced the way he was treated, the officer is unequivocal in his response, *"None whatsoever."*

13.53 PC DAWSON is questioned by Inspector MORRIS about his first aid training and he states his only formal input was when he attended initial training in 1981. He also admits knowledge of the terms "positional asphyxia" and "excited delirium" as a result of being shown an American training video during his CS Training Course.

13.54 Towards the end of the interview PC DAWSON is challenged about his duty of care towards the arrested man and the apparent ignoring of Christopher ALDER by all concerned, he reverts to a stance referred to earlier, *"Well I haven't ignored him, because I've obviously been preoccupied with other things I'm not the only person in there and I have been doing other things."*

13.55 The only question in this, and subsequent interviews with other officers, that PC DAWSON refuses to answer is whether in similar circumstances in the future would he act differently. His response was, *"I'm not prepared to comment on hindsight, Sir."*

13.56 When asked if he had any comment to make at the conclusion of the interviews, PC DAWSON replies, *"Only my regret what's happened to Christopher and if there's anything that I could have done to avoid it then I would have done."*

13.57 Interview with PC 1443 BLAKEY (duty statement Part III: pages 141-158 and Pocket Book transcript Part II: pages 190-194).

13.58 PC BLAKEY was interviewed at Humberside Federation Office, Kirk Ella, Hull, on Thursday 14 May 1998 by Superintendent HOLT and Inspector MORRIS in the presence of his solicitor Hilary McLOUGHLIN and a Federation "friend" PC 1107 SKEILTON. The interview times were as follows:-

Interview 1 : 1025-1108

Interview 2 : 1112 - 1152

Interview 3 : 1223 - 1241

13.59 In essence, as has been stated earlier in the report, PC BLAKEY does not differ significantly in his explanation from that given by PC DAWSON.

13.62 The first interview starts with a lengthy explanation given by PC BLAKEY about the events of 1 April. Of some interest is his description of Christopher ALDER being *"ushered out of the hospital."* This is, as was PC DAWSON's version, in conflict with recollections of the hospital staff, and Superintendent HOLT asked PC BLAKEY, "Did you drag him out backwards or did you walk out", the officer's response, *"Myself, PC DAWSON either side of him, him in the middle walking in the same direction, yes"* reinforces the different explanations given by the officers involved and hospital staff.

13.61 The issue of ALDER requesting to be allowed back into the hospital was raised and PC BLAKEY accepted that such a request was made albeit *"... he was demanding as you say in a not very nice sort of way."*

13.62 The officer was asked whether he considered asking the hospital staff if they would take him back if he calmed down, to which he replied, *"No, I think - I got the opinion they'd firmly made their mind up that they weren't able to deal with him."*

13.63 PC BLAKEY also accepts that no consideration was given to either himself or PC DAWSON acting as prisoner escort in the rear of the van from the hospital to Queens Gardens, offering as justification for that decision, *"He was in a secure purpose built unit in the back of the van, not just a passenger area."*

13.64 PC BLAKEY confirms the route taken from the hospital to the Police Station, the fact that the patrol car followed the van, that neither vehicle stopped and estimates the journey time at *"about 3 minutes."*

13.65 On arrival at the Police Station, PC BLAKEY is adamant about his opinion on ALDER's condition, *"I thought he was fast asleep."* Superintendent HOLT asks the question, 'Is that the only thought you had that he was fast asleep' and the officer's unhesitating response is "Yes Sir."

13.66 This stance changes when the officer is questioned on attempts to rouse ALDER and he offers an alternative, *"..... that he was going to pretend he was asleep"*

13.67 After playing the first 2 minute sequence of the Custody Suite video, PC BLAKEY again mentions this "either or" opinion of ALDER's condition but admits that only the "play acting" scenario is presented to the Custody Officer.

13.68 The crucial difference between PC BLAKEY and PC DAWSON, and indeed PC BLAKEY with any of the other suspended officers, is the 2 minutes and 7 seconds PC BLAKEY spends attempting to remove Christopher ALDER's handcuffs. This video sequence was played during the officer's interview.

13.69 PC BLAKEY explains that the difficulty is caused by *"the keyhole. To actually undo the cuffs was on the wrong side."*

13.70 He is asked whether the struggle in trying to get the cuffs off in any way changed his opinion about Christopher ALDER's condition, particularly the explanation given to the Custody Officer that he was acting. PC BLAKEY's response, *"I now erred more to the side that he was asleep"* is never addressed to the Custody Officer.

13.71 PC BLAKEY accepts that no attempt is made to rouse ALDER prior to taking the handcuffs off, and that ALDER is not asked to assist even though that would have been beneficial.

13.72 Once the handcuffs have been removed, the video recording clearly shows that Christopher ALDER's left arm is left firmly behind his back, almost in the middle of his back in an awkward position. When asked if he had considered moving ALDER's arm and placing it by his side, he replies, *"I didn't notice that at the time Sir."*

13.73 PC BLAKEY, in much the same way as PC DAWSON, states that much of his time following removal of the handcuffs is spent either trying to identify ALDER on the custody computer, or in conversation with the Custody Officer about reasons for detention.

13.74 PC BLAKEY is adamant he had no concerns for ALDER's condition and states, *"He was in my opinion in a safe place snoring on the Charge Officer floor."*

13.75 Confusion then arises in PC BLAKEY's interview over his references to "snoring" and "deep breathing". Video clips are played demonstrating the deep gurgling sounds that Christopher ALDER makes regularly whilst laid on the floor and PC BLAKEY is asked, "Do you remember that at the time" he replies, *"No Sir I don't, I truthfully don't remember that at the time."*

13.76 PC BLAKEY is asked to explain the sounds he heard in the Custody Suite, particularly when taking the handcuffs off, he replies, *"Snoring, a person who you see who is asleep snoring his head off."* He reinforces the fact that the sounds heard clearly on the video are different by saying, *"If you hadn't played the video back to me and have asked me purely from memory, I wouldn't have remembered those sounds, Sir."*

13.77 At the start of the third interview after consultation with his solicitor, PC BLAKEY states that he had been confused by questions about breathing and snoring and that the audible noises heard on the video are *"snoring sounds, the sound of*

somebody being asleep" but that he could hear him breathing as well but this wouldn't have been picked up on the video.

