

In the Matter of the Death of Mr Jason Basalat
Response of the Chief Constable of Northamptonshire Police pursuant to
Regulation 29 of the Coroners (Investigations) Rules 2013

1 Preamble

- 1.1 The Chief Constable makes this response to the Coroner's Report dated the 27th November 2017 and issued under the provisions of Regulation 28 of the Coroners (Investigations) Rules 2013.
- 1.2 The original date for providing a response was the 22nd January 2018, but this date was extended by HM Coroner to the 6th April 2018 to allow the Chief Constable to receive copies of the documents and evidence considered by the Inquest and also recordings of the Inquest proceedings, no transcript being available.
- 1.3 The Chief Constable in making this response notwithstanding:
 - 1.3.1 the surprising decision of the Coroner, in the context of an Article 2 inquest into the death of Mr Basalat while in the custody of the State and two days after he had been in the custody of the police, not to give formal notice to the Chief Constable as a properly interested person as required by Regulation 20 (2) (h) of the Coroners Rules 1984 at the commencement of the Coroner's investigations; or
 - 1.3.2 thereafter, not to give such notice when the issue of events in and flowing from police custody were raised at the Pre Inquest Review on the 20th June 2017 by Counsel for the family; or
 - 1.3.3 thereafter, when the issue was specifically raised by Counsel for the Prison Service on the first day of the Inquest hearing; or
 - 1.3.4 thereafter, when the Coroner himself identified, during questioning of the only police witness called by the Coroner to give evidence on the first day of the Inquest hearing, that he was not competent to deal with all the areas of questioning posed by Counsel for the family, specifically as to police custody practice and procedure; or
 - 1.3.5 in any event at the point when the Coroner decided that the inquest jury should be specifically asked to consider whether the actions or omissions of Northamptonshire Police had caused or contributed to the cause of death.
- 1.4 The Chief Constable has considered his position and taken the view that he will not challenge the findings of the inquest on the basis that this would, in all likelihood, result in a requirement for a further inquest to be held and that this would be unfair to the family of Mr Basalat.

- 1.5 Accordingly, the Chief Constable responds to the report as follows, but has also, where necessary, makes reference to matters which do not appear to have been made known to or considered by the Inquest hearing.

2 Terms of Response Required

- 2.1 In accordance with the terms of the Report issued by the Coroner, this response addresses the following areas of concern:
- 2.1.1 “(1) The deceased had been arrested for Dangerous Driving when, on the 9th December 2016, he tried to grab the steering wheel of bus travelling on the M1 motorway forcing it to collide with the barriers in the roadworks. Whilst in police custody the deceased was behaving in a bizarre manner and was assessed by a medical practitioner at the custody centre. When eventually transferred to Woodhill Prison after appearing on a Saturday Morning at Wellingborough Magistrates Court the warrant simply stated that the offence was “Dangerous Driving”. Which did not in any way give a true picture of the offence and very little information was provided to the prison as to his behaviour or his mental state. The prison informed me that it would have been helpful for them to receive a copy of the deceased’s custody record that gave the full picture.”
- 2.1.2 Point (2) appears to relate solely to the procedure before the Magistrates’ Court and is not addressed in this response.
- 2.1.3 “(3) There needs to be an urgent review by both the Northamptonshire Police and the Northamptonshire Magistrates’ Court as to their procedures for sharing information with the prison when it is known in advance that the prison will receive a vulnerable prisoner.”

3 Background

- 3.1 Arrest
- 3.1.1 Mr Basalat was arrested on the 9th December 2016, following a report to the police that a coach had crashed on the M1 motorway. Officers attended and were told that Mr Basalat had seized the steering wheel of the coach and turned it towards a temporary barrier, causing it to collide.
- 3.1.2 Witnesses on the coach told the police that, prior to the incident, Mr Basalat had been talking to himself.
- 3.1.3 Mr Basalat was arrested on suspicion of having committed an offence of common assault on the coach driver.

3.1.4 Mr Basalat was conveyed to the custody suite at the Northampton Criminal Justice Centre.

3.2 Detention

3.2.1 Mr Basalat arrived at the custody suite at 06.35 hours on the 9th December 2016.

3.2.2 His detention was authorised at 07.07 by Sergeant [REDACTED]. The circumstances of arrest given to Sergeant [REDACTED] are stated as: 'DP [i.e Detained Person] was travelling on a National Express Coach on the M1 when he approached the driver, grabbed hold of the steering wheel, pushed it to the left forcing the coach to collide with the barrier bringing the coach to a stop'. Detention was authorised for the purposes of securing and preserving evidence by questioning.

3.2.3 Sergeant [REDACTED] conducted a risk assessment of Mr Basalat at 07.13. The risk assessment involved firstly asking Mr Basalat a set of pre-determined questions (the Inquest had before it a copy of the custody questions and they are not repeated here). In answer to the questions, Mr Basalat confirmed the following:

3.2.3.1 he hit his head hard in the accident that morning;

3.2.3.2 he was prescribed alanzapine and diloxatine but had none with him;

3.2.3.3 he suffered from paranoid schizophrenia and was supposed to be medicated, that he came out of hospital yesterday – Edinburgh main hospital for mental health;

3.2.3.4 he had tried to harm himself lots of times, the last occasion a year ago when he head butted a wall and that he did not feel good at the moment;

3.2.3.5 he was alcohol dependent and hallucinates when he had not had a drink, the last occasion being 5 days previously;

3.2.3.6 he needed to see a doctor and that it had been difficult for him to get out of the hospital and he had not told them the truth.

