



# Black deaths in police custody: the story of Roger Sylvester 1968-1999

**INQUEST**   
Working for truth, justice and accountability

**UNISON**  
the public service union

# FOREWORD

**Rupert and Sheila Sylvester  
Roger's parents**

Roger Sylvester died on 18 January 1999, seven days after being restrained and handcuffed by eight Metropolitan Police officers outside his home. He was 30 years old. Since his death, Roger's family, friends and campaigners have struggled to come to terms with the obstacles, misinformation and ineptitude thrown up by the criminal justice system.

This pamphlet is dedicated to the memory of Roger Sylvester and to his courageous family in their ongoing search for truth and justice.

Our fight for justice was not just for Roger; it was for all the other people who have died in custody and those who continue to die. As the victims we want a fairer system where those responsible for such deaths are called to account and value judgments are not made about our loved ones when they die in these circumstances. Throughout the ages there have been those who use their authority to unfairly and unjustly infringe on the rights of others. In Roger's case this was the right to life. They have used their uniforms, their office and their status to justify their abuse of power.

**Dave Prentis,  
UNISON General Secretary**

The death of Roger Sylvester in 1999 was first and foremost a tragedy for his family and all that knew him. His death had a particular resonance for UNISON as well. Roger was a member of our union and we have supported the campaign for justice ever since his death. But further than this, the death of Roger Sylvester was symptomatic of the alarming problem of deaths in custody and the racial stereotyping that young Black men suffer from in the UK. His death, and the subsequent failure of the courts and authorities to deal with the case properly, exposes an endemic racism within the criminal justice system that cannot be tolerated.

UNISON is proud to be working with INQUEST in this area and others to expose injustice and tackle racism wherever we encounter it.

## Deborah Coles, Co-Director, INQUEST

Roger Sylvester was a young black man who died as a result of the fatal restraint used against him by police officers. There is something shameful about a system where people die in custody and no-one is held responsible. This encourages a culture of impunity and sends a clear message that state agents are above the law. It undermines public confidence in the police and the mechanisms for holding them to account.

The family and friends of Roger Sylvester have played a crucial role in exposing the injustice done to both Roger and his family. INQUEST will continue to work alongside families to bring the issues surrounding deaths in custody into the public and political arena.

## Reverend Arlington Trotman, Churches' Commission For Racial Justice

Read this pamphlet and you will be left in no doubt how families are affected by deaths in custody. It is an informative and sensitive instrument that raises awareness of the issue but it also represents a telling account and tribute to the memory of a much-loved son. I hope that all who read it gain lasting insight into the horrific experiences of victims and the fundamental disrespect families undergo whilst trying to seek the truth.

# 1. WHO WAS ROGER SYLVESTER?

Roger was a healthy Black man who lived in Tottenham, London. He came from a large and loving family and had numerous friends. He worked as an administration officer for a drop-in mental health centre where he was a member of his trade union, UNISON. He was well liked by colleagues and service users alike.

Roger's family thought of him as a loving person, committed to them in a very loyal and giving way. He was Godfather to five children and a committed Christian. Roger was also an avid Arsenal supporter, enjoyed music and had a keen interest in computers.

Roger had suffered from mental health problems in the past but for the last two years of his life had been well and looking to the future. He spent Christmas and New Year with family and friends, and on Sunday 10 January 1999 he went to a family christening. All who saw him that day and the next reported him as being well.



## 1.1 How did Roger die?

"None of us in the UNISON office will ever forget the day we heard what had happened to Roger. We were plunged into shock and disbelief. It simply made no sense that this lovely man, who wouldn't hurt a fly, could have met such a brutal end"

**Louise Raw, UNISON**

"Roger was looking forward to life and had told us that 1999 was going to be the year he was going to do all that he wanted. He should not have died in the way he did. Since Roger's death, part of us has died too."