13.78 PC BLAKEY states that his only first aid training was on initial training and a course over 10 years ago. He also stated he had limited knowledge of the terms "positional asphyxia" and "excited delirium".

13.79 In response to a question from Superintendent HOLT whether the treatment afforded Christopher ALDER was in any way influenced by the fact he was black, PC BLAKEY replied. *"Not at all Sir."*

13.80 When asked if he had any comment to make at the conclusion of the interview he replied *"..... we're very sorry of course Sir that at the end of the day Mr ALDER has died. That's the bottom line and I'm sure we all regret that, that fact. I certainly do."*

13.81 Interview with PC S/4 BARR (duty statement Part III, pages 159-165 and Pocket Book transcript Part III, pages 195-203).

PC BARR was interviewed at Humberside Federation Office, Kirk Ella, Hull, on Thursday 14 May 1998 by Superintendent HOLT and Inspector TOLAN in the presence of his solicitor Henry McLOUGHLIN and a Federation "friend" PS RICHARDSON. The interview times were as follows:-

Interview 1 - 1404 - 1448

Interview 2 - 1451 - 1525

13.62 During the early part of the interview PC BARR recalls, *"I remember it being rather a busy night"*, and states that he has been performing Warder duties since 1 January 1998. He also states the only additional training he had for the role was for the computerised custody system.

13.63 PC BARR gave a very brief outline of the sequence of events surrounding Christopher ALDER's arrival and period of detention. He recollected that he first became aware of a prisoner coming in when *"..... Sergeant DUNN answered the telephone and seemed rather upset about it."*

13.64 When questioned further about the telephone call, PC BARR remembered Sergeant DUNN saying words to the effect *"That's pathetic, there's one coming in for prevent a breach."*

13.65 After being shown the video sequence displaying ALDER's first 2 minutes in custody PC BARR is questioned about ALDER's injuries. He accepts *"I did notice those injuries"* but states *"I wasn't unduly concerned about his injuries because of the fact that he'd come from hospital."*

13.66 PC BARR is asked to give his initial opinion on ALDER's condition before any conversation took place with the arresting officers, and is reminded that his duty statement dated 14.98 says *"Appeared to be unconscious "* In interview he adds the note, *"He was either unconscious or asleep."*

- 13.87 When asked to explain why he now adds "*..... or asleep*" to his initial opinion, he offers the confusing and somewhat illogical, "*To me they're one and the same.*"
- 13.88 PC BARR asked whether it would have been appropriate to have attempted to rouse Christopher ALDER if in fact he thought he was either unconscious or asleep and he said "*didn't feel that action appropriate at that time, for the safety of everybody in the charge room.*"
- 13.89 The officer was asked whether he was satisfied from what the officers were saying, that ALDER was fit to detain, and he avoided responsibility by saying, "*I didn't see that as my decision*" and that the decision was that of the Charge Room Sergeant.
- 13.90 Reference is made again to PC BARR's duty statement which reads, "*I noticed that he had messed his trousers and became concerned for his welfare*" and when asked if his assumption was that ALDER was unconscious through drink he replied, "*Yes, I think that's what I thought at the time.*"
- 13.91 Asked if that assumption was ever brought to the attention of Sergeant DUNN, PC BARR replied, "*Not at that time Sir, no.*"
- 13.92 PC BARR is asked to articulate what he was thinking when he makes the comments clearly picked up on the video "*Can we get him on his side, he's going to be restricted with them 'cuffs on.*"

13.93 In relation to the handcuffs his concerns were, *"Having your hands behind your back obviously does restrict your chest somewhat, and once they'd been removed my fears at the time were allayed as it were."*

13.94 The *"Get him on his side"* comment was surprisingly not an indication of medical welfare but *"so I could observe him better from behind the counter"* because *"the man could jump up at any time and assault the officers."*

13.95 The officer does however accept that he wasn't aware whether what he had asked had been carried out and that his "monitoring" of Christopher ALDER was by way of his breathing. *"It was quite loud. I was able to monitor that from the other side of the counter."*

13.96 At the end of the first interview tape, PC BARR who makes reference to Sergeant DUNN saying, *"Well I'm not happy keeping him here"*, is asked, 'Were you unhappy about keeping him in that condition' he replies, *"I would have been happier if he'd not been there Sir, yes."*

13.97 During the second taped interview PC BARR is asked to explain what he meant by that comment, to which his response is, *"Because having drunks in custody from a Warder's point of view it's an absolute nightmare. They have to be monitored in the cell, we have to call out the Force Medical Examiner, all sorts of different kinds of scenarios, and very often they'll mess in the cell. They'll vomit everywhere and they're just a nightmare to handle really."*

13.98 PC BARR is then asked a series of questions which result in a number of contradictions about the need to call a Force Medical Officer, stating at one point they are called *"on every occasion when somebody comes in drunk"* and then appearing to give a reason for not calling the Force Medical Officer. He offers in relation to ALDER, *"But obviously people can be unconscious for all sorts of reasons."*

13.99 PC BARR accepts that one of the ways in which unconsciousness can be determined is to attempt to rouse or ask questions of an individual and monitor any response but this wasn't done because *"rousing him might lead to a further confrontation."*

13.100 When it was pointed out by asking for the handcuffs to be removed there is potential for Christopher ALDER to be roused, and for a restraint to be removed. PC BARR stated it was done in the interests of Mr ALDER.

13.101 When asked further about pulling ALDER on his side to "monitor him" seeming strange, and wasn't it really an indication that the officer had genuine concern for his medical condition. PC BARR answers in a more positive way than any other questions put to him, *"I honestly didn't think he was in any danger, Sir. Had I thought that I would have put him in the recovery position myself."*

13.102 Like the other officers PC BARR will not answer the question about whether in similar circumstances he would do anything differently in the future.