3.2.4 As a result of that process, Sergeant Pateman arranged for a Healthcare Professional to examine Mr Basalat.

3.2.5 At 07.24, Sergeant [REDACTED] as a result of the risk assessment, determined that Mr Basalat's risk to himself should be viewed as medium. He was placed in a CCTV monitored cell and was to be visited every 30 minutes and roused, because of concerns about his head injury. This regime was to remain in place until he was seen by a Healthcare Professional.

3.2.6 At 07.25, Mr Basalat's property and any item of clothing which might be used to self harm was removed from him.

3.2.7 At 07.50, Sergeant [REDACTED] spoke to the Healthcare Professional, [REDACTED] in relation to Mr Basalat.

- 3.2.8 At 09.07, Community Psychiatric Nurse [REDACTED] Day examined Mr Basalt in a consultation which lasted 28 minutes. She noted the following: "Alert, able to mobilise, speech spontaneous, coherent, normal rate, tone and volume. Engaged well in conversation, thought process was fluid and easy to follow, content remained within context. No evidence of being distracted by or responding to unknown stimuli. No psychomotor agitation or impairment. Reported hearing and speaking to people but no evidence of this. Denied alcohol/substance use, denied taking medication."
- 3.2.9 Community Psychiatric Nurse [REDACTED] Day also made contact with the practice in Edinburgh where Mr Basalat had been treated the following day and noted the following at 11.29: "Discussed with Edinburgh Access Practice and the CPN attached to the homeless team who the DP is open to. Diagnosed with dissocial personality disorder. Assessed under MHA assessment last night, no psychotic features, no suicidal tendencies, deemed fit to return to hostel and engage with CPN. Diagnosis of Pulmonary Embolism confirmed."
- 3.2.10 Nurse Day confirmed that Mr Basalat was fit to detain and fit to be interviewed.
- 3.2.11 Mr Basalat was interviewed under caution by [REDACTED] Mr Basalat was represented by a solicitor and an appropriate adult. Mr Basalat was additionally arrested for the offences of Criminal Damage with intent to endanger life and Dangerous Driving. Mr Basalat gave a pre-prepared statement. At 17.35 Mr Basalat returned from interview.
- 3.2.12 [REDACTED] submitted a request to the Crown Prosecution Service for charging advice and the charge of Dangerous Driving was authorised. Mr Basalat was charged with the offence at 21.50. The form of the charge wording is prescribed.
- 3.2.13 Mr Basalat's further detention was authorised for him to appear before a remand court.
- 3.2.14 Throughout the period of his police detention, the detention was appropriately reviewed under the provisions of the Police and Criminal Evidence Act 1984 and Code of Practice C for the detention, treatment and questioning persons by police officers.

3.3 Transfer

- 3.3.1 Mr Basalat was released in to the custody of Geo Amey at 08.38 on the 10th December 2016.
- 3.3.2 In accordance with the Authorised Professional Practice promulgated by the College of Policing, a Person Escort Form was completed by [REDACTED] 22.17 on the 9th December 2016.
- 3.3.3 The section of the form headed 'Current and Relevant Risk' was not completed.

3.3.4 The section of the form headed 'Health Risks' contained the following information under heading of 'Details of Current & Relevant Risk':

3.3.4.1 "Medication – Alanzapine and Diloxatine"

3.3.4.2 "Hit Head in Accident 09/12/2016";

3.3.4.3 "Alcoholic";

3.3.4.4 "Paranoid Schizophrenia"; and

3.3.4.5 "S/Harms".

3.4 Police National Computer

A check of the Police National Computer has shown that there were no warning markers to indicate that he had previously been considered to be at risk of self harm.

4 Response

4.1 As to: *"(1) The deceased had been arrested for Dangerous Driving when, on the 9th December 2016, he tried to grab the steering wheel of bus travelling on the M1 motorway forcing it to collide with the barriers in the roadworks. Whilst in police custody the deceased was behaving in a bizarre manner and was assessed by a medical practitioner at the custody centre. When eventually transferred to Woodhill Prison after appearing on a Saturday Morning at Wellingborough Magistrates Court the warrant simply stated that the offence was "Dangerous Driving". Which did not in any way give a true picture of the offence and very little information was provided to the prison as to his behaviour or his mental state. The prison informed me that it would have been helpful for them to receive a copy of the deceased's custody record that gave the full picture."*

4.2 As this particular concern appears to be made up of a number of discrete issues, they have been dealt with as separate matters as follows below, to avoid confusion.

