

PRESS RELEASE

4 July 2023

High Court quashes IOPC decision that police officer who punched elderly Black man in the face has no case to answer for misconduct

Errol Dixon is a 71 year old Black man who suffers from mild dementia. On 13 September 2021 Mr Dixon was stopped in his car by police officers on Blyth Road, South East London. The primary officer PC Read held Mr Dixon round the neck and punched him in the face causing him to suffer a broken nose, fractured cheekbone and eye socket and a displaced septum.

The IOPC conducted an independent investigation, concluding on 14 November 2022 that no officer had a case to answer for misconduct or gross misconduct. In a public statement released at the conclusion of the investigation the IOPC stated that they had found that PC Read was acting in self-defence and that the force used was reasonable, justified and proportionate.

On 14 February 2023 Mr Dixon applied to the High Court to challenge the outcome of the IOPC investigation. It was argued that the IOPC decision maker had misapplied the correct legal test and that a misconduct panel could find that PC Read had used disproportionate force and had been dishonest about the relevant events. Mr Dixon also argued that the decision that the officers had no case to answer for misconduct was irrational and that the IOPC had failed to properly apply the law in relation to race discrimination.

The IOPC accepted that the decision maker had applied the incorrect legal test but maintained that the decision was lawful and that therefore permission should be refused.

By Order dated 24 April 2023 Mrs Justice Lang of the Administrative Court granted permission to Mr Dixon to challenge the decision by way of judicial review. The Order granting permission can be seen **here**.

Following the grant of permission for judicial review, the IOPC conceded that their original decision was unlawful. By Order dated 30 June 2023, the Administrative Court has now quashed the IOPC decision and a new decision maker with no previous involvement in the case will consider the case afresh.

The Order of the High Court together with a Statement of Reasons can be seen **here**.

Errol Dixon said: *“I was shocked and disappointed by the first decision of the IOPC that the force used by PC Read who throttled me and punched me directly in the face could not amount to misconduct. I still believe that PC Read used excessive force upon me because I am a Black man and that if I was an elderly white man I would have been treated very differently. I am very pleased that the High Court has struck down the first IOPC decision. I can only hope that the IOPC will now uphold my complaint so that PC Read can face justice at an independent police tribunal”.*

Sophie Naftalin, solicitor for Errol Dixon said:

“This case is yet another example of how the independent police watchdog is failing to discharge its function to hold police officers to account. Not only did the IOPC reach unsustainable conclusions in the first place, they also spent months fighting this challenge and wasting public funds in doing so. We are pleased that the IOPC eventually conceded that their decision making was unlawful and we welcome the Order of the High Court quashing the original decision. We now invite the IOPC to properly examine the evidence in this case and to make a lawful decision so that PC Read is held accountable for his treatment of Mr Dixon”.

NOTES TO EDITORS

- In March 2023 the [Casey Review](#) concluded that there was institutional racism within the Metropolitan Police and that Black Londoners are under protected and over policed.
- In February 2023 INQUEST published a report [“I can't breathe: Race, death and British policing”](#) which examined the extent to which the IOPC is adequately investigating racism within police forces

Errol Dixon is represented by **Sophie Naftalin and Christina Bodenes** of Bhatt Murphy and Raj Desai of Matrix Chambers.

Errol Dixon is unavailable for further comment at this stage in light of the ongoing legal proceedings.