13.103 When asked if his behaviour was influenced in any way by the fact that Christopher ALDER was black he answered, *"No Sir. Absolutely not."*

13.104 At the conclusion of the interview PC BARR is asked if there are any final comments he would wish to make and he responds, *"Obviously I'd like to express my regret at the whole situation. I mean, if there was any way to have avoided it then I'm sure that I would have taken the necessary action. I feel the whole thing has been an unfortunate incident and obviously it's upset everyone."*

13.105 Interview with Acting Police Sergeant 324 ELLERINGTON (Duty statement Part II, pages 166-170 and Pocket Book transcripts Part II, pages 204-208).

Acting Police Sergeant ELLERINGTON was interviewed at Plumerside Federation Office, Kirk Elza, Hull on Friday 15 May 1998 by Superintendent HOLT and Inspector MORRIS in the presence of his solicitor Hilary McLOUGHLIN and a Federation "friend" PC 1107 SKEITON. The interview times were as follows:-

Interview 1 - 1010 - 1052

Interview 2 - 1104 - 1144

Interview 3 - 1214 - 1231

13.106 APS ELLERINGTON gives a fairly detailed summary of his involvement with Christopher ALDER during the early hours of 1 April and explains that it was only his second shift as an Acting Sergeant, his first having been the previous night.

13.107 Early discussion then centres on the number of people present when he arrives at Hull Royal Infirmary following the request for transport. APS ELLERINGTON states, *"I remember two security men or porters, two well I think they were from the hospital,"*

13.108 When it is pointed out to APS ELLERINGTON he is the only person who remembers two he becomes less certain and offers *"Possibly I thought there were two"* and adds *"he (ALDER) certainly only talked to one."*

13.109 APS ELLERINGTON stated that he was aware that Christopher ALDER had been arrested to prevent a breach of the peace. He refers to ALDER's behaviour as being *"indignant"* but when asked "his behaviour could be described as aggressive, violent, confrontational or obstructive" he replied *"No."*

13.110 He also states that *"I wouldn't have said he was drunk, he wasn't staggering drunk"* and *"what he said he said clearly and was understandable."*

13.111 APS ELLERINGTON's role in the events of 1 Apr 1995 is perhaps on first inspection a more minor one than the other officers involved, yet the time when he was alone with ALDER transporting him from Hull Royal Infirmary to Queens Gardens Police Station is the time when in the opinion of DI CLARK *"he clearly became suddenly unwell in the back of a police van while being taken from the hospital to the Police Station,"*

13.112 APS ELLERINGTON was questioned at length about the decision NOT to have a prisoner escort and offered by way of explanation that it was to avoid confrontation between ALDER and the arresting officers.

13.113 When it was pointed out that Christopher ALDER was in a secure compartment, and that a physical barrier was between him and where any escort would sit, he replied *"my concern was that if ALDER became aggravated and volatile that he would start thrashing about and injure himself."*

13.114 In estimating the journey time from Hull Royal Infirmary to Queens Gardens, APS ELLERINGTON agrees with the arresting officers, *"three to four minutes, probably nearer to three than four."*

13.115 He also agrees with the arresting officers on two other key points, that the vehicles did not stop en route and that the police patrol car followed the prisoner van.

13.116 APS ELLERINGTON was asked whether during the journey he could see Christopher ALDER, *"No, there isn't an internal mirror"* whether he had any conversation with Christopher ALDER, *"No"*, or whether he could hear any noises from Christopher ALDER *"No."*

13.117 On arrival at Queens Gardens after the van doors had been opened the officer said his initial thought was that ALDER was *"in a deep sleep."* When asked why he replied *"I heard him snore."*

13.118 APS ELLERINGTON when asked if he had heard the noise during the journey replies "**No**" and when asked if it had been made during the journey would he have heard it replies, "***I think so***" but puts forward the noise of the van engine as a reason why he may not.

13.119 Superintendent HOLT asks the officer whether he considered any other alternatives, as he had referred in interview to "keeping his mind open", and APS ELLERINGTON concedes, "***It could have been something in relation to his head wound that he'd sustained.***"

13.120 Asked why he didn't suggest this alternative to the Custody Officer he replied, "***Because my primary belief was that he was actually putting on being asleep.***"

13.121 It is clear APS ELLERINGTON was unsure about his responsibility and whilst accepting that all present had a duty of care to Christopher ALDER but that "***the arrest and detention of the prisoner, that was the arresting officers responsibility and Custody Officer's responsibility.***"

13.122 Attention is focused on the period when PC BLAKELY attempts to remove the handcuffs from Christopher ALDER. APS ELLERINGTON states that he was only "***three feet something like that***" away from the prisoner and he had a clear and unobstructed view "***most of the time.***"

13.123 He is asked whether he witnesses any movement from ALDER whilst the officer is struggling to remove the handcuffs and replies, "***I didn't recall seeing any***

movement." He is further asked whether such a struggle would have roused a sleeping man, "*Possibly*" or elicited comment from someone who was feigning illness. "*Not necessarily.*"

13.124 APS ELLERINGTON is asked if the noises heard on the video are what he is referring to as snoring and he replies, "*Yes.*" He is unable to recollect seeing ALDER's left arm up his back after the handcuffs had been removed.

13.125 In saying that he was satisfied that the course of action in the Charge Room was appropriate and he had no concerns over ALDER's condition, he is asked whether it would have been more appropriate for greater attempts to have been made to rouse him, and will only commit himself to "*it was an option.*"

13.126 The interview reverts to the issue of transporting Christopher ALDER without an escort and Humberside Police instructions (Part II, page 95) are referred to. After some initial confusion the issues of 'closest supervision' and 'wherever practicable an escort will be provided' are addressed.

13.127 In response APS ELLERINGTON refers to the rider that states "except when confined in secure accommodation" stating that was exactly what was afforded by the Mercedes van and "*It's never been raised as something you shouldn't do.*"

13.128 APS ELLERINGTON's first aid awareness is addressed. He refers to his initial training and "*in about 1996 I did some first aid training in relation to gunshot wounds.*" This transpired to be a comprehensive Humberside Ambulance Service

4-day Course (Part III, pages 83-105) attended by APS ELLERINGTON between 25-28 November 1996 only 16 months prior to Christopher ALDER's death.

