

## INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE DEATH OF HABIB ULLAH

### *Investigation Update*

#### **Summary of the Case**

On Thursday 3 July 2008, three Thames Valley police officers in an unmarked police vehicle were in the Sharrow Vale area of High Wycombe. These officers observed a white Peugeot 106 being driven in the area and recognised that there was current intelligence on the occupants as being involved in the supply of Class A drugs. At 19:10 hours officers radioed for a marked police vehicle to attend.

The white Peugeot pulled into the private car park at Lee Court on Sharrow Vale where it parked. The unmarked police car pulled into the car park behind it and was joined almost immediately by a marked police car; the marked car arrived at 19:12 hours. The police officers identified themselves to the 3 occupants of the parked car.

Police officers proceeded to conduct a search, under the Misuse of Drugs Act, of the vehicle and the three occupants. Drug paraphernalia was seized from the footwell in the rear of the car. During the course of the search a man, now known to be Mr Habib Ullah (aged 39), was restrained by police officers, encountered breathing problems and an ambulance was called at 19:32 hours. An ambulance arrived at 19:51 hours and proceeded to administer medical assistance to Mr Ullah, after which he was transferred to High Wycombe General Hospital. At the hospital, doctors removed a package from Mr Ullah's windpipe, a second package was subsequently found on his person. Mr Ullah's health deteriorated and at 20:31 hours he was pronounced dead. Both of the packages have been sent away for forensic analysis

An initial post mortem took place on Friday 4 July 2008, the result of which was inconclusive and further medical tests are now being carried out, as well as the pathologist taking into consideration other evidence. However the pathologist was able to confirm that there was no evidence of injuries consistent with Mr Ullah being beaten or struck with a baton.

#### **IPCC involvement**

The Independent Police Complaints Commission was notified of the incident by Thames Valley Police via telephone at 00:30 hours on 4 July 2008. The decision was taken to deploy a team of 12 investigators to undertake a full assessment of all the available evidence, to determine how the incident should be investigated. Following feedback from the assessment, Deborah Glass, IPCC Commissioner, decided an independent investigation should be undertaken.

#### **Terms of reference for investigation**

- 1) To investigate the circumstances leading to the death of Mr Ullah beginning with the police deciding to carry out a search under the Misuse of Drugs Act:
  - a) his subsequent search by police officers
  - b) the restraint techniques used by officers of Thames Valley Police on Mr Ullah
  - c) the care received by Mr Ullah by officers following the period of restraint

- d) To give consideration to any training, supervisory, management or policy issues that arise from the investigation of Mr Ullah's death.
- 2) To investigate the circumstances of the death of Mr Ullah, including:
    - a) assessing the actions of the police officers against national and local policies and procedures, specifically:
    - b) assessing whether the use of restraint on Mr Ullah was appropriate, proportionate and necessary, taking into account any concerns from Mr Ullah's family that any officer used excessive force.
  - 3) To consider and report on whether any criminal or disciplinary offence may have been committed by any police officer or member of police staff involved in the incident, and whether relevant local and national policies were complied with.
  - 4) To consider and report on whether there is any organisational learning for the police service, including:
    - a) whether any change in police policy or practice would help to prevent a recurrence of the event, incident or conduct investigated
    - b) whether the incident highlights any good practice that should be disseminated.

## **The Investigation**

### **Team:**

A team of 12 IPCC investigators was initially deployed to the incident.

### **Forensics:**

Forensic work is ongoing to assist in determining the cause of death. Further work is also ongoing to determine the content of the packages removed from Mr Ullah's body.

### **Policies and Procedures:**

Analysis will be conducted of all Thames Valley policies and procedures governing the search of suspects. Analysis will also take place of ACPO's policy in relation to searching mouths.

### **CCTV footage:**

There was no CCTV footage of the incident.

### **Interviews:**

A number of people have made witness statements to the IPCC, including 5 police officers.

Depending on the outcome of all relevant evidence and forensic analysis, further interviews may be required. This position remains under constant review as our investigation is progressing.

### **Regulation 9 notices:**

No police officers are under investigation, therefore no Regulation 9 notices (this is a notice required under police misconduct regulations and is served on an officer to advise that their conduct is under investigation) have been served. This decision has been made on the evidence as it presents to date and as with all lines of enquiry will remain under review.

**Witness Appeal:**

On the 7 day anniversary of the incident, the IPCC launched a witness appeal. We produced leaflets which IPCC investigators distributed in the area where the incident occurred and a witness appeal board was erected in a prominent area on Sharrow Vale. Six further potential witnesses were identified as part of the anniversary witness appeal.

A freephone telephone number (0800 096 0975) and a dedicated email address ([ullahappeal@ipcc.gsi.gov.uk](mailto:ullahappeal@ipcc.gsi.gov.uk)) were set up and publicised. We remain keen to hear from anyone with any information relating to this incident.

**Crown Prosecution Service:**

At this stage the investigation has not identified any evidence to suggest any criminal offence may have been committed by any police officer. A file will be submitted if the evidential position changes. The threshold for referral to the CPS is low.

**Information:**

Mr Ullah's family and Thames Valley Police have been updated regularly about the progress of the investigation. Two IPCC Family Liaison Managers has been assigned to work with Mr Ullah's family.

**Community issues:**

Since the death of Habib Ullah, the IPCC has been in regular contact with a number of community leaders in the High Wycombe area.

IPCC Commissioner Deborah Glass attended a Gold Group meeting on Monday 7 July. Following this, Ms Glass determined that a Community Reference Group should be established. The first meeting of this group took place on Monday 14 July, when members of the community were invited to attend and meet IPCC Commissioner for Thames Valley, Mike Franklin and IPCC Senior Investigator, Malcolm Niblo.

On Thursday 10 July a peaceful protest was undertaken by members of the community outside High Wycombe Police Station. Knowing that this was taking place, and considering the wider community concerns, an IPCC investigator attended this protest, spoke to those present and distributed information leaflets about the IPCC. This was to enable members of the community to gain a better understanding of the role of the IPCC, how we operate and why we are investigating the circumstances surrounding the death of Habib Ullah.

**Timescales:**

Although the investigation has progressed well, it is not possible to advise at this stage when the investigation will conclude.

**About the IPCC**

The IPCC has overall responsibility for the police complaints system. Since April 2006 it has taken on responsibility for similar, serious complaints against HM Revenue and Customs and the Serious Organised Crime Agency in England and Wales. The IPCC's jurisdiction was extended in 2008 to cover UK Border Agency staff exercising police-like powers.

The IPCC has the task of increasing public confidence in the complaint systems and aims to make investigations more open, timely, proportionate and fair.

The 15 Commissioners who run the IPCC guarantee its independence and by law can never have served as police officers. No Commissioner has worked for HM Revenue and Customs. They are supported by more than 100 independent IPCC investigators plus casework managers and other specialists.

Since April 1 2004 the IPCC has used its powers to begin 264 independent and 663 managed investigations into the most serious complaints against the police and other agencies. It has set new standards for police forces to improve the way the public's complaints are handled. The Commission also handles appeals by the public about the way their complaint was dealt with by the local force.

The IPCC is committed to getting closer to the communities it serves. Its Commissioners and staff are based in IPCC regional offices in Cardiff, Coalville, London and Sale plus a sub office in Wakefield.

The IPCC web site is constantly updated at [www.ipcc.gov.uk](http://www.ipcc.gov.uk) or members of the public can contact the IPCC on 08453 002 002.