Roger Sylvester Inquest – Unlawful Killing Verdict Returned
3rd October 2003

The Roger Sylvester Inquest concluded today Friday October 3rd and the jury returned an unlawful killing verdict.

The jury said that his death was caused "when more force was applied than was reasonably necessary causing a significant contribution to the adverse consequences of restraint:

1. Held in restraint in position too long;
2. Lack of medical attention;
3. No attempt was made to alter his position of restraint.

The family of Roger Sylvester and INQUEST believe that this is a just verdict on account of the evidence heard.

The four-week inquest was held at St Pancras Coroner’s Court before the coroner Dr Andrew Reid. The jury were given four verdicts to consider, Unlawful Killing, Accidental Death, Open and Non Dependent Abuse of Drugs.

During the inquest the officers told the jury that they knew that excessive restraint was dangerous and life threatening. The same officers maintained that they would do nothing different if placed in the same situation today.

Within the Prison Service, officers have been instructed against using the prone restraint for more than 5 minutes. The jury also heard that in some psychiatric institutions staff are told not to use the prone restraint for more than 30 seconds.

Deborah Coles Co Director of INQUEST said:
"The jury have decided that police officers used dangerous, excessive and unlawful force restraining Roger Sylvester, a vulnerable and mentally ill young man in the prone or three-quarters prone position for some 15-20 minutes until he stopped breathing. We now expect them to be prosecuted for manslaughter. The same thing could happen tomorrow on the streets of London because the Metropolitan Police have failed to learn the lessons from previous deaths and incorporate good practice from other agencies. Unless there are clear sanctions against police who breach their own guidance the message will be sent that they can act with impunity. Urgent action must be taken to issue clear guidance and instructions about the maximum time limits for restraining any person in the prone position. There must also be a warning that the use of prolonged restraint can have fatal consequences for which officers will be brought to account. Police officers must understand the potentially fatal dangers of restraint, particularly in relation to its prolonged use in the prone position. Roger’s tragic death reveals the systemic failure of the state to learn the lessons from deaths that have occurred across different custodial settings.

The use of force and restraint can lead to death and has occurred time and time again. Why are those that use restraint not learning from previous deaths? Restraint related deaths are not a recent
phenomena and there must be changes to the investigation process to ensure accountability and justice for the deceased, safety for the living and to stop these terrifying deaths."

Throughout the inquest, the Roger Sylvester’s family has had to endure a concerted attack upon his character on behalf of the Metropolitan Police Commissioner and the officers involved in the fatal restraint. The attack, conducted by repeated and persistent references to his supposed ‘violence’ and ‘exceptional strength’, is of course very familiar to INQUEST and other families who have lost loved ones under restraint in custody, with the object of shifting attention away from the contribution of restraint to the death.

The jury heard no evidence that Roger Sylvester's actions on the tragic night amounted to anything other than a struggle against the fatal restraint. The only evidence of any 'violence' on his part amounted to a suggestion that he tried to bite or spit at one of the officers restraining him. Yet the jury heard that none of the eight police officers sustained injury.

Many issues have arisen during the inquest including the controversial concept of excited delirium. The coroner rejected the submission from the police that there was evidence that Roger Sylvester had simply died from natural causes. He ruled that he did not recognise excited delirium as a condition that by itself could cause death. He drew attention to the fact that all reported cases show that death requires some other unnatural factor such as cocaine or restraint.

Background
Roger Sylvester was 30 years old at the time of his death in January 1999. A healthy black man who lived in Tottenham, Roger came from a large and loving family, and had numerous friends. He worked as an administration officer for a drop-in mental health centre and was well loved by colleagues and service users alike. He also helped out in his cousin’s mobile phone shop. He had suffered from mental health problems in the past but for the last two years had been well and looking to the future. He had spent Christmas and New Year with family and friends and on Sunday 10 January 1999 went to a family christening. All who saw him on that day and the next day, Monday 11 January 1999, reported him as being well.

On the night of 11 January 1999 Roger was detained outside his own home, purportedly under s.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 Anne’s Hospital where, following some 20 more minutes under restraint, he went limp and died. Roger remained in a coma until his life support machine was switched off seven days later.