**Sheila Sylvester**

On the night of 11 January, 1999, Roger was detained outside his own home, purportedly under section 136 of the Mental Health Act 1983, and restrained 'for his own safety' by eight police officers. According to the restraining officers they then took him to St. Ann's Hospital where, following some further 20 minutes under restraint, he went limp. Roger remained in a coma until his life support machine was switched off seven days later.

From the moment he died, Roger's family and friends have campaigned to find out what happened to him and for those responsible for his death to be held to account.

## 2. AFTER ROGER DIED

The campaign by Roger's family and friends has been a lengthy, emotional struggle for justice in the face of obstruction, delay and misinformation by criminal justice agencies.



### 2.1 The initial investigation

The initial investigation into Roger's death was handled by the Metropolitan Police Complaints Investigations Bureau (CIB). Their actions demonstrated numerous failures in basic policing, such as a failure to secure evidence from the scene of the initial detention and insensitive treatment of the Sylvester family. This led to the lodging of a complaint from the family about the initial investigation which resulted in disciplinary proceedings. Detective Superintendent Curtis and his assistants Detective Sergeants Theobalds and Cockram all eventually pleaded guilty to neglect of duty.

The investigation into Roger's death took place under the old, discredited police investigations system known as the Police Complaints Authority (PCA). In 2004 this was replaced with the Independent Police Complaints Commission (IPPC). Under the old system police forces would investigate other police forces. In this instance, Essex

## 2.2 Justice delayed

Police were responsible for investigating the police in Tottenham who were involved in Roger's case. The Essex Police investigation further distressed the Sylvester family. Sheila Sylvester, Roger's mother, commented at the time:

*“The investigation has not centred on the behaviour of eight officers who laid hands on my son that fateful night. Their actions were not investigated with the thoroughness and rigour that would have been the case had they been civilians. This is unjust. Instead Essex Police chose to investigate Roger, the victim, and his family in an attempt to blame anyone but the police for his death.”*

The Metropolitan Police repeatedly stalled when required to disclose the information that had come out of the investigation by Essex Police. INQUEST's casework with families has revealed that such failure to disclose information promptly, despite protocols and directives from the coroner, is the common experience of most grieving families in cases of deaths in custody. In addition, the frequent practice of providing information in a piece-meal fashion, when it is eventually disclosed, inevitably leads to the suspicion that the disclosure given may not be as full as it should be.

Unacceptable delays of several years are regular occurrences in cases of deaths in custody. In Roger's case it took a shocking four years for there to be any public scrutiny of the events leading to his death. Not only is this very distressing for the families concerned, it also means that as there is no public scrutiny of a death for a long period, the opportunity for identifying what went wrong and to seek to prevent other deaths is set back.

## 2.3 Chronology

The chronology of delays in Roger's case is as follows:

- **January-October 1999** – Roger's death is investigated on behalf of the Metropolitan Police Service (MPS) under the supervision of the PCA.
- **October 1999** – The evidence is sent to the Crown Prosecution Service (CPS) for a decision as to whether criminal charges could be brought against the officers involved in the fatal restraint.
- **November 2000** – 13 months later the CPS announce that there is insufficient evidence to prosecute any officer involved in the death.
- **February 2001** – A challenge to this decision is launched in the High Court on behalf of Roger's family.
- **May 2001** – The challenge comes before the Lord Chief Justice, Lord Woolf, who adjourns the matter pending the outcome of the inquest into Roger's death.
- **September-October 2003** – The four-week inquest into the death of Roger Sylvester finally takes place, four years and seven months after his death.
- **June 2005** – The CPS uphold their decision not to prosecute any officers.

## 2.4 The Inquest

The inquest into Roger's death concluded on 3 October, 2003, almost five years after he died. The jury found that Roger died due to hypoxic brain damage which resulted from a cardiac arrest caused by the restraint used upon him. In particular, they found that the position and duration of the restraint proved fatal.