13.129 APS ELLERINGTON is asked whether his behaviour was influenced by the fact that Christopher ALDER was black and he replied, *"Absolutely not."*

13.130 At the conclusion of the interview he is asked whether he has any comment to make and responds, *"..... on the night in question I felt that the actions that I took were in his best interests, but notwithstanding that the most important thing here is the loss of Christopher ALDER and the regret I feel in respect of that."*

13.131 Interview with PS 1028 DUNN

(Duty Statement Part III, pages 171-181)

(Transcript Pocket Book Part I.I, pages 209-230)

PS DUNN was interviewed at Humberside Federation Office, Kirk Ella, Hull, on Friday 15 May 1998 by Superintendent HOLT and Inspector TOULAN in the presence of his Solicitor Damien KELLY and a Federation "friend" PS RICHARDSON. The interview times were as follows -

Interview 1 - 1350-1422

Interview 2 - 1425-1508

interview 3 - 1537-1620

interview 4 - 1625-1701

Interview 5 - 1710-1745

13.132 The interview opens with discussions about PS DUNN's experience as a Custody Officer, and he explains that he spent 6-8 months as a Warder when a PC, and that 4 months after his promotion to Sergeant he was appointed Custody Officer.

13.133 At the time of Christopher ALDER's death PS DUNN had spent 10 months performing the role of Custody Officer. Asked if he received ANY additional training as a Custody Officer or for the role of Custody Officer he replied, "*No I didn't.*"

13.134 PS DUNN then explains receiving the telephone call from the Control Room informing him that a prisoner (ALDER) for breach of the peace was en route to the Custody Suite

13.135 Without being aware of the circumstances he describes his initial reaction as not being "*over-enchanted with that my reaction was along the lines of why are they bringing him for breach of the peace and not an offence.*"

13.136 PS DUNN explains that this reaction is based on his personal experience of officers using breach of the peace because "*it's an easy offence to lock up for and it doesn't always involve them in any paperwork.*"

13.137 The officer also explains how, on seeing ALDER being carried up the ramp towards the Charge Room door, he opened the automatic Custody Record by pressing a button on the computer, which logged the arrival time at 0346.

13.138 PS DUNN then gives a fairly comprehensive account of accepting ALDER's detention, including his initial reaction being to send ALDER to hospital. This changed on receipt of the information from the arresting officers that he had been brought from the hospite .

13.139 The Sergeant also explains that as a result of what he is told "*..... wasn't concerned at that point for his welfare, his medical welfare*" and as a result he "*..... had quite a bit of time if you like to consider the grounds for his detention.*"

13.140 He recalls when PC BARR "*shouted up and said the man had stopped breathing*" PS DUNN adds "*All through the time he had been in custody he had been making noises.*"

13.141 PS DUNN briefly explains the attempts to provide medical assistance to Christopher ALDER including his own problem with the resuscitator, "*..... I wasn't sure which way up it went*"

13.142 As can be anticipated from the critical role Sergeant DUNN played on Wednesday 1 April 1998, his involvement was explored in great detail during his interview. Superintendent FOLT, in returning to the telephone call he received informing him of the impending prisoner's arrival, asked Sergeant DUNN if his original, "*That's pathetic*" reaction to news of the arrest influenced any of his subsequent responses, he replied, "*No I don't think they do.*"

13.143 At the conclusion of the first interview tape PS DUNN is asked what his first impression was of Christopher ALDER's condition when he could see him on the monitor in the Charge Office, he replied, *"I wonder if he was drunk and incapable. I wondered if he'd had a drink and was incapable of looking after himself."*

13.144 After being shown the video recording of the arrival of Christopher ALDER and the first two minutes of his period in custody, Sergeant DUNN is asked, "What prompted you to say take him to hospital." He eventually states the primary reason was *"I think I had seen his injury and that's why I wanted him to go to hospital, because of the head injury."*

13.145 PS DUNN is asked, "Did you think he was unconscious" and replied, *"Yes initially he obviously appeared to me to be in a bad way."*

13.146 He is asked to explain why he changed his mind about Christopher ALDER's condition and puts forward the two main reasons as being the fact that ALDER had already been to hospital and the information given by the arresting officers that *"This is all an act."*

13.147 This information became central to the treatment, or lack of it, subsequently afforded Christopher ALDER, as PS DUNN states in interview as a result of the information given to him, *"That helped me to form the opinion that there wasn't anything seriously wrong with him and I wasn't overly concerned for him after that."*

13.148 PS DUNN is challenged on what he did in his role as a Custody Officer to independently assess Christopher ALDER's fitness for detention and he states, *"I walked round and had a look at him" and "I was quite happy from the explanation that they'd given me."*

13.149 He is then asked if he did anything to rouse Christopher ALDER to satisfy himself that he was being presented with someone who was "play acting". His somewhat surprising reply was, *"No I didn't because I didn't feel there was any need."*

13.150 PS DUNN accepts that the direct question about the medical staff's opinion on his fitness for detention, does not appear to have been asked until late into Christopher ALDER's detention, even though he refers to asking it almost at the point of arrival in his duty statement. He thinks this may be due to the fact that in his opinion *"There are one or two anomalies on the transcript."*

13.151 PS DUNN is shown a short clip from the Charge Office video recording where he leans over the Charge Office counter nearly six minutes after Christopher ALDER has been in custody, stares intently at him for ten seconds or so until he hears one of the "aboured breathing" or "gurgling" noises being made by ALDER, and then goes back behind the counter.

