

UK police officer cleared of the manslaughter of Ian Tomlinson

Paul Stuart
24 July 2012

Territorial Support Group police officer Simon Harwood has been found not guilty of the manslaughter of Ian Tomlinson, despite a May 3, 2011 inquest verdict that the 47-year-old father of nine was unlawfully killed.

Tomlinson was killed during Operation Glencoe, a major police operation against G20 protests on April 1, 2009. This is the final act in a cover-up by the police and the Independent Police Complaints Commission (IPCC) that was initiated in the immediate aftermath of Tomlinson's death.

Throughout the trial at Southwark Crown Court, London, PC Harwood defended his actions as reasonable force. He even said he had other more extreme options open to him to deal with Tomlinson, including CS spray and firearms. Responding to footage of his assault on Tomlinson he insisted that his "use of force was necessary, proportionate and reasonable."

It was reported that Harwood could not remember how many people he had hit with his baton on the day of the protest. He said his recollections of the events had been distorted by the amount of footage in the public domain.

Harwood's lawyers argued that Tomlinson died of a heart attack. Their argument was based on a postmortem carried out two days after his death by pathologist Dr. Freddy Patel. Two subsequent postmortems, carried out by three other pathologists, including the one requested by Harwood, concluded that it was not a heart attack that killed Tomlinson but internal bleeding caused by a blow to the liver.

The initial postmortem provided the basis for a campaign of misinformation by the police and has now also provided the legal mechanism for preventing the prosecution of PC Harwood. His defence argued that

reasonable doubt about Harwood's guilt could not be established because of the conflicting postmortem findings.

Patel stood by his original findings. He has been disciplined by the General Medical Council three times in the past 10 years, and has previously been suspended from the medical register. He is currently suspended since March last year in relation to a botched inquest in 2002 that delayed a murder investigation. The General Medical Council is examining Patel's Tomlinson inquest.

After the verdict Tomlinson's stepson Paul King said, "It's a joke. In April 2009, along with everyone else, we saw the shocking video of Ian being violently assaulted by PC Harwood, just minutes before he died. After the unlawful killing verdict at the inquest last year we expected to hear a guilty verdict."

The family's lawyer Jules Carey said, "PC Harwood may have been acquitted of manslaughter by this jury, but another jury, at the inquest a year ago, found that Ian Tomlinson had been unlawfully killed. It is impossible for this family to understand these two, apparently contradictory, verdicts. Ian Tomlinson's family have not given up on justice. They will now look to the civil courts to reconcile these verdicts, deliver justice and formally answer the question, 'Who killed Ian Tomlinson?'"

Tomlinson was caught up in violent police operations against G20 protesters whilst trying to get home to Smithfield after his shift selling the *Evening Standard* in central London. He was attacked by riot police on three separate occasions that evening.

The first encounter came when four riot police dragged him to a pavement after trying to drive around him in a riot police van. The second was after trying to escape. He was again seized and thrown to the floor

with such force that he bounced. While on the floor he was hit twice with a police baton, forcibly dragged to his feet, marched away and thrown by a police officer.

At 7:20 p.m. Tomlinson, with his back to a line of riot police, was attacked from behind by PC Harwood. He was struck twice on the legs with a police baton and pushed to the ground with extreme force, banging his head hard on a pavement. Minutes later he was dead.

For up to three hours the police released no details that someone had died during Operation Glencoe. The Independent Police Complaints Committee declared that police had made no contact with Tomlinson, who had died of a heart attack. They claimed that police tried to revive him but came under a hail of missiles from protesters. This has been exposed as a pack of lies by video footage.

A postmortem was ordered on April 4. Four officers were present. The pathologist, Freddy Patel, was told there were no police officers in Tomlinson's "immediate vicinity" when he was found. It later emerged that not only had forensic tests not been done on Tomlinson's clothing, which would have confirmed that he had also suffered a bite from a police dog, but that Patel explicitly ruled out the possibility of a dog bite.

It remains unexplained why Patel was chosen as coroner at all. At the time he was under GMC investigation for earlier postmortems, and was not under contract with the Metropolitan Police.

The IPCC did not consider an investigation until video footage, photographs and eyewitness accounts were sent to the *Guardian* proving that Tomlinson had been the victim of an unprovoked police attack. Officials from the police and IPCC responded by entering the *Guardian* offices to demand the removal of video footage they said was "hindering" the police investigation. The *Guardian* refused. It was after this that an IPCC investigation was launched.

On July 22, 2010, the Crown Prosecution Service (CPS) released a statement clearing Harwood of any charges relating to the death of Tomlinson because of the conflicting postmortem examination results.

On May 3, 2011, an inquest jury ruled that Tomlinson was unlawfully killed as "the result of a baton strike from behind and a push by" PC Harwood. Harwood was repeatedly accused of lying, and acknowledged that his notes from the day were misleading or

inaccurate.

The inquest jury was shown footage of PC Harwood dragging a protester to a riot van, and pulling BBC cameraman, Tony Falshaw, to the ground. Evidence heard by the inquest pointed to repeated police brutality throughout the day. The IPCC received 277 complaints.

After the IPCC examined the inquest findings PC Harwood was finally charged with manslaughter on June 20, 2011. Following his acquittal, he will now only face internal disciplinary procedures.

With the lifting of reporting restrictions, it has been revealed that Harwood had faced a string of disciplinary allegations, many levelled by fellow officers. In two he was accused of using heavy-handed tactics against members of the public who "presented no threat". There were allegations that he had assaulted civilians in custody and had altered his notes after assaulting a driver over a road rage incident.

Nine of the complaints were dismissed or unproven. One was upheld, finding that he had unlawfully accessed the police national computer. Harwood avoided disciplinary action by retiring from the Metropolitan Police and rejoining three days later in a civilian role. He was then able to reapply to work as a uniformed officer. The Metropolitan Police argued that this should not be disclosed to the trial jury as "it was not relevant to determining the cause of Mr. Tomlinson's death and could potentially impact on any future criminal proceedings".



To contact the WSW and the
Socialist Equality Party visit:

wsws.org/contact