

MINUTES OF THE GROUP MEETING, HARINGEY COMMUNITY & POLICE CONSULTATIVE GROUP MEETING ON **Wednesday 21 November 2007** AT THE CIVIC CENTRE, WOOD GREEN, LONDON N22

1. WELCOME TO THE MEETING

1.1 The Chair welcomed everyone to the meeting, and introduced himself, Dr Samuel Wynter, Vice Chair; Chris Hannington Vice Chair, Nicola Williams IPCC, Mike Franklin IPCC, Commander Osborne, Supt Richard Wood, Reshard Auladin MPA, Kirsten Hearn MPA, David Riddle MPA and Alex Gibbs MPS. The Chair then welcomed Mr & Mrs Sylvester

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from John Hajdu, Sally Mustoe, Cllr Rahman Khan LB of Haringey LB of Haringey, Cllr Nilgun Canver LB of Haringey and David Lammy MP.

3. MINUTES AND MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

3.1 The Minutes were agreed as a true record and there were no matters arising.

4. STANDING ORDERS OF THE GROUP

4.1 The Chair read the standing orders of the Group in relation to answering and asking of questions at a meeting.

4.2 **Question:** A member of the Sylvester family asked if the ruling on the length of time each person speaks as stated in the Standing Orders also applied to Family Members and whether those attending the meeting representing other organisations would also have to adhere to the same time rules.

4.3 **Answer:** The Chair said that any extension in speaking time was in his prerogative.

4.4 **Question:** A Member of the Audience asked if each person would only be able to ask one question.

4.5 **Answer:** The Chair said that such matters were in his prerogative.

5. ROGER SYLVESTER DECEASED 'The Verdict'

5.1 Nicola Williams said that she, Mike Franklin and Len Jackson had worked on the Sylvester Case and gave a brief historical summary of the progress of the case. She reminded the Meeting that Roger Sylvester had died in January 1999 after being taken to hospital and being restrained by Officers before being attended to by a doctor. She said that the earlier investigation had been completed at the end of 1999 when the Crown Prosecution Service decided there was no case to answer. In 2003 a Coroner's Inquest gave a verdict of unlawful killing which was quashed by a High Court review. Following this, the IPCC took over case in April 2004 but had to wait until the CPS had made its review before making any investigation.

5.2 Ms Williams said that Mr Sylvester's death was and is a tragedy for his family and for the black community where deaths in custody are still too common. She added that the length of time taken to reach the decision had only compounded the stress on the family.

5.3 She acknowledged that there were things that could have done to speed up the case and apologised for the length of time the investigation took.

5.4 She informed the Meeting that had Roger Sylvester's death taken place after the setting up of the IPCC, the matter would have dealt with by the IPCC from the outset. She concluded by saying that the changes that had been introduced since Mr Sylvester's death would make a difference in the future and she hoped the Sylvester Family gained some comfort from that.

6. Commander Osborne, Director of Professional Standards within the Metropolitan Police began his presentation by saying that he could not comment on the decision of the IPCC but would outline the changes made by the Police Service.

6.1 He said that the death of any young man was a tragedy and expressed the deepest regret on behalf of the Commissioner and the Metropolitan Police for Roger Sylvester's death. He said that it was always the Metropolitan Police's wish to resolve the case as soon as possible and he regretted that it had taken 8 years to come to a conclusion.

6.2 He assured the meeting that the way in which Officers interact with the public and in particular those with mental illnesses had been reviewed and that many changes had been made since 1999 which had resulted in a better Police Service.

6.3 He said that staff now received Health & Safety training for 2 days every 6 months with further training taking place with partners in the ambulance and medical service.

6.4 In addition, the Professional Standards Directorate has created a fully resourced command on how to identify and reduce risks in situations.

6.5 He told the meeting that since Roger Sylvester's death, 2 reviews had been undertaken resulting in a senior Officer of commander rank being appointed to give strategic direction and at operational level, a handbook with complete new standard operation procedure produced.

6.6 Other changes included new equipment to assist in restraint; incidents video recorded; a database developed to help the service learn from mistakes; in each Borough someone has been appointed in to liaise with key partners and protocols have been put in place to deal with mental health issues.

7. Alex Gibbs, Detective Chief Inspector, Prof Standards briefly outlined how the Metropolitan Police effects change by firstly consulting with a number of people in other agencies both nationally and internationally after which a number of measure have been introduced.