13.152 PS DUNN is asked to explain what he was doing. *"I was just checking that he was okay I was just concerned that he was still alright."*

13.153 He is asked whether as a result of that check he had any concerns for Christopher

ALDER and he replied, *"No, if I'd have had any concerns at all I would have called an ambulance or get him taken to hospital."*

13.154 PC DUNN is asked whether the only opinion that he had formed up to that point was that Christopher ALDER was acting and he replied, *"Yeah."*

13.155 He is then asked, if as a result of that check shown on the video clip, he was still of the opinion that Christopher ALDER was acting. There is a 60 second pause and after a vague response including *"I can't recall the exact thoughts that were going through my mind at that time"*, he finally answers, *"I find it, to be honest with you Sir, I find it a very difficult question to answer."*

13.156 At the conclusion of the second interview tape PS DUNN is asked if he had the authority to return him to the hospital if he felt it was appropriate, he replied *"I could have done if I'd felt it was appropriate, but as I say I didn't feel it was appropriate."*

13.157 PS DUNN is challenged about the video sequence which involves the comment, *"Don't think we've got no option but to take him back up to hospital then"* and he is asked whether that is a clear indication that there were real concerns about Christopher ALDER's welfare.

13.158 His response is that the comment is *"taken out of context"* and that if the hospital had already seen him then *"..... I couldn't personally see what we would achieve by taking him back,"*

13.159 PS DUNN is asked to comment on the lengthy discussions surrounding the reasons for detention of Christopher ALDER, and he is asked whether the information given to him by the arresting officers, BLAKEY and DAWSON, was sufficient to justify them arresting ALDER. He replied *"Yes I think they'd acted appropriately."*

13.160 Sergeant DUNN is asked if the reason for arrest is justified why "Breach of the Peace" is not entered on the Custody Record and his response is *"..... I wanted to be happy in my own mind what we were keeping him for I felt that I could have filled the Custody Record as soon as we decided to keep him and put him in a cell."*

13.161 Superintendent POLT asks the Sergeant what he did to independently assess Christopher ALDER's fitness for detention, his response is simply to reinforce earlier replies in relation to knowledge of ALDER's attendance at hospital and what the arresting officers were saying.

13.162 In an effort to get a simple answer Superintendent HOLLI asks PS DUNN whether he ever questioned the officers about his condition before arriving at the Police Station and whether that any stage was he acting like this at the hospital, was he lying on the floor not communicating with anybody at the hospital he replied *"I can't recall saying that."*

13.163 PS DUNN is asked why there were further lengthy discussions about the need to detain Christopher ALDER for a public order offence and is asked if his detention could have continued for a breach of the peace to which he replied, "Yes."

13.164 The officer is challenged about his apparent desire to proceed with public order offences and offers *"Staff at Hull Royal Infirmary have to put up with all sorts of flack and abuse, I felt it was our duty towards those staff to try and do something about it."*

13.165 When asked whether any complaint was received from HRI staff his response indicates how little he questioned the arresting officers about Christopher ALDER, *"..... I was under the impression that they'd been called down to the Hull Royal as a result of Mr ALDER's behaviour, I didn't realise they'd gone as a result of the assault, that's the first I've known of that."*

13.166 Superintendent HOLT suggests PS DUNN is trying to persuade the officers that there is sufficient to justify a Section 5 Public Order Act offence in spite of their decision to detain him for a breach of the peace, he replies *"..... I think that conversation is persuasion and with respect I think as a Sergeant it's part of my job to decide what should be done with somebody when they come into custody."*

13.167 The Sergeant is asked whether any effort was made to rouse him and ask where he lives, he replies "No."

13.168 Superintendent HOLT attempts to ask if ALDER had not been to hospital before his arrest would Sergeant DUNN have stuck with his original decision, clearly heard on the video *"Take him to hospital."*

13.169 After refusing to comment on hypothetical questions he carefully answers, *"I think, well if they had brought him in that condition, my first reaction was take him to the hospital and I think that speaks for itself."*

13.170 PS DUNN is asked by Inspector TOLAN "During all that time that ALDER is in the Police Station, did you speak to him at any time" he replies "No."

13.171 Inspector TOLAN challenges PS DUNN on his failure to explain to Christopher ALDER the reasons for his detention and his rights under the Police and Criminal Evidence Act, because the officer accepts that if in his opinion ALDER was play acting he could have been roused and given that information

13.172 In giving his reasons for failing to carry out that duty PS DUNN states *"..... I felt that he was being passively resistant and at that time I felt you know I wouldn't have gained anything. He wouldn't have co-operated."*

13.173 PS DUNN is during the interview asked whether his behaviour on 1 April was influenced in any way by Christopher ALDER being black and he replies. *"No, it made no difference, the colour of his skin."*

13.174 He is also asked at the conclusion of his interview whether he has any final comment to make, part of his reply includes *"..... I'd just like to say that I'd like to extend my deepest sympathy to Mr ALDER's family and express my deepest sort of regret at what's happened, and obviously it's the last thing that I would have wished to happen and I'm sure it's the last thing that anybody else would have wished to happen as well, and if I had been able to do anything to avoid it then I would have done."*

14 ANTECEDENTS OF ACCUSED OFFICERS

- 14.1 PS 1028 John Andrew DUNN was born on 23 April 1961. He joined the Police Service on 7 September 1987 and was promoted to his present rank on 17 February 1997. There are no previously substantiated complaints recorded against him and he has one commendation.
- 14.2 PC 974 Matthew Wayne BARR was born on 27 April 1963 and joined the Police Service on 31 May 1988. He appeared before the Deputy Chief Constable on 7 July 1996 on five counts of neglect of duty and was fined £25 on each charge.
- 14.3 PC 1229 Nigel Thomas DAWSON was born on 31 October 1951 and joined the Police Service on 2 February 1981. There are no previously substantiated complaints recorded against him.
- 14.4 PC 1443 Neil BLAKEY was born on 18 July 1959 and joined the Police Service on 30 July 1979. The officer appeared before the Chief Constable on 7 May 1996 on two counts of neglect of duty and was fined £250 on each charge.
- 14.5 APS 324 Mark FILLINGTON was born on 25 July 1965 and joined the Police Service on 14 April 1986. There are no previously substantiated complaints recorded against him.
- 14.6 On 30 April 1998 as a result of this enquiry all five officers were suspended from duty.

