

**INQUEST submission to the United Nations International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement on policing data disaggregated by race or ethnic origin**

1. INQUEST is the only charity providing expertise on state related deaths and their investigation in England and Wales. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question. INQUEST's Executive Director, Deborah Coles, sits on the cross-government Ministerial Board on Deaths in Custody and is a member of the Independent Advisory Panel on Deaths in Custody.
2. Our response to this consultation is informed by our casework, research and policy work on deaths in police custody or following police contact, as well as our decades-long work on collecting and publishing data on deaths in police custody.

**INQUEST's work on the collection, analysis, use and publication of data on deaths in police custody**

3. Concerning statistics and monitoring, INQUEST has been at forefront of ensuring information about deaths in custody is visible, analysed and placed in the public domain. We started to collect data on deaths in police custody in 1990 through monitoring casework and media, before any authorities or government bodies did. This means that INQUEST has the longest-running and most up-to-date collection of data on deaths in police custody.
4. In addition to monitoring casework and monitoring, in recent years we have also received information on deaths in police custody through submitting Freedom of Information requests to the Independent Office for Police Conduct (IOPC) who monitor and investigate deaths involving police in England and Wales.
5. INQUEST publish the data we collect on deaths in police custody on our website which is accessible to the wider public. On one page<sup>1</sup> we publish data on all deaths in police custody, and on another<sup>2</sup> we publish data on the deaths of Black, Asian and Minority Ethnic people in police custody. Both pages are frequently updated. We use this data in our policy work, and it is frequently referenced in news article and by other NGOs and campaign groups to highlight the issues of police violence and racism.

**Official data on deaths in police custody**

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<sup>1</sup> See our page on deaths in police custody on the INQUEST website [here](#)

<sup>2</sup> See our page on deaths of Black, Asian and Minority in police custody on the INQUEST website [here](#)

6. Official data on deaths in and following police custody and contact is published annually by the IOPC. This was previously collated and published by the Independent Police Complaints Commission (IPCC). Data begins when the IPCC was formed on 1 April 2004. The latest data, published in October 2021, is as follows.

7. *Deaths in or following police custody: Ethnicity by financial year, 2004/05 to 2020/21.*<sup>3</sup>

Ethnic group	Financial year																	Total
	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16*	16/17	17/18	18/19	19/20	20/21	
White	34	23	22	19	10	16	20	13	14	10	16	10	11	16	16	14	17	281
Asian	0	2	2	0	2	0	0	0	0	0	1	3	0	0	0	0	0	10
Black	2	1	3	1	3	0	1	1	0	0	1	1	2	6	1	3	2	28
Mixed	0	2	0	1	0	1	0	1	1	1	0	0	1	0	0	0	0	8
Other ^	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	2
Not known	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
<b>Total fatalities</b>	<b>36</b>	<b>28</b>	<b>27</b>	<b>22</b>	<b>15</b>	<b>17</b>	<b>21</b>	<b>15</b>	<b>15</b>	<b>11</b>	<b>18</b>	<b>14</b>	<b>14</b>	<b>23</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>330</b>

\*Following changes to ethnicity classification by the Office for National Statistics, since 2015/16 the Asian ethnic group now includes Chinese. This was previously recorded under the 'Other' ethnic group. Data recorded for previous years, maintains the old classification where Chinese is included in the 'Other' ethnic group. ^Prior to 2015/16, this ethnic group included Chinese

### Issues concerning the IOPC's categorization of deaths in custody

8. The IOPC definition of 'in or following police custody' is: 'deaths that occur while a person is being arrested or taken into attention. It includes deaths of persons who have been arrested or have been detained by police under the Mental Health Act 1983. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.'

This definition means that cases where a person was in direct contact with police prior to their death, *but had not been arrested or detained*, are excluded from the overall data, and are instead included in the much broader 'Other' category. The Other category is defined as 'deaths that follow contact with the police, either directly or indirectly, that did not involve arrest or detention under the Mental Health Act 1983 and were subject to an independent investigation.'

Key cases involving deaths in direct police contact, such as those involving use of force and restraint, are therefore lost in the broad 'Other' category. INQUEST believes this obscures the overall picture and makes the annual number of deaths in police custody appear lower than the reality. When looking at ethnicity, this is

<sup>3</sup> Data is taken from the IOPC 'Deaths during or following police contact: Statistics for England and Wales, Time series tables 2004/05 to 2020/21'. Link [here](#)

particularly important because it excludes from the police custody category numerous restraint cases, which disproportionately affect Black people.

### **Disproportionate deaths of Black people in police custody**

9. Black people are dying disproportionately in police custody. Black people make up 3% of the population in England and Wales,<sup>i</sup> but in the past 17 years of official data the deaths of Black people account for 8% of the total deaths in police custody and 6% of other deaths following police contact.

INQUEST's own data, which we define as community data, only includes cases which we have identified from our work (through casework, media monitoring, and community reporting) so is not inclusive of every case but has a broad remit to ensure as many key cases as possible are captured. It also shows that Black people are dying disproportionately in police custody. INQUEST's data analysis from 2011 – 21 on all deaths in or following police custody/contact (excluding road traffic incidents) shows that the deaths of Black people accounted for 13% of all deaths.

Our analysis of the official data and INQUEST data shows that Black people die disproportionately following the police use of force.

### **The usefulness of data on deaths in police custody disaggregated by race/ ethnicity**

10. The publication of official data on deaths in police custody and race/ethnicity, though imperfect, is a valuable advocacy tool in highlighting the key issues relating to police violence and racism. The data provides NGOs such as INQUEST with evidence to support the issues that constantly arise from our casework. In this way, the data aids us in amplifying any issues relating to policing in the public sphere.

### **Lack of accountability and policy change**

11. In spite of the usefulness of official policing data disaggregated by race/ethnicity and the fact that it has consistently shown that Black people die disproportionately in police custody, unfortunately, INQUEST has not seen the data lead to any change. To be clear, INQUEST sees no evidence that any Government or inspectorate body use the data in any way beyond the act of reporting it, or that it feeds into their policy work. Nor does INQUEST see any qualitative analysis of the quantitative data which would help to illuminate key trends and themes. Furthermore, the data is not used to hold the police to account. In short, the data has not been used to prevent future deaths in police custody.

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<sup>i</sup> Population of England and Wales, published 2018. Based on 2011 Census data. Link [here](#)