



COURT FEES ONLY

Writ of
Summons
[Unliquidated
Demand]
(O.6,r.1)

IN THE HIGH COURT OF JUSTICE

19 87-0.-No. 994

Queen's Bench Division

[CARDIFF District Registry]

Between

JAMES O'BRIEN

Plaintiff

AND

THE CHIEF CONSTABLE OF THE SOUTH YORKSHIRE CONSTABULARY 1st Defendant
and

THE CHIEF CONSTABLE OF THE MERSEYSIDE CONSTABULARY 2nd Defendant

(1) Insert name.

To the Defendant^{1st} The Chief Constable of the South Yorkshire Constabulary
of: Police Headquarters, Snig Hill, Sheffield F3 8LY and
to the 2nd Defendant: The Chief Constable of the Merseyside Constabulary
of ⁽²⁾ Police Headquarters, Canning Place 1, Merseyside.

(2) Insert address.

This Writ of Summons has been issued against you by the above-named
Plaintiff in respect of the claim set out on the back.

Within 14 days after the service of this Writ on you, counting the day of service, you
must either satisfy the claim or return to the Court Office mentioned below the
accompanying **Acknowledgment of Service** stating therein whether you intend to
contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated,
or if you return the Acknowledgment without stating therein an intention to contest the
proceedings, the Plaintiff may proceed with the action and judgment may be entered
against you forthwith without further notice.

(3) Complete
and delete as
necessary.

Issued from the ⁽³⁾ [Central Office] [CARDIFF District Registry]
of the High Court this 20th day of MAY 19 87

NOTE:—This Writ may not be served later than 12 calendar months beginning with that date unless
renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

15-10-87
L.S.
20.5.87

The Plaintiffs claim is for damages and for exemplary damages for personal injuries, loss and damage sustained by the plaintiff as a result of the wrongful acts or omissions on the part of the servants or agents of the defendants namely police constables of the South Yorkshire Constabulary and the Merseyside Constabulary during an incident which occurred on the 18th June 1984 in the vicinity of Orgreave in the County of South Yorkshire during which the plaintiff was unlawfully arrested, assaulted and improperly imprisoned and unlawfully detained thereafter

- (1) If this Writ was issued out of a District Registry, this indorsement as to place where the action arose should be completed.
 (2) Delete as necessary.
 (3) Insert name of place.
 (4) For phraseology of this indorsement where the Plaintiff sues in person, see *Supreme Court Practice*, vol. 2, para 1.

~~xx)(2) The cause (One of the causes) of action in respect of which the Plaintiff claims relief in this action arose wholly or in part at⁽³⁾ in the district of the District Registry named overleaf~~

(4) This Writ was issued by ROBIN THOMPSON & PARTNERS
 of 1 FITZALAN PLACE, NEWPORT ROAD, CARDIFF CF2 1US

[Agent] xxxxxx for Tel. No. cardiff 484136 Ref: MA/O'BRIEN/J62128]

of

Solicitor s for the said Plaintiff whose address (2) [is] [xx]
 55 Tan y Darren, ynysmeudwy, Swansea, West Glamorgan

IN THE HIGH COURT OF JUSTICE

1987 Q No: 994

QUEEN'S BENCH DIVISION

CARDIFF DISTRICT REGISTRY

(Writ issued the day of 1988)

BETWEEN:

JAMES O'BRIEN

Plaintiff

-and-

CHIEF CONSTABLE OF THE SOUTH YORKSHIRE CONSTABULARY

Defendant

STATEMENT OF CLAIM

1. On the 18th day of June 1984 the Plaintiff, who was born on the 19th day of December 1943, attended at a place in the vicinity of the Orgreave Coking Works on the outskirts of Sheffield in the County of South Yorkshire for the purposes of lawfully picketing such Works during the Miners' Strike.
2. The Defendant is the Chief Constable of the South Yorkshire Constabulary who was, and is, under the provisions of the Police Act 1964 and/or otherwise, liable for the tortious acts and omissions of members of his own Constabulary and of members of other Constabularies present and acting under his direction and control on the said day (together referred to hereinafter as the servants or agents of the Defendant).
3. At some stage during the late morning of the said day the Plaintiff was assaulted by divers police officers unknown, the servants or agents of the Defendant, and thereafter unlawfully arrested by Police Constable 5316 Douglas of the Merseyside Constabulary, the servant or agent of the Defendant. Following his unlawful arrest the Plaintiff was further assaulted by other police officers unknown, the servants or agents of the Defendant.
4. The Plaintiff was unlawfully detained overnight and in due course charged with riot. It was over one year after his original unlawful arrest that the Plaintiff was finally acquitted of the charges laid against him following his trial at Sheffield Crown Court.