- 14.7 All five officers would have received instruction on basic first aid, resulting in a certificate from the St John's Ambulance Service, during their initial training at a District Training Centre.
- 14.8 In respect of PC 1443 BLAKEY enquiries reveal that on 6 August 1991 he attended a First Aid Course run by the St John's Ambulance Service in Hull. It has not been possible to obtain details of the course content or whether PC BLAKEY received any qualification as a result of attending the course.
- 14.9 APS 324 ELLERINGTON attended a "Four Day First Aid Course" run by the Humberside Ambulance Service from 26-29 November 1996. APS ELLERINGTON successfully passed the course and received a First Aid Certificate which expires in November 1999.
- 14.10 The course covered various aspects of first aid skills including asphyxia and unconsciousness. A full description of the course and content is included at Part III, pages 83-106).

15 **CONCLUSIONS**

- 15.1 The Investigating Officer in pulling the key issues of this case together does not seek to attempt to influence any independent assessment of the evidence obtained and presented. The following conclusions are based on the thorough investigation carried out to establish the reasons for Christopher ALDER's death.
- 15.2 The only physical injuries suffered by Christopher ALDER were as a result of the incident outside The Waterfront Night-Club.
- 15.3 Christopher ALDER, through his own behaviour, did not receive treatment for those injuries at Hull Royal Infirmary.
- 15.4 Professionals' medical opinion at Hull Royal Infirmary was that the injuries to Christopher ALDER were apparently minor, superficial and not life threatening.
- 15.5 When arrested and placed in the police van outside Hull Royal Infirmary, Christopher ALDER was seen to be perfectly normal, fairly lucid and resigned to being arrested.
- 15.6 The journey time from Hull Royal Infirmary is estimated by all concerned to be 3-4 minutes and an absolute maximum of 5 minutes.
- 15.7 There is no evidence to suggest the vehicle transporting Christopher ALDER stopped en route to the Police Station. In fact forensic evidence would support the assertion that it didn't.

15.8 Christopher ALDER became seriously unwell very quickly during the journey from Hull Royal Infirmary to Queens Gardens. He was unconscious on arrival at the Police Station.

15.9 An assumption was made that Christopher ALDER was "play acting", and if concerns did exist they were not articulated and that assumption never reviewed.

15.10 No attempt was ever made to rouse Christopher ALDER to determine his fitness for detention.

15.11 Christopher ALDER did not receive appropriate care and attention during his period in police "detention". He was ignored for a lengthy period whilst discussion took place about grounds for detention and his condition deteriorated.

15.12 When it was realised Christopher ALDER was in serious difficulty the officers present did not have the first aid/medical skills needed to react quickly.

15.13 In spite of the first aid skills deficiency, the officers present made every effort to save the life of Christopher ALDER.

15.14 All relevant evidence in relation to the detention of Christopher ALDER is recorded in the video recording from Queens Gardens Charge Office.

15.15 Christopher ALDER did not die as a result of the superficial injuries he received outside The Waterfront Night-Club.

15.16 It is not possible to establish whether Christopher ALDER would be alive today had the Police Officers involved realised the seriousness of his condition at the point of arrival at Queens Gardens Police Station.

15.17 That possibility would however have increased had the officers, notably PS DUNN, simply attempted to rouse Christopher ALDER to a point where his lack of reaction would have quickly given real cause for concern.

15.18 In formulating the interviews with the officers involved, the Investigating Officer used as a basis for the points to prove in relation to criminal liability, the case of *R -v Adomako* (Part III, pages 236-241).

15.19 The tests being:-

i) the existence of a public duty,

ii) a breach of that duty causing death and

iii) gross negligence to a point where the officers were so negligent or reckless that serious concern for Christopher ALDER's well being was identified but ignored

15.20 Quite clearly a statutory public duty exists in relation to all the officers involved who had a responsibility for ensuring that Christopher ALDER received appropriate care and attention at each point of their dealings with him.

15.21 Although each had a collective responsibility there are key times when ownership of that responsibility was in the hands of one or more of the officers involved:-

ARREST - PC BLAKEY, PC DAWSON

TRANSPORT - APS ELLERINGTON

DETENTION - PS DUNN, PC BARR

15.22 The role of PS DUNN has been referred to earlier in this report as being the most critical. The Police and Criminal Evidence Act Codes of Practice Code C relating to the "Treatment of Detained Persons" unequivocally stipulates the requirements in relation to medical treatment.

15.23 It states, "The Custody Officer must immediately call the Police Surgeon (or, in urgent cases - for example, where a person does not show signs of sensibility or awareness, - must send the person to hospital or call the nearest Medical Practitioner) if a person brought to a Police Station:

(a) appears to be suffering from a physical illness or mental disorder, or

(b) is injured or

(c) fails to respond normally to questions or conversation (other than through drunkenness alone) or

(d) otherwise appears to need medical attention."

15.24 This section would appear to indicate that PS DUNN wholly abrogated his responsibility to ensure Christopher ALDER received appropriate medical

treatment, yet the final part of this section of the Codes of Practice goes to the root of one of the main problems encountered on 1 April 1998.

15.25 It concludes, "This applies even if the person makes no request for medical attention and whether or not he has already had medical treatment elsewhere (UNLESS BROUGHT TO THE POLICE STATION DIRECT FROM HOSPITAL).

15.26 Whilst accepting that this must mean that treatment has already been administered, and that Christopher ALDER did not receive treatment due to his behaviour, it was clear to the officers involved that there had been an assessment of the injuries, hence the use of the phrase picked up on the video, *"It's a simple haematoma."*

15.27 There is no doubt that PS DUNN waived in terms of decision-making once he was informed that Christopher ALDER had already been to hospital and as a result failed in two key areas:

- (1) To establish the difference between ALDER's condition on arrival at the Police Station from that when last seen by the medical staff at Hull Royal Infirmary
- (2) To independently assess fitness for detention by attempting to rouse ALDER, instead relying on information provided solely by the arresting officers

15.28 Having established that a public duty exists the second point to be addressed "a breach of the duty causing death" can be split. Were the officers involved guilty of "a breach of that duty" and did it cause death.