7.1 Police Officers receive training to identify medical issues and they undergo training every 6 months.

7.2 Restraint techniques, equipment and the role of the safety Officer have now been formalised.

7.3 Everyone who's taken into custody now undergoes a risk assessment process.

7.4 On-going consultation results in continuous improvement of and changes to systems, processes and training.

8. **QUESTIONS**

8.1 The Chair reminded those attending the meeting not to make personal comments in their questions.

8.2 Mrs Sylvester was invited to speak and thanked the meeting for giving her the opportunity. She went on to read a statement and began by informing the meeting that Roger was not mentally ill at the time of his death. She continued: The Family are not surprised by the decision of the IPCC. A smear campaign was run by the press and the games played in relation to disclosure of documents were appalling. Instead of learning the lessons, the Commissioner hung on the coat tails of his Officers. The Police Federation was equally contemptible towards our son, fabricating the Police version of events. They later made attempts to have their members make anonymous evidence at the Inquest. The Essex Police tore a page out of an Officer's book, this is shameful. Analysis of the following pages showed sketches of the room Roger was in, not a drawing of a penis. Despite the unlawfulness of the restraint they muddied the waters by asking more experts to comment and give evidence. The PCA and IPCC behaved with lack of integrity towards our case. Essex Police were allowed to put words into mouths of the witnesses. The IPCC has done the public a disservice by not looking at the Inquest

Report before making their decision. Each one of the interested parties, except my family, made sure they came out of this case smelling of roses by avoiding responsibility. They have destroyed public confidence in them. The public are not fools. They heard the evidence and made their own decision. Roger was unlawfully killed.

8.3 Mrs Sylvester ended with some suggestions. Firstly that effective supervision must start as soon as possible. Secondly that Officers should not be allowed to collaborate on their notes, thirdly that the press should not be allowed to make a smear campaign and finally Families must have a level playing field financially.

9. **Question:** Charlotte Page, psychiatrist, asked Ms Williams what weight the IPPC gave to the transcripts of the Inquest and what precisely she meant by the “unacceptable circumstances” and if they were unacceptable why is there no disciplinary procedure being made against the Officers.

10. **Answer:** The Inquest transcript was considered in full but it was not considered until after a provisional decision on the evidence we had was made. We conveyed that decision to the family via their solicitor. We then obtained a full transcript of the Inquest and although we reviewed it carefully it did not change our decision.

10.1 The unacceptable circumstances of Roger Sylvester’s death were that it was a cold January night and his was naked and this was not dignified. And the fact that a young man should die whilst being restrained is unacceptable to me, she said.

10.2 As regards disciplinary procedure it was a matter that we flagged up with the Metropolitan Police but bearing in mind the passage of time we did not think there was any appropriate discipline that could be given out.

10.3 The Officers decided not to answer questions – they exercised their right of silence. What we had as evidence was from people in the street who said that he was naked yet by the time he was taken to hospital he was covered. And because of these discrepancies we didn’t feel discipline was appropriate.

11. **Question:** Roger Sylvester’s cousin said that although the IPPC and the Metropolitan Police Service talked about the changes that have taken place it appears that there is no change in the accountability of the Officers who, despite these changes, would still act the same today. The IPPC he said, did not consider inappropriate or excessive force any disciplinary process; did not take into account the Inquest; does not believe that the unlawful actions of the Officers need even a reprimand; made its decision on the initial enquiry which was itself insecure, After 8 years nothing has changed and justice has been denied. He questioned how the public can have confidence in the IPPC or a system that allows those responsible for such deaths to continue to do so with impunity knowing that they will not be brought to account.

12. **Answer:** Mike Franklin began by understanding Mr Waldren’s sentiments. He responded by saying that since 1999 there had been other deaths in custody and that the IPPC needs to address some of the issues mentioned.

12.1 He said that one of the assurances is on the issue of disclosure where the IPPC has suggested that the Essex report is disclosed to the Family.

12.2 The IPPC would also want to cut down on the delay in coming to a decision.

12.3 He agreed with Mrs Sylvester’s suggestions as to the future: the issues around co-ordination of Officers’ notes is something we would like not to happen; the role of the media is a crucial issue and the things that have been said in the press are to be regretted; Families need to be supported.

12.4 He concluded by saying that the long line of cases we can all reel off left him feeling very concerned about the future and he hoped changes could be made.

13. **Answer:** A member of the Metropolitan Police said that he hoped that changes in procedures would mean not only that different actions would take place but that those actions would then be scrutinised. He said that today at least one Officer would stand back and ensure that matters were attended to in an appropriate manner.

14. **Question:** Cllr Ron Aitken asked a number of questions.

