UK: Police officer guilty of manslaughter after the brutal killing of ex-professional footballer Dalian Atkinson

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Police constable Benjamin Monk was found guilty of the manslaughter of ex-professional footballer Dalian Atkinson at the conclusion of his trial Wednesday at Birmingham Crown Court. Monk had been charged with murder but was not found guilty of that charge. He is yet to be sentenced and will face a prison term.

Monk, of the West Mercia Police force, is the first police officer to be convicted of manslaughter while carrying out their duties in the last 35 years.

Atkinson was killed after being brutally assaulted near his father's home in Telford by Monk in the early hours of August 15, 2016. The court heard that Atkinson died following the use of a Taser that Monk deployed on him for 33 seconds—six times longer than is standard. While Atkinson was lying on the floor semi-conscious, Monk repeatedly stamped on his head, using force to such an extent that the laces on Monk's police issue boots were found to contain Atkinson's blood and two bootlace prints found on Atkinson's forehead.

Atkinson, who was just 48 at the time of his death, played football at the highest level of the game. He was known throughout the world, having played for 10 clubs in seven countries. He was one of the first stars of English football's Premier League competition, inaugurated in 1992-93. A highly skilled forward, he scored BBC *Match of the Day's* first ever Premier League goal of the season with a magnificent solo goal for Aston Villa against Wimbledon. With Aston Villa he won the League Cup in 1994 and was capped at international level for the England B team. He retired from the game aged 33 in 2001 after a stint in South Korea.

Probationary Constable Mary Ellen Bettley-Smith, who was at the time Monk's girlfriend, was charged with an unlawful use of force against Atkinson. On Thursday, the jury was discharged following its failure to reach a verdict in Bettley-Smith's case. The jury deliberated for more than 21 hours and reached a hung verdict on the charge.

In the trial, Monk was accused of lying in court and of kicking and stamping on Atkinson's head.

Atkinson was killed after police were called to an argument that had taken place between Atkinson and his 85-year-old father Ernest Atkinson at his father's home in August 2016. At the time Dalian was suffering with a mental health crisis.

On day three of the trial, a key witness, Jean Jeffrey-Shaw, told the court that she had watched the events from her home and had seen Atkinson swaying and looking down at a red circle on his chest, understood to have been from a Taser gun directed at him by police.

The court heard that Monk deployed a Taser gun against Atkinson three times in total. On the third occasion, Monk, an experienced police officer of 14 years, pressed the trigger of his Taser for 33 seconds, vastly exceeding the protocol of five seconds.

Jeffrey-Shaw described how she saw Atkinson falling, but initially wrongly thought it was Dalian's nephew. When Atkinson fell to the ground she recalled that, "One of the officers was saying 'keep your head down' and was stamping on his head. The man lifted his knee up and stamped… He went boom, boom, boom.'

When questioned by Alexandra Healy QC, for the prosecution, Jeffrey-Shaw could not say how many times the man she saw had been stamped on because she could not bear to look and looked away, but believed it was several times.

Jeffrey-Shaw said she asked her husband why the officer had been telling Atkinson to keep his head down when he appeared to her to be dead. She had witnessed the officer accompanying Monk that night, PC Mary Bettley-Smith, repeatedly striking Atkinson with a baton during the six-minute incident.

Another witness, Lisa Howard, told the jury that after Atkinson fell to the floor her view was partially obscured by a parked car. She said that both officers knelt around

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Atkinson, who other witnesses said was motionless, and she heard the male officer say to the female officer, “fucking hit him, fucking hit him.” Howard confirmed that she saw the female officer raise the baton in her right hand and she had brought it down more than once.

Another witness, Julia Shilton, said she saw Atkinson go down, falling “like a ton of bricks” after the officer had fired the Taser. “Each time the kicks hit Mr Atkinson the body moved with each kick, they were shaking his legs”. She said the level of violence shocked her, adding “I could not believe what I was seeing.”

With Atkinson on the ground, police offers handcuffed him, keeping them on him even though—as another police officer, PC Julia Hiller, told the court—Atkinson appeared to be making “gurgling sounds” and “small movements” and was “semi-conscious” while being arrested.

Jurors at the trial heard that following Atkinson being incapacitated on the floor after being Tasered for 33 seconds, Monk had been seen resting his boot on Atkinson's head.

A retired expert police trainer, Ian Mills, told jurors that police officers pinning a subject’s head was acceptable “but not with the foot.” Mills went on to say, “I would never train it and I’ve never seen it.”

The prosecution accused Monk of not being honest in police interviews, or in the account he gave to court. Monk claimed he could not remember kicking Atkinson at least twice to the head, nor having his foot on his head when colleagues arrived, nor telling other police officers that he had kicked him in the head.

In her closing address in the sixth week of the trial Healy suggested to the jury that Monk’s apparent lack of memory about three facts was “convenient,” adding, “those three are facts that cause a great deal of damage.”

Healy said, “He was not honest in his interview and he has not been honest with you about his actions that morning and about his reasons for it. Mr Monk told his colleagues in the early hours of that morning that he had kicked Dalian Atkinson to the head.”

Following the attack on Atkinson, he had a cardiac arrest. An ambulance crew tried to resuscitate Atkinson but he was pronounced dead at the Princess Royal Hospital, 90 minutes after being Tasered. The job of the ambulance crew was made even more difficult as the police kept him handcuffed even inside the ambulance. In court, responding paramedic James Roberts said he had asked a police officer to remove one of Atkinson’s handcuffs as his breathing became “more laboured”. He said, “We asked the police officer to remove one of the handcuffs so we could roll him on his back… so he could be more comfortable.”

Atkinson’s cause of death was recorded as a cardiorespiratory arrest. He had underlying health problems and had been undergoing dialysis treatment for kidney problems, but there is no doubt that his death came as a result of the savage attack and treatment he received at the hands of both police officers. Prosecution medical experts, including an intensive care specialist, told the court that despite his poor health Atkinson would have survived the encounter were it not for the lengthy tasering and the kicks to the head.

The details of the ferocity and violence that Monk used against Atkinson were not made public until the trial, nearly five years after Atkinson was killed.

In a statement following the sentencing of Monk, Atkinson’s family said, “The fact that this case has taken nearly five years to get to trial is completely unacceptable, especially when you consider that PC Monk’s identity was known to the prosecuting authorities from day one.”

“We are hugely relieved that the whole country now knows the truth about how Dalian died. On the night he died, Dalian was vulnerable and unwell and needed medical attention. He instead received violence, and died with Monk's boot lace prints bruised on his forehead.”

Atkinson’s brutal killing should be taken as a warning. In the context of rising social tensions, police forces the world over are being encouraged to assert themselves over the population ever more brutally, in an escalation of state violence ultimately targeted against an increasingly restive working class.

That process has only intensified in the UK since 2016, under successive “law and order” governments. Just last year, Home Secretary Priti Patel asserted that Tasers constitute a “vital option in dangerous situations” and handed police forces £6.7 million to acquire a further 8,155 devices. She branded protestors against police brutality following the murder of George Floyd, and against the government’s draconian Police Bill, “thugs and criminals.”

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