



Roger Sylvester Justice Campaign

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Newsletter 4

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ROGER SYLVESTER'S FAMILY CHALLENGE DECISION NOT TO PROSECUTE

On 11 January 1999, Roger Sylvester, a 30 year old black man, was restrained outside his home by eight police officers, from Tottenham Police Station. He sustained numerous injuries and was later in a coma on a life support system. Seven days later, Roger was dead.



Roger Sylvester

ROGER SYLVESTER'S FAMILY CHALLENGE DECISION NOT TO PROSECUTE

Roger Sylvester died two years ago after he was illegally detained and restrained on his doorstep by 8 officers from Tottenham Police Station. His family will now challenge the Crown Prosecution Service's decision not to prosecute any of the officers involved. They have decided to seek a judicial review of the Crown Prosecution Service decision. In their view, the officers' action was at the very least negligent.

ABOUT THE CROWN PROSECUTION SERVICE DECISION

The Crown Prosecution Service (CPS), wrote to the family's solicitors on 20th November 2000 to inform them that charges will not be brought against any of the officers who restrained Roger because there was insufficient evidence. However, the CPS did not exonerate the officers. Two of their conclusions were that:

1. They agreed that Roger's detention was unlawful and
2. "On the balance of probabilities" Roger's death was due to positional asphyxia (but felt that this could not be proved beyond reasonable doubt).

THE FAMILY'S VIEWS ON THE CPS DECISION

Positional asphyxia can occur if the victim's breathing has been compromised as a result of forcible and prolonged restraint. The CPS's conclusion about Roger's cause of death reaffirms his family's belief that he died because of the excessive force and prolonged restraint he was subjected to.

They are deeply disappointed with the CPS's decision and feel that the officers involved should have been charged.

DISSATISFACTION WITH THE INVESTIGATION

Roger's death was initially investigated by the Metropolitan Police Service's Complaint Investigation Bureau however, the Police Complaints Authority later appointed Essex Police to conduct the investigation. Both investigations were poor and their sole aim was to try to clear the officers of any wrongdoing. For example:

Evidence was lost: The plastic bag, which contained the clothes Roger was wearing, went missing and was never found.

Forensics was poor: The van Roger was transported in was washed out before the forensic team could examine it. Also, Roger's wallet was found in the van after the forensics was done. How did

they fail to see this if a thorough examination was carried out?

Essential evidence was not obtained from the officers and this evidence may never be: The police officers that restrained Roger gave "no comment" interviews. They will be protected at an inquest, as under Coroner's Rules, officers do not have to answer any questions, which may incriminate themselves.

The Police Investigation Team went to great lengths to suggest alternative causes of death: The Investigation Team flew in an expert from America to try to disprove that Roger died from positional asphyxia.

The investigations were not thorough and were poorly supervised: After the Police Complaints Authority issued a certificate stating they were happy with the conduct of the investigation, another

investigation into the loss of a page from an officer's notebook was started. All notebooks were supposedly in a safe place.

DISCLOSURE

The report on the investigation into Roger's death is the property of the Metropolitan Police. The Met has refused to disclose the contents of this report even though all police authorities have signed up to a new Home Office voluntary code on disclosure. It is important that the information contained in this report is disclosed if justice is to be served and the lessons of Roger's horrific death are learnt.

RSJC DIARY OF EVENTS

January 2000:
11th Vigil at Tottenham Police Station.
11th Witness appeal Launched.
16th Memorial service.

April:
29th Fund Raising event - comedy night and dance.

August:
17th Vigil at Home Office on what would have been Roger's 32nd Birthday. 30 black balloons released.

November:
12th RSJC 2nd Public Briefing
20th Decision Not to prosecute announced by the Crown Prosecution Service.
20th House of Commons Press Conference.
26th Pickett outside Tottenham Police Station.

January 2001:
18th Vigil at Tottenham Police Station.
21st Memorial service.

OUR DEMANDS:

- Police officers involved in custody deaths are suspended until investigations are completed.
- Officers responsible for deaths should face criminal charges even if retired or otherwise.
- All deaths in custody should be investigated independently.
- Police Complaints Authority (PCA) to be replaced by a body independent of the police.
- Police forces are made accountable to the communities they serve.
- Legal aid and full disclosure should be made available to the relatives of the victim(s).
- Where an unlawful killing verdict is returned, a prosecution should follow automatically.

Roger's family do not qualify for legal aid. The RSJC will therefore have to continue to raise funds to meet all legal costs. All donations will therefore be gratefully received.

I would like further details about the Roger Sylvester Justice Campaign:

Name/Organisation _____

Address _____

Post Code _____ Telephone No. _____

Email Address _____

I wish to donate £..... To the Roger Sylvester Justice Campaign.
All cheques should be made payable to: **Roger Sylvester Justice Campaign.**
Account No: **31238892** Sort Code: **40 03 33** Bank Name: **HSBC**

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