14.1 Firstly whether the Mental Health Trust were aware of tonight's meeting.

14.2 Secondly, whether a joint investigation with the Mental Health Act Commissioners had been considered and if so why did it not happen?

14.3 He then stated that he believed the Metropolitan Police had made considerable improvement, but that improvement was still needed within the mental health service in Haringey.

15. **Answer:** The Chair responded that the Trust had been contacted but had not responded.

16. **Question:** Mario Petrol said that when Roger Sylvester died, it was not just the family but the whole community who felt it. There is a systemic failure he said and asked what changes have been made.

17. **Question:** Raju Bhat, the Sylvester Family Solicitor made the following (paraphrased) statement:

17.1 We have heard a lot this evening about the weight that should be given to the evidence that was heard at the Inquest and that is because the Inquest was the only time the evidence was scrutinised and heard. Ms Williams said that no account was taken of the transcript of that evidence when she made her initial decision. She knows her refusal to look at the evidence from the Inquest time and time again until her colleagues intervened. The Family would like to have had some weight given to this evidence. What the Officers really did say when interviewed. Today, Ms Williams has hidden behind the Officers' refusal to answer questions in interview. At the Inquest the Officers did answer the questions and what they said enabled the jury to come to the decision they did.

17.2 If the IPPC want confidence from the Family they need to show a basic competence. We had an apology for the delays from the IPPC, it is not enough for a generalised apology, we want specific reasons for the delay by a further 2+ years (since June 2005) of the decision. In September 2007 the family were informed by the Commissioner of the Metropolitan Police that he had asked for a review by the IPPC of the delays. No one at the IPPC has had the courtesy to come back to the family about that request or to give reasons.

17.3 The Family recognises that the Police have a difficult job to do and they want to help the Police to do that job, but you need their confidence. What does not help is when you instruct your lawyers to taint the name of their loved one in order to avoid responsibility. Just this summer/autumn we have seen the same things happen again in the De Menezes case.

17.4 I am grateful that the consultative Group has allowed this forum and discussion and I hope the Group will not see this as the end of the matter. Families like Roger's need the scrutiny you bring to bear so that everyone, including the IPPC, can be brought before a group such as this.

18. **Answer:** Ms Williams answered firstly Cllr Aitken's question saying that a joint investigation with the Mental Health Commissioners was not possible. The IPPC had asked for the Mental Health Report but were denied access.

18.1 She went on to say that the IPPC did not want to hide anything from the Sylvester Family or from the Group. With regard to the Inquest, Ms Williams

informed the meeting that what happened at the Inquest was into account. The IPPC, she said, had a comprehensive note taken of that evidence but not the full transcript.

18.2 She advised the meeting that she had met with the Sylvester Family at their Solicitor's offices after which agreed to review the transcript.

18.3 Ms Williams gave some more detail to the chronology of this matter starting in September 2005 when the memorandum was received from the Police which is the stage after which the IPPC can look at any legacy cases.

18.4 After an unacceptable gap of 5 months, she said, the 3 commissioners were convened in February 2006 and in September 2006 the provisional decision letter was sent to the Sylvester Family Solicitor.

18.5 Ms Williams said that many discussions followed between the former Head of Professional Standards for disclosure and advised the meeting that there was a time between December 2006 and May 2007, when we met with the family, when the Family asked for an extension to consider the case. Furthermore, we met in May 2007 after which the Inquest transcript was considered and in July 2007 we made our decision which we conveyed to the Family.

18.6 As for the Sept 2007 letter, Ms Williams commented that it was interesting that it had been written to the Chair of our organisation rather than to me and Mike Franklin and said that neither of them knew about this letter.

19. **Answer:** Mike Franklin said that the matter would be taken up the following morning and added that the IPPC had said in the past that an 8 year delay for whatever reasons is unacceptable.

20. **Answer:** In response to Mario Petrou's question, a member of the Metropolitan Police said that the Service was trying to work with local authorities to change those embedded problems that go across many public services and to ensure new protocols were applied with consistency. This, he said, needed all partners to work together. He assured the meeting that he would take comments back and that he would be happy to work with the IPPC.

21. A member of the Black Independent Group said that he believed that Unlawful Killing was a criminal offence not a disciplinary one and asked who was accountable for this 9 year delay and what action can be taken against those who were accountable.

21.1 He went on to make a number of comments. He noted that the Metropolitan Police spoke about trust and confidence and said that there was a long way to go before they gained that from the community. He also asked what had happened to accountability.

21.2 He asked whether the Officers were trained in restrained techniques stating that it does not take 8 Officers to hold down a young man. If they were not trained, he said, then they should not have been using the techniques.