- 15.29 If they breached that duty where did it take place? In respect of the arresting officers PC BLAKEY and PC DAWSON they are in the first instance following up a potential assault. Having arrived at the hospital and realising that Christopher ALDER is unsuitable for interview at that time, they are requested to stay by the medical staff. (Had they received a call to other duties at that time they could have left without criticism. Christopher ALDER was a medical problem at that time).
- 15.30 The arrest of Christopher ALDER for breach of the peace was almost inevitable, given his behaviour and the subsequent refusal of the medical staff to treat him.
- 15.31 It is at this point that the only significant difference, between the explanations given by the arresting officers and that provided by other witnesses, materialises.
- 15.32 In explaining how Christopher ALDER was taken from the hospital both officers state that all three of them walked out in the same direction with the officers either side of ALDER. Both refute the suggestion that Christopher ALDER was dragged backwards out of the hospital.
- 15.33 Four witnesses give a different impression. Carolle WALKER (Part II, page 39) "*He was being bodily dragged backwards.*" Helen TOWNEND (Part II, page 63) "*He was dragged backwards by his arms with his legs trailing and his buttocks close to the floor.*" Aamer KHAN (Part I, page 78) "*The police had to drag him backwards bodily out of the building.*" Malcolm RODGERS (Part II, page 93) "*He was eventually dragged out of the doors backwards with his buttocks close to the floor surface.*"

15.34 Whilst this does give the Investigating Officer some cause for concern it may not be critical to the overall outcome of the investigation. The witness Malcolm RODGERS sees ALDER apparently much calmer outside the hospital and offers corroboration of how the journey to the Police Station commenced, *"The van driven by a single male officer then drove off. The two male Police Officers present throughout at the hospital followed the van in a marked police car."*

15.35 From arrival at the Police Station, PC BLAKEY and PC DAWSON's involvement is fully recorded and the question to be asked is whether a reasonable man having seen Christopher ALDER only *"3 or 4 minutes"* earlier must have realised that something was wrong and responded accordingly.

15.36 Even if that realisation was not present at the time of arrival at Queens Gardens Police Station, should the two minute and seven seconds struggle with the handcuffs have caused a review of the 'play acting' assumption, particularly by PC BLAKEY.

15.37 Or did the officers merely think that the journey was so short that nothing could possibly make him deteriorate so quickly, particularly when no real concern for his injuries had been expressed by qualified medical staff at Hull Royal Infirmary.

15.38 In the case of APS ELLINGTON his role is much shorter and simpler. As a supervisor, albeit very inexperienced, should he have insisted on a prisoner escort for Christopher ALDER. Although Force instructions give the "get out" clause referred to elsewhere about confinement in a secure compartment, it was wholly practicable to have utilised one of the arresting officers.

- 15.39 Given that Christopher ALDER's condition deteriorated very rapidly whilst in the back of the van, and that APS ELLERINGTON was not in a position to monitor ALDER, would the presence of an escort have resulted in the sudden change in his condition being witnessed and acted upon.
- 15.40 On arrival at Queens Gardens he chose to enter the Custody Suite. Once there he had a responsibility, along with the other officers involved, to register any concerns he may have had. For the period he remained in the Custody Suite APS ELLERINGTON had the clearest view of Christopher ALDER.
- 15.41 In addition, whilst PCs BLAKEY and DAWSON's assumptions were based on their involvement with ALDER at the hospital, APS ELLERINGTON saw a lucid and conscious individual placed in his van, and 3 or 4 minutes later saw an attempt to rouse him fail and the need to carry him bodily into the Police Station.
- 15.42 Of interest in relation to APS ELLERINGTON are his first aid skills. Of the five officers involved he was the most highly trained yet he contributed nothing at all to any discussions about fitness for detention.
- 15.43 In moving on to PS DUNN and PC BARR, the video shows the full picture. I have covered the Custody Officers duty earlier in this section. PC BARR whilst under his direct supervision also has individual responsibility as a Police Officer. There is little doubt he had concerns about Christopher ALDER. He instructed the handcuffs should be removed and ALDER placed on his side. He also later asked if this had been done but he never checked.

- 15.44 His confusing and illogical *“asleep and unconscious are the same to me”* may simply be avoiding the fact that he failed to articulate his concerns at the time, and left the decision-making responsibility to others.
- 15.45 PC BARR did raise the alarm, was the first to respond, remained throughout to assist the Paramedics attempt to save Christopher ALDER's life, and if any little credit comes out of the tragic sequence of events it is for PC BARR's efforts once it was identified Christopher ALDER was in serious difficulty.
- 15.46 Whether that breach of duty is established, did it cause Christopher ALDER's death. I do not intend to revisit all the medical evidence referred to elsewhere in this report but would focus on two sentences from Doctor CLARK's report, the first in direct response to the causation question posed here and Dr CLARK's opinion *“The answer is it is impossible to know.”*
- 15.47 The second sentence referred to will be wholly relevant to the final outcome of this investigation, irrespective of the location of disposal (either Criminal Court, Coroners Court or Civil Court), *“Had he received immediate attention, then there is certainly a possibility that his death could have been prevented.”*
- 15.48 That leaves the issue of gross negligence to a degree that a jury could consider justifying a criminal conviction. The judgement in ADOMAKO essentially states that the officers in this case would have had to have known there was a serious risk to Christopher ALDER and have chosen to ignore that risk.

15.49 Alternatively the allegation of recklessness could be substituted, in which case it would be sufficient to show that given all the circumstances they were wholly indifferent to the presence of such a risk, and their level of care and competence indicated a determination to ignore compelling factors that would have identified the risk.

15.50 In examining the facts of this case, what information can be relied upon in attempting to determine whether gross negligence is proved? It is difficult to look further than the explanations given in interview, which do not differ from the reasoning articulated on the video recording from Queens Gardens Charge Office.

15.51 That reasoning, although undoubtedly flawed, led all present to believe that at that time Christopher ALDER was either "play acting" or "asleep" and as a result did not arouse undue cause for concern until it was too late.

15.52 It could however be argued that in the six week period between 1 April 1998 and the interview of the officers, they have realised the seriousness of the situation and addressed their responses accordingly.

