

Britain: Ian Tomlinson's family denounce police misconduct trial as a whitewash

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On September 17, at an internal police disciplinary hearing, Territorial Support Group (TSG) police officer Simon Harwood was sacked for “misconduct” during the G20 summit protest in London on April 1, 2009 where he attacked 47-year-old newspaper vendor, Ian Tomlinson.

Tomlinson died later that day from internal bleeding.

The father of nine had become caught up in a violent police action—Operation Glencoe—aimed at those protesting the G20 summit. He was assaulted on three separate occasions whilst making his way home from work selling the *Evening Standard* in central London.

In the third encounter, video footage filmed by a bystander showed Tomlinson, hands in pocket, being approached by a group of officers, including TSG members in riot gear. Harwood was seen to strike Tomlinson across the legs with his baton, and push him. Tomlinson hit the ground with immense force.

Minutes after getting to back his feet, Tomlinson collapsed and died.

The disciplinary hearing's stated purview had been to examine whether Harwood's actions led to Tomlinson's death. After Harwood's lawyers approached the panel it was agreed that this question would be removed from the scope of the inquiry.

Defending Harwood, Patrick Gibbs QC said that any decision on whether Harwood's actions were responsible for Tomlinson's death would be “gratuitous and provocative, designed to provoke a retrial of Mr Harwood on charges on which he has already been acquitted.”

Tomlinson's family immediately left the hearing denouncing it as a “whitewash.”

Tomlinson's son, Paul King, said “We came here expecting a disciplinary hearing. There has been no hearing. We expected the Met [Metropolitan Police] to

rule on whether its officer killed Ian. The Met has basically gone ‘no comment’.. We still haven't got any answer from this. After three-and-a-half years, I think it's diabolical. It's like we're back at day one.”

King added there was “no justice” in the fact that Harwood was only facing the sack. “Who killed Ian? We know...It's just a question of getting them to own up.”

The internal police disciplinary panel was the first to be held in public in the Met's history. Far from providing transparency, however, it is the latest act in a brazen cover-up.

The panel consisted of two police officers chaired by a commander, Julian Bennett and a chief superintendent, Wayne Chance. The presence of civilian Andrew Lowe on the panel was a cynical attempt to portray the disciplinary hearing as having some independence. But the outcome had been predetermined.

Bennett said “We find that both the baton strike and the push were unnecessary, we find both were disproportionate and unreasonable.” Harwood, he continued, had breached three of the four standards of professional behaviour listed on the charge: use of force, authority, respect and courtesy and discreditable conduct. This “does amount to gross misconduct.”

“His actions have discredited the police service and undermined public confidence in it”, he continued. Harwood “has accepted that it would be impossible for him to ever again serve as a police officer... we agree, as we consider it inconceivable that he could ever perform a role in the police service again.”

Harwood, however, will keep his pension entitlement as he has not been convicted of a crime.

Jules Carey, Tomlinson's family solicitor, said the family had been “cheated of an opportunity” to address

the difference between the inquest verdict of unlawful killing and Harwood's acquittal for manslaughter," adding, "The family want a judgment in the civil court. They want it to be determined finally whether or not PC Harwood is guilty as an employee of the police of killing Ian Tomlinson."

The whitewash of Harwood's action began the moment Tomlinson died. On April 3, 2009, the first post-mortem examination results by pathologist Dr Freddy Patel, found Tomlinson had died of a heart attack as a result of coronary heart disease.

This verdict was then used by police and the media to mount a campaign of misinformation about the day's events.

Two other pathologists who performed an autopsy on Tomlinson raised serious concerns about Patel's original examination. Not only had Patel missed the fact that Tomlinson had sustained a dog bite (by a police dog) during that day, he had also disposed of vital bodily fluids that contained blood.

They concluded that it was internal bleeding in the abdomen that killed Tomlinson, likely caused by the impact of him being pushed to the ground.

It subsequently emerged that Patel had been disciplined by the General Medical Council three times in the past 10 years, and previously suspended from the medical register.

Having secured one postmortem supporting "natural causes", however, it was highly unlikely that Harwood would be convicted of manslaughter on the grounds of reasonable doubt.

Initially, the Crown Prosecution Service had stated that the disagreement between the pathologists meant no prosecution could be mounted against Harwood.

But in May, 2011 an inquest jury returned a verdict of unlawful killing, stating that an officer—Harwood was not named—had acted "illegally, recklessly and dangerously".

The CPS finally conceded to a trial but in July this year Harwood was found not guilty of Tomlinson's manslaughter after he argued that he had been wrong to strike the newspaper vendor but had not expected him to fall.

Afterwards it emerged that Harwood had left the Met in 2001 on health grounds just prior to a disciplinary hearing into allegations that he had tried to illegally arrest a driver while off duty and had falsified his notes.

He was allowed to join Surrey police and returned to the Met in 2005. The *Guardian* reported that Harwood "also allegedly punched, throttled, kneed or threatened other suspects while in uniform in other incidents. Most of the complaints were unproven."

Within weeks of the not guilty verdict, the Medical Practitioners Tribunal Service (MPTS) judged that Patel's work was "deficient" and struck him off. The MPTS found an incredible 68 failings in Patel's work just in relation to the Tomlinson postmortem.

Niall Dickson, chief executive of MPTS, said "This means he is no longer able to practise as a doctor in the UK...We asked for him to be removed from the register as the best way of protecting the public because his conduct fell far below the standards we expect of a doctor."



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