**There was consensus among the five medical experts who gave evidence that the restraint applied to Roger played a part in his death.**

The jury at the inquest returned a unanimous verdict of unlawful killing on the basis that Roger was:

- **Held in restraint position too long;**
- **Had a lack of medical attention;**
- **No attempt was made to alter his position of restraint.**

Following the verdict, the Metropolitan Police Commissioner, Sir John Stevens, suspended all eight officers involved in restraining Roger.

## 2.5 High Court appeal – justice denied

The police applied for a judicial review of the inquest decision and permission was granted for the judicial review to proceed to a full hearing held in November 2004.

In the High Court the officers tried to argue that the evidence could not allow the jury to conclude that restraint caused the cardiac arrest, or that the restraint was unlawful and that the coroner was therefore wrong to leave the verdict to the jury. They also claimed that the coroner made errors in his summing up to the jury and this demonstrated that the jury's verdict was perverse.

The High Court judge rejected the officers' arguments on the actual evidence: he found that there was sufficient evidence on which the jury could have legitimately returned a verdict of unlawful killing. However, he accepted the officers' arguments concerning the technical errors made by the coroner in his summing up. On that basis the judge overturned the verdict of 'unlawful killing'.

The eight officers were re-instated immediately by the new Metropolitan Police Commissioner, Sir Ian Blair.

For the Sylvester family, just when they had imagined that the unlawful killing verdict would allow them to get on with their lives, the challenge meant reliving the events surrounding Roger's death. Justice was snatched from their grasp when the decision to overturn the inquest verdict on technicalities was made.

*“Try as they may, the officers responsible for Roger's death cannot quash the truth. The judge in the High Court was compelled to accept that the evidence was there to allow the inquest to conclude that the officers had lied on oath; that in fact they had deliberately held Roger down in a position which they knew to be unlawful and dangerous; and that they then gave a false account to cover up their actions. Our son Roger was unlawfully killed and the verdict was quashed on a technicality”*  
Rupert and Sheila Sylvester

## 2.6 No prosecutions

The actions of the **Crown Prosecution Service (CPS)** in Roger's case highlights the current inabilities of the criminal justice system to hold individuals accountable for deaths in state custody. There have been no successful prosecutions for murder or manslaughter against any police officer for a death in police custody for over 30 years.

The CPS made the initial decision not to prosecute any officers for Roger's killing in November 2000. After the inquest jury returned a verdict of unlawful killing, the CPS announced that it would review the case in the light of the evidence heard at the inquest. In June 2005, they re-affirmed their decision not to prosecute any officer. Such decisions give the impression that police officers can act with impunity. This leads to a serious breakdown of trust and accountability between the public and the police.

Roger's family will now be taking the case to the European Court of Human Rights to challenge this decision.

*"I think it's fair to say that I am shocked and stunned by the CPS's decision... not to prosecute anybody in connection with Roger's death. I say that because I believe if eight of us in this room, three quarters of a football team, had pounced on any other individual and that had resulted in a person's death, I believe that charges would have been brought against somebody".*

David Lammy MP



## 3. ROGER'S DEATH: THE ISSUES

### 3.1 Accountability of Metropolitan Police

One of the key concerns for Roger's family has been the conduct of the Metropolitan Police at every stage. As they admitted at the inquest, the officers who restrained Roger knew from their training that it was dangerous to restrain a person in the Prone position for any length of time, and that doing so would amount to the use of unreasonable, and therefore unlawful, force. Evidence from witnesses at the inquest suggested that they had in fact done so, contrary to their vehement denials. The jury agreed. This was also acknowledged by the High Court judge in the judicial review. The evidence also suggested that the officers had set out a false account of the restraint in their incident report books and in their testimony on oath at the inquest.

There has been no indication that the superiors of the restraining officers called them to account for their conduct in the five years after Roger's death. On the contrary, the officers were allowed to remain on duty as though nothing had happened, and two were promoted to the rank of sergeant. No action was taken to suspend them until after the unlawful killing verdict.