4.3 The format of the charge of Dangerous Driving is prescribed by a national code to ensure a consistency of approach. The purpose of a charge is to provide an accused person with sufficient information about the nature of the charge laid against them to enable them to determine whether or not to admit or deny guilt. It will not contain a narrative or summary of the evidence supporting the charge; that information falls to be disclosed in the course of any subsequent proceedings.

4.4 The standard offence wording for an offence of Dangerous Driving is as follows:

*On **(..SPECIFY DATE..) at **(..SPECIFY TOWNSHIP..) drove a mechanically propelled vehicle, namely **(..SPECIFY VEHICLE MAKE AND INDEX NUMBER..) dangerously on*

(A)_[a road,]_

(B)_[roads,]_

(C)_[a public place,]
namely **(..SPECIFY ROAD/ROADS/PLACE/PLACES..)

- 4.5 Accordingly, the terms of the charge laid in Mr Basalat's case was in accordance with the national standard.
- 4.6 The format of the Warrant of Remand is not a matter for the police and the Chief Constable makes no comment on that issue.
- 4.7 The Custody Record is a document which the police are required to maintain to record certain decisions made pursuant to section 37 of the Police and Criminal Evidence Act 1984 and paragraph 2.1 of Code of Practice C referred to above.
- 4.8 Paragraph 2.3 of the Code of Practice states as follows:

"2.3 The custody officer is responsible for the custody record's accuracy and completeness and for making sure the record or copy of the record accompanies a detainee if they are transferred to another **police station**. The record shall show the:

time and reason for transfer;

time a person is released from detention. " (***emphasis added***)
- 4.9 The purpose of a Custody Record is not to record information in relation to the course of a criminal investigation or the evidence gathered; it is a record of the treatment of a detained person while in police custody. It will not, therefore, give a 'full' picture.
- 4.10 Custody records are electronic documents. They are not ordinarily printed out to accompany a detained person on transfer to court. This is so even when there is to be an application for a remand into custody. However, see below at paragraphs 4.14 *et seq* in relation to the guidance set out in the College of Policing's Authorised Professional Practice.
- 4.11 As to: "(3) *There needs to be an urgent review by both the Northamptonshire Police and the Northamptonshire Magistrates' Court as to their procedures for sharing information with the prison when it is known in advance that the prison will receive a vulnerable prisoner.*"
- 4.12 Following receipt of the Coroner's Report, a review of the circumstances of Mr Basalat's case was conducted and considered against existing procedures. Following the provision of the witness and documentary evidence referred to in the Inquest Hearing, that review was revisited to ascertain whether any additional matters required scrutiny.
- 4.13 Northamptonshire Police adopts the College of Policing Authorised Professional Practice for Detention and Custody. All custody staff are trained in accordance with it and are able to access it online in the event of query. A copy of the section on Risk Assessment is appended to this response.
- 4.14 Within the section on Risk Assessment, guidance is given in relation to the use of the Person Escort Form as follows:

“Person escort record form

The PER form provides staff transporting and receiving detainees with all necessary information. This includes any risks or vulnerabilities that the person may present.

Officers must complete a PER form whenever a detainee is escorted from a police station to another location. This includes movement or transfer between separate custody suites (police stations) and other custody accommodation (courts, prisons and immigration detention facilities) and from custody to hospital.

Identifying a risk of suicide or self-harm is one of the prime purposes of the form. Staff must indicate both a current risk and any known past risks.

PER form requirements

Where the detainee is to be transferred from a police station, the responsibility for the PER form lies with the first custody officer who becomes aware of the transfer.

The form may be completed by a trained and competent custody detention officer, but responsibility for the form content and sign off remains with the custody officer. This reduces the risk of important information being lost during any subsequent handovers between custody officers.

It is the responsibility of the custody officer who transfers the detainee from the police station to the escort to ensure that the PER is up to date and contains details of any additional post-charge or other care requirements.

Custody officers must provide supporting information when ticking a warning marker box.

Officers should attach copies of risk assessment forms and medical examination records that are not confidential to the PER. They should also enter relevant information onto the PER in case any of the attached information is lost. Confidential medical information must be attached in a sealed envelope. Information relating to self-harm or suicide cannot be deemed confidential and should always be on the PER form.

Staff should add a direct contact telephone number for the custody suite to the PER so that escort, court, probation or prison staff can make prompt contact with the custody officer should they need to clarify any information.

The escorting staff are responsible for maintaining a record of the detainee’s movements and any occurrences during transit.”

- 4.15 In this case, the content of the PER form is brief, but nonetheless lists the significant risk factors which had been identified during Mr Basalat’s time in police custody. Medical examination and information from his treating practice had not raised concerns of self harm. Although no direct telephone number was provided for the custody suite, it was one of only two in Northamptonshire and Northamptonshire Police operates a 24 hour, 7 day per week switchboard through which any enquiries could have been directed.

- 4.16 However, the Chief Constable confirms that Custody officers and staff have been reminded of the guidance in relation to the completion of PER forms and in respect of ensuring any relevant additional documentation accompanies them.
- 4.17 Further, contact will be made with the national police lead on Custody to suggest a review of the PER form to ensure it reflects the guidance in the Authorised Professional Practice.