15.53 That premise ignores the one issue that is fundamental to this enquiry, the existence of a high quality video recording that captures every moment of Christopher ALDER's period of detention. This also includes a transcript of all conversation between the officers involved, and records at a time when it can be accepted the thought of Christopher ALDER's death had not entered their minds, that in the opinion of the officers responsible for bringing ALDER into custody he was feigning sleep.

15.54 In reaching a final decision about the ultimate disposal one thing is clear, it is necessary to show that each requirement articulated in the ADOMAKO case is present for there to be any realistic prospect of conviction in a criminal court.

16 RECOMMENDATIONS

16.1 Allegation 2.1 - Submit to Director of Public Prosecutions for advice.

16.2 Allegation 2.2 - Subject to that advice all officers to be the subject of formal disciplinary proceedings.


J F Holt
Superintendent

INVESTIGATING OFFICER'S REPORT

APPENDIX

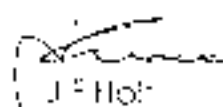
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1. POLICE COMPLAINTS AUTHORITY
2. HUMBERSIDE POLICE

17 APPENDIX

- 17.1 This investigation has once again raised the issue of "deaths in police custody", and I have little doubt that however the matter is ultimately progressed it will be done in the full glare of publicity.
- 17.2 That this incident took place in Humberside should not allow any complacency amongst any of the other 42 Forces in England and Wales. Indeed that the investigation has proceeded and been concluded in reasonable time, is almost exclusively due to Humberside Police progressing fully computerised, and more importantly, video recorded custody suites.
- 17.3 Without the video evidence an already difficult and sensitive investigation would have been made increasingly complex, and I have little doubt the outcome would have been the subject of massive external speculation and assumption, much of which would have been difficult, if not impossible to counter.
- 17.4 Given the nature of this investigation it will come as no surprise that the following recommendations are largely based on the role of the Custody Officer, and whilst some are directed specifically towards Humberside Police they are relevant to all.
- 17.5 Humberside Police should seek to ensure that all Custody Officers receive appropriate specialist training for the role, either on a local accredited course or by attendance on the Regional Custody Officer training course, prior to appointment as Custody Officer.
- 17.6 Humberside Police should seek to move to a position where sections (or sub-groups) have identified and trained relief custody officers to cover absences. The situations on 1/4/98 in Humberside involved an untrained Custody Officer (PS Dunn) supported on the night duty shift by 2 acting Sergeants (Harrington and Bullock).
- 17.7 Humberside Police should review the location of, and access to, first aid equipment held in custody suites.
- 17.8 Humberside Police should review Force instructions relating to transport of prisoners. The conditional "except when confined in secure accommodation" was used as justification for not providing an escort. I believe "wherever practicable" is sufficient.
- 17.9 Humberside Police should review the method of delivering information on "positional asphyxia" and "excited delirium". The American video currently shown on Officer Safety and CS Spray training courses is uninspiring and remote.

- 17.10 Whilst the aforementioned recommendations relate specifically to Humberside Police, I am firmly of the opinion that this investigation identifies implications on a national scale and the following recommendations are delivered on that basis.
- 17.11 The training of Custody Officers should be addressed by National Police Training and incorporated in an extended Newly Promoted Sergeants Course resulting in ALL Sergeants being able to perform the role if required.
- 17.12 The profile of first aid training and refresher first aid training should be heightened. A higher level should be compulsory for all staff tasked with "Custody" duties. This includes Custody Officers, "Warders" and Civilian Detention Officers.
- 17.13 All forces should seek to move to a position where ready access to specialist medical advice on a 24 hour "immediate response" or "located on site" basis is available.
- 17.14 The video and audio recording of designated custody suites should be progressed as a priority for all forces. The reasons when taken in the context of this investigation are compelling.
- 17.15 Part C of the Codes of Practice relating to "Medical Treatment of detained persons" caused potentially fatal confusion. In accepting this is a difficult area to address with statutory implications, the conditional "UNLESS BROUGHT DIRECT TO THE POLICE STATION FROM HOSPITAL" should be reviewed and amended. It is clear that a rapid deterioration occurred between the hospital and police station.
- 17.16 That concludes the recommendations for future action following the completion of this enquiry. I am quite certain there will be a determination within the service to improve the areas identified. A failure to do so would seriously diminish the confidence the public have in our ability to provide a quality service irrespective of ethnic background or social status.
- 17.17 It is finally worthy of note that between January 1990 and December 1995, 380 people have been recorded as dying in police Custody. Of those the definition of Police Custody included issues such as "during pursuit" or merely "providing assistance" at a police station.
- 17.18 That is/1 277 applicable cases, an average of 46 per annum, and over one death per force per year. Whilst some forces experience a disproportionate number, none can be excluded from the phenomenon.


J. F. Holt
Superintendent



WEST YORKSHIRE POLICE

Discipline & Complaints

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7 August 1998

Mr J ELLIOTT
Police Complaints Authority
10 Great George Street
LONDON
SW1P 3AE

Dear Mr Elliott

DEATH IN CUSTODY - Christopher ALDER

Further to my telephone conversations with your Mr JOHNSON on 20 and 22 July 1998, the results of my additional enquiries are contained in the attached report, together with associated documents.

In relation to the other matters discussed, I can inform you that items of clothing were taken into police possession following Mr ALDER's death:- 1 jumper, 1 pair of blue trousers, 1 pair of shoes, 1 pair of socks, 1 pair of underpants. These items have subsequently been destroyed.

Included, as requested, is a copy of the video showing the incident outside The Waterfront.

In relation to the custody video system, these video tapes are changed every six hours by the custody officer on duty. Having examined several videos at the change over time, I can report that the average time taken to change the tapes is 30 seconds.

In relation to Wednesday 1 April 1998, whilst Christopher ALDER was lying on the floor in the custody area, PS DUNN actually changed the video tape. The period of time not covered due to this tape changing is 27 seconds.

I trust that this information will answer your queries. Should you require any further assistance please do not hesitate to contact me.

Yours sincerely

K Tolan
Inspector

Encs

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