### 3.2 Blaming the victim

Throughout the inquest, the Metropolitan Police Commissioner and officers involved in the restraint engaged in a concerted attack on Roger's character, with crude and persistent references to 'drugs', 'violence' and 'exceptional strength'. These racist stereotypes are often applied to young Black men, especially in the context of a restraint-related death in custody, with the object of stirring racist assumptions and shifting attention away from the contribution of restraint to the death.

### 3.3 Restraint – the issues



While the number of restraint related deaths are a minority of the total number of deaths in police custody, they have been the most controversial because of the excessive use of force by police officers. A disproportionate number of black and minority ethnic (BME) people have died in police custody following use of restraint or serious medical neglect. INQUEST has worked on far too many cases where restraint has been used inappropriately even when practical alternatives exist.

Our casework and monitoring service from 1995-2005 has found 69 cases of restraint-related deaths in police custody, 23 of which involved members of black and minority ethnic communities. This suggests that whilst black and minority ethnic people make up only 8% of the population they account for one-third of our cases on restraint-related deaths in police custody.

The disproportionate number of people from black and minority ethnic groups, particularly African and African-Caribbean, dying in the aftermath of the use of force has reinforced the suggestion that many of these deaths are a reflection of racism within the police service and that Black people are amongst those singled out for potentially lethal restraint.

The repeated failure of the CPS to prosecute police officers involved in such deaths, even when there is an inquest verdict of unlawful killing, has done little to reduce levels of mistrust within Black communities that racially motivated conduct is not tacitly condoned at every level.

There has been a systemic failure to review and revise policies, instigate new training, or share and disseminate information across different state agencies regarding the use of restraint. This has undoubtedly contributed to the high number of restraint related deaths.

## 3.4 Black deaths in police custody

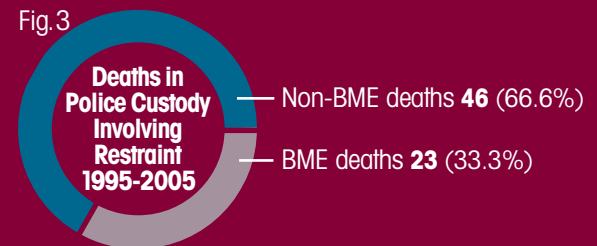
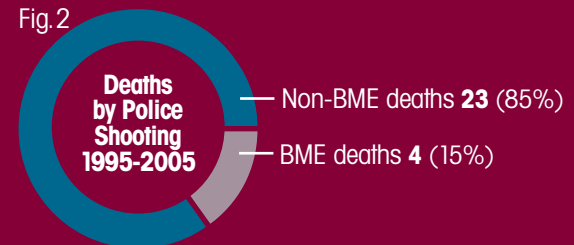
In December 2003 INQUEST and the family of Roger Sylvester gave evidence to the Parliamentary Joint Committee on Human Rights inquiry into deaths in custody. Their report, published in 2004, endorsed many of our concerns on the use of restraint techniques stating:

*“The possibility that racial stereotyping has been a contributory factor in at least some deaths in custody resulting from restraint should be taken seriously.”*

*“Restraint in detention should be a rare event, and should never be used as a matter of routine.”*

*“In our view, there should be a national Code of Practice on restraint in police custody, which takes account of the [European] Convention rights.”*

INQUEST independently monitors the number of deaths in custody. Our research has shown that 558 people have died in police custody or as a result of police shootings in the period 1995-2005. 82 were people from black and minority ethnic (BME) communities.



Note: Numbers of deaths in police custody involving restraint listed in Figure 3 are included in the totals shown in Figure 1.