5. By reason of the matters aforesaid the Plaintiff suffered personal injury, loss and damage.

PARTICULARS OF INJURY

The Plaintiff sustained a most unpleasant laceration to the face which bled profusely. Photographs will, in due course, be provided to the Defendant. The Plaintiff was caused to suffer a great deal of mental anguish and worry both during and following his unlawful detention. Having the serious charge of riot hanging over his head for over one year and, indeed, having to undergo his lengthy trial resulted in great strain on both the Plaintiff and his family.

PARTICULARS OF INTEREST CLAIMED

Interest at 2% from the date of commencement of proceedings.

AND the Plaintiff claims damages:

- (i) General Damages
- (ii) Aggravated Damages
- (iii) Exemplary Damages

and interest thereon (particularised hereabove) pursuant to Section 35A of the Supreme Court Act 1981.

PETER GRIFFITHS

SERVED the day of 1988

by ROBIN THOMPSON & PARTNERS

of 1, Fitzalan Place, Newport Road, Cardiff CF2 1US

Solicitors for the Plaintiff

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

CARDIFF DISTRICT REGISTRY

O ' B R I E N

-v-

CHIEF CONSTABLE OF THE SOUTH
YORKSHIRE CONSTABULARY

STATEMENT OF CLAIM

ROBIN THOMPSON & PARTNERS
1, Fitzalan Place,
Newport Road,
Cardiff CF2 1US
MA/J62127

Solicitors for the Plaintiff.

OPINION

Overview

1. On the 18th June 1984 arguably the worst incident of public disorder in the whole Miners Strike occurred in the vicinity of the Orgreave Coking Works on the outskirts of Sheffield in the County of South Yorkshire. Of the order of 8,000 miners and their supporters had come from all corners of the United Kingdom to picket the Works to prevent the convoy of lorries entering and/or leaving the same. The police were well prepared. Some 4,500 police officers drawn from a mirade of police forces throughout the country were deployed at or about the Works during the day. In command of the police was the Assistant Chief Constable of South Yorkshire; he had a number of senior South Yorkshire officers immediately under him who would pass on his instructions to the commanders of the individual police support units (P.S.U.) made up of police officers from "foreign" police forces. The individual P.S.U's were well equipped with riot helmets, truncheons, shin pads, gloves and long and short riot shields. Some were equipped with fire resistant overalls. There were a number of P.S.U's of mounted officers. A Police Command Post had been set up not only for the purposes of communications but for dealing with the paper work associated with the arrest of persons which it was anticipated would occur at some stage during the day. Later it was to be revealed that detective officers of the South Yorkshire police, who were stationed in this Command Post and who never set foot outside the same, "orchestrated" and/or dictated parts of witness statements made by arresting officers - to ensure that they all gave a similar "general" account before dealing specifically with the particular arrest in which they had been involved. Even before there had been any sort of violence on the 18th June 1984 a fleet of ambulances had been secured in readiness

for the expected onslaught of casualties requiring hospital treatment. The foregoing, I hope, gives a flavour of the overall scale of the incident in which James O'Brien, upon whose behalf I am asked to advise, was arrested and injured in circumstances more particularly dealt with later in this Opinion.

2. Violent clashes between the police and pickets occurred on the day to a lesser or greater extent between 8 a.m. and 1 p.m. During such period over 90 persons were arrested principally for assault and public order offences. The vast number of arrested persons were alleged to have thrown one or more missiles at the police. James O'Brien fell into this category. The majority of those arrested on the day were charged with unlawful assembly. However those persons (including James O'Brien) who were arrested later in the morning, during the height of the violence, were charged with the more serious offence of riot. Ultimately the prosecution, prior to committal, decided that all those arrested above the Coking Works (in an area referred to as Topside) were charged with riot. James O'Brien was therefore one of 55 persons committed to the Sheffield Crown Court for trial on this charge of riot. Because of the impracticability of trying all 55 together split trials were ordered at the Pre-Trial Review. James O'Brien was one of those persons selected by the prosecution to participate in the first trial.
3. The Orgreave Riot Trial, as it became known, therefore consisted of 13 persons whom the prosecution alleged were guilty in participating in the worst stage of the whole incident. The majority of these defendants, including James O'Brien, had been arrested above the railway bridge amongst the dwellinghouses in Highfield Lane. I defended in this protracted and often acrimonious trial. Suffice it to say that after about two and a half months (and about three quarters of the way through the prosecution case) the police evidence had been so discredited that the prosecution felt constrained to stop the case, offer no further evidence, and invite the jury to return not guilty

verdicts in the case of all defendants participating in the trial. James O'Brien was thus acquitted. He has consistently maintained that the true version of events, so far as his arrest was concerned, was that he was assaulted quite viciously by unknown police officers in riot gear during one of the police charges and then unlawfully arrested by two police officers, namely Police Sergeant Douglas of the Merseyside Police Force and Police Constable Anderson of the South Yorkshire Police. Mr. O'Brien wishes to bring an action for damages and has a Civil Legal Aid Certificate limited in the normal way. I am asked to express an Opinion on the merits.

