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New inquest ordered into teenage boy's death in custody

Judge rules that unlawful force was used to restrain 14-year-old who hanged himself in a secure unit

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Family photograph of 14-year-old Adam Rickwood from Burnley, who became the youngest child ever to die in custody. Photograph: Christopher Thomond Photograph: Christopher Thomond

The high court has ordered a fresh inquest into the death of a teenage boy who hanged himself in a secure unit.

Adam Rickwood, 14, from Burnley, became the youngest person to die in custody in modern times when he hanged himself at the Hassockfield secure training centre in Consett, County Durham, in 2004.

Following a five-week inquest last year, a jury found that Adam had deliberately taken his own life.

But his mother, Carol Pounder, of Burnley, took the case to the high court because the coroner had refused to rule on the legality of physical restraint methods used on Adam hours before his death.

Today, Mr Justice Blake said the force used on Adam was clearly unlawful.

"A proper inquiry into factors that might have contributed to Adam's death and formed a material circumstance as to how he came by his death, required consideration of whether the staff of the centre were operating in accordance with the law in the use of force on the children assigned to their care," he said.

The judge sent the case back to Durham coroner Andrew Tweddle for him to conduct a new inquiry before a fresh jury.

The court had heard that Adam killed himself at the 40-bed secure unit just six hours

after being forcibly restrained by four adult guards and subjected to the "nose distraction technique", in which pressure is applied to the nose with the deliberate intention of causing pain.

Adam was described as "a deeply troubled and deeply vulnerable child" who, despite his youth, had a history of drug abuse, self-harming and suicide attempts.

He was on remand on charges of wounding and burglary when he died at Hassockfield, a private institution run by Serco Home Affairs under a contract with the Ministry of Justice.

Adam was regarded as a model trainee and earned privileges for his good behaviour.

He had been at the centre for a month when, on the afternoon of 8 August 2004, he was ordered to his cell by a staff member after he refused to hand over an "offensive note" written by another inmate.

He refused to go, arguing that he had done nothing wrong. It was during an ensuing struggle with officers that restraint was used on him.

The coroner decided it was unnecessary for him to rule on the legality of the restraint; the question was whether staff using the restraint honestly thought they had the power to do so.

Today, Mr Justice Blake said that, "unsurprisingly", no one had sought to argue during the high court hearing that what happened to Adam was in accordance with the law on disciplinary regimes for children in custody. Adam was not causing, threatening or inciting violence, and the order to return to his locked cell was against the rules.

It was equally wrong for such non-violent disobedience to be met with the "first response" procedure of calling for emergency assistance.

The physical interference with Adam was also a breach of the rules and, strictly, an assault on him.

And the use of the nose distraction technique was unjustified and disproportionate.

"On top of all that ... it can now be seen that, not only was there no lawful authority to do any of this to Adam, but doing this to him was subjecting him to at least degrading treatment contrary to Article 3 of the European Convention on Human Rights," the judge said.

The coroner's withdrawing from the jury the question of the legality of the force used on Adam had "undermined the integrity of this inquisition".

The judge quoted from a letter left by Adam for his family: "Lately, over the past two months or so, things have been very hard for me and it's all just got to the point where my head goes."

In his written description of the incident, he said: "My nose started bleeding and swelled up. It didn't stop bleeding for about one hour and afterwards it was swelled badly and really sore and hurting me a lot.

"When I calmed down, I asked them why they hit me in the nose and jumped on me. They said it was because I wouldn't go to my room so I said what gives them the right to hit a 14-year-old child in the nose and draw blood and they said it was a restraint."

Mr Justice Blake said: "If Adam's question had been answered by the coroner or left open to the jury to consider with appropriate directions, the answers would have been clear.

"There was no right to hurt such a child in these circumstances."

It was "fanciful" to suppose that such an answer would have had no impact on the jury's consideration of factors contributing to the death.

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