# 4. THE ROGER SYLVESTER JUSTICE CAMPAIGN

## 4.1 The campaign

Contact the campaign at the website: [www.rsjc.org.uk](http://www.rsjc.org.uk) or by email: [rsjc@hotmail.com](mailto:rsjc@hotmail.com)

It is clear from the death of Roger Sylvester, as well as those that have died before and after him, that the way in which these deaths are investigated fails the very people they should be helping and protecting.

*“We have faced a criminal justice system that has been persistently unable and unwilling to bring its own to account”.*  
Roger Sylvester Justice Campaign

The Roger Sylvester Justice Campaign was set up by the family and friends of Roger to press for the truth about the circumstances of his death and to ensure that all those responsible for his death are held accountable. The campaign has won widespread support from MPs, NGOs and individuals. It has organised public meetings, demonstrations, press conferences and lobbied politicians and senior police

figures. The campaign’s ongoing persistence has achieved significant successes, including getting two of the police officers in the initial investigation disciplined and, by raising public awareness about the issues, prompted the Metropolitan Police to revise their guidelines on restraint. By highlighting issues surrounding the failings of the investigation and inquest process they helped other families that followed them. Without their brave and consistent campaigning presence none of this would have been possible.

Other organisations that have campaigned for justice for the family include: 1990 Trust, Campaign Against Racism and Fascism, Churches Commission for Racial Justice, Diverse Minds, Institute for Race Relations, Liberty, The Monitoring Group, Nacro, National Assembly Against Racism, Newham Monitoring Project, The Runnymede Trust and the United Friends and Families Campaign.



## 4.2 Urgent reform needed

Finding out how someone died is a fundamental right. The families INQUEST work with are motivated by a need to establish the truth and to prevent others going through the same experience. Above all, they want an acknowledgement of faults and responsibility where appropriate, an apology where an apology is due and for justice to be seen to be done.

INQUEST's research has shown that 2,120 people have died in prison and police custody between 1995 and 2005. Recent high profile cases such as the killing of Zahid Mubarak in Feltham Young Offenders Institution in 2001, the death of Mikey Powell in police custody in 2003 and the shooting of Jean Charles de Menezes in 2005 have reinvigorated a public debate on how the state responds to deaths that occur in its custody. There is urgent need for lessons to be learned from these deaths so the same errors do not occur again and those responsible are held to account.

INQUEST believes the government needs to establish a Standing Commission on Custodial Deaths to identify key issues arising out of deaths in custody. Such a body would play a central role in promoting a culture of human rights and by developing policy and conducting research so that future deaths can be avoided.

## 4.3 What you can do

We urge everyone reading this pamphlet to join INQUEST; to work with us and family campaigns to improve the treatment of bereaved people; for more transparent investigations and proper criminal and corporate accountability when people die in custody. Your support is crucial to ensure that we can work with families to achieve justice.

We also encourage individuals and organisations to contact their Members of Parliament about deaths in custody, and to express support for a Standing Commission on Custodial Deaths. You can contact your MP and other elected representatives at: [www.writetothem.com](http://www.writetothem.com)

INQUEST was set up in 1981 following a number of controversial deaths in police and prison custody and such deaths remain the main focus of our work. INQUEST is the only independent advice and campaigning organisation that works directly with bereaved families and friends following a death in custody.

INQUEST helps families to discover the truth and full circumstances surrounding the death of their loved one. INQUEST provides free, confidential advice and information for bereaved people and has unique and extensive experience and knowledge of custodial deaths and the investigation and inquest process. It conducts policy and research work arising out of the casework, as well as campaigning and lobbying on the issues that the deaths raise.

With over 1.3 million members UNISON is Britain's largest public sector trade union and campaigns for workplace equality and justice for all its members. An integral part of UNISON's agenda is to improve pay and conditions and protect the pensions of Black staff by challenging racism in the workplace and in society.

UNISON has campaigned on a breadth of issues that disproportionately impact on the Black community: mental health care; the criminal justice system; immigration and asylum policies; racist deaths in custody and for just and peaceful international policy. UNISON works closely with other anti-racist organisations.