The prosecution's case against James O'Brien

4. According to P.S. Douglas, who was a member of a Merseyside short-shield P.S.U., he was one of the first police officers to reach the railway bridge pursuing the fleeing pickets. At the bridge the police re-grouped and Douglas found himself alongside P.C. Anderson a member of a South Yorkshire long-shield P.S.U.. Douglas then went on to relate, in examination-in-chief, how his attention had been drawn to a particular person dressed in blue denims who was at the front of the pickets closest to him. This person he identified as being James O'Brien a person whom he had never, before that day, seen or spoken to. Douglas stated that Mr. O'Brien had thrown a number of missiles at the police and he, Douglas, had said to Anderson, I quote, "Watch the man in the denim suit". According to Douglas he was "determined" to arrest Mr. O'Brien once given the chance. He was given the chance in that shortly thereafter the front line police officers were allowed to "charge" the pickets. Douglas maintained that he ran after, and eventually caught, Mr. O'Brien in a front garden of the houses in Highfield Lane. Douglas conceded that during the process of arresting Mr. O'Brien he, Mr. O'Brien, must have sustained the rather nasty wound which was photographed and widely publicized in the National Newspapers. In general, Anderson, upon giving evidence, supported this scenario.

Mr. O'Brien's case

5. James O'Brien maintained that far from being in the front of the vast body of pickets in Highfield Lane he had, in fact, been making his way down Highfield Lane in the general direction of the railway bridge having come from the large store where he had been sleeping in the sun. It was, and is, his case that while he was still about 100 yards up from the railway bridge the police had charged and, because he was frightened, he had hidden in an alleyway between two houses. While standing in this alleyway some pickets ran past him pursued by unidentified police officers in riot gear. One of these officers viciously lashed out with his truncheon striking Mr. O'Brien above the eye causing the skin to split and blood to run down his face and clothes. The offending officer ran on. Two other unidentified police officers in riot gear ran into the alleyway, punched and kicked Mr. O'Brien and then ran on. Finally a police officer in riot gear (who must have been Douglas) came into the alleyway and arrested Mr. O'Brien. He was taken back down towards the bridge and placed in an ambulance parked just short thereof. Arthur Scargill was also placed into this ambulance. Essentially it was, and is, Mr. O'Brien's case that he was arrested for no good reason and had committed no offence theretofore. Obviously he also contends that he was assaulted in the manner described.

Criticisms of the police evidence

6. I do not intend here ^{to set out} each and every point made under cross-examination of, in particular, the principal officer against Mr. O'Brien, namely P.S. Douglas. Suffice it to say that he was patently lying or manifoldly mistaken as to how his statement had been prepared, as to where he had taken Mr. O'Brien after the arrest, as to the sequence of arrests, as to the place where the arrest of Mr. O'Brien was affected. If P.S. Douglas was to be believed there was (and I quote) "a corridor" i.e. through the throng of pickets through which he, Douglas, was able to see Mr. O'Brien. Somehow Douglas managed to run from the bridge and apprehend Mr. O'Brien amongst the houses (in excess of

60 yards) without any other person coming inbetween him and Mr. O'Brien.

At the end of P.S. Douglas' evidence one was left with the impression that his description of events could not possibly be reconciled with other evidence which had been adduced during the trial up to that point in time. I pause here to mention that a description of these events in narrative form is extremely difficult without reference to the numerous exhibits, mainly photographs, which were produced, almost daily, as the trial progressed. Because the trial ended prematurely there was one photograph (which had yet to be produced and which is still available) showing a view down Highfield Lane towards the bridge which must have been taken at or about the moment in time when the first police charge above the bridge occurred. This photograph, assuming that it shows the locus in quo at the time when Douglas charged up from the bridge and arrested Mr. O'Brien, would clearly disprove Douglas' description that there was a clear area in front of him before the police charge which enabled him to have a clear sight of Mr. O'Brien throwing missiles.

Conclusion

7. Having heard the quality of the prosecution evidence against Mr. O'Brien during the Orgreave Riot Trial I am quite satisfied that he has a case to argue that he was arrested for no proper reason and consequently unlawfully detained and imprisoned thereafter. I am also satisfied that he has a case to argue that he was assaulted by unidentified police officers. In view of the fact that P.S. Douglas' evidence, in particular, was undermined as a result of contrasting the same with other evidence adduced during the trial it would greatly assist Mr. O'Brien's civil claim were the same to be heard at the same time as similar claims which I understand are being brought by his co-accused. The Civil Legal Aid Certificate should be amended to enable proceedings to be commenced which, I advise, should be brought in the first instance against the Chief Constable of the South Yorkshire Constabulary. It will be a High Court Action.

P. G. M.