21.3 To date, he concluded, not one Police Officer has been found accountable for the 72 deaths in custody.

22. A member of the audience, an ex solicitor, said that from her work in Police stations she had heard racist comments and saw Officers intentionally inflict pain on black men. It seems to me, she said, that the only way to stop this is to hold Officers accountable in criminal law. She also commented that Ms Williams said that sadly the IPPC did not change the decision and asked if that meant she was ambivalent about it.

23. **Answer:** Ms Williams said that she did not know what else to say about the delay. She reminded the meeting that it was the CPS that decides on any

prosecution and it had already decided that there was to case for prosecution. The IPPC deals only with Police disciplinary.

23.1 I have two brothers both of whom have been stopped and searched and if it was a member of my family, I would feel exactly the same as the Sylvester Family, she said.

24. **Answer:** Mike Franklin said that the delays were not caused by the IPPC and suggested that the Group ask the Police, the Police Federation and the CPS for the reasons for the delays and/or decisions they have made and caused.

25. **Answer:** A member of the Metropolitan Police said that 4000 complaints had been made in the last year; that 60 disciplinary procedures were held last year; that many Officers resigned before they got to a disciplinary board and that there were others who were sacked after disciplinary proceedings.

25.1 He also said that during the 8½ years this matter had been in progress, the Metropolitan Police had charge of this matter for around 12 weeks only.

26. **Answer:** The Metropolitan Police advised the meeting that the Officers were trained in restraint techniques and that their training was up to date. They confirmed that 8 Officers were involved in total but that it was unlikely that all 8 Officers were holding him all the time

27. **Question:** A member of the audience asked Supt Richard Wood how much it had cost to parade the reconstructed Cell in Haringey; had it been displayed in Muswell Hill and why was this negative image chosen rather than showing them positive role models.

28. **Question:** A Doctor said that she had been the clinical director at the time Roger Sylvester died and had looked after him before. She said that she didn't realise that the Mental Health Trust had been invited to this meeting. She informed the meeting that she gave evidence for 3 and a half hours about what happened to Roger Sylvester from the time he arrived at St Anne's and the way he had responded well to treatment and was stabilised before the incident.

29. **Question:** Stafford Scott, part of Operation Trident and Chair of the Haringey Black Independent Group said that the level of professionalism the Metropolitan Police representatives believe is in the Service was not apparent on the ground.

29.1 Mr Scott went on to make several comments. He pointed out that the Metropolitan Police representative said that not all of the Officers were involved and the system in place today was actually in place then.

29.2 He said that after 20 years the Metropolitan Police is still investigating the Keith Blakelock case.

29.3 He asked how the community can have confidence in the Police when 3 months after Roger Sylvester's death the Police Officers had not made their statements. That leeway, he suggested, would not be given to the public.

29.4 He suggested that public servants should lose the protection of the uniform, the state, and that they were hiding, not providing evidence.

29.5 He said he was not acceptable that the Police Federation held up proceedings.

29.6 He asked why the IPPC had to be begged to watch the video of the Inquest.

29.7 And finally he asked why the Officers were being protected when they are wrong ones.

30. **Answer:** A Haringey Police Officer said that the Service was always looking at ways of keeping young people safe and out of crime and worked closely with the Youth Offending Service.

30.1 The reconstructed Cell, he said, was to show young people what the results of criminal activity could be. He explained it was a pan-London initiative targeted in areas of high youth crime; that he did not have the full costs and that he did not think the Cell went to Muswell Hill.

31. **Question:** A member of the public asked what kind of deterrent the Cell was to someone who is doing gun and knife crime and suggested that next time a coffin might be paraded to show that the end result of such crime was death.

32. **Answer:** A Metropolitan Police Representative said that although there were 8 Officers involved throughout, they were not all there all the time. At the hospital the overview role was undertaken by medical staff.

32.1 He said that the Officers made detailed notes on the night and then transcribed them onto forms.

33. **Question:** Mr Scott said that the Officers made factual notes not detailed notes.

34. **Answer:** The Metropolitan Police Representative said that they made detailed notes before they went home that night. He then advised the meeting that the accepted protocol is that firearms Officers do not make detailed notes until they have rested and been medically examined after an event.

35. The Chair intervened saying that under Standing Orders the meeting is now due to be closed after 2.5 hours. He asked for someone to move for the Standing Orders to be suspended for the meeting to be extended for 20 minutes.

36. Mario Petrou moved that the Standing Orders to be suspended and this was seconded.

37. Mr Chris Harrington made a short statement. He began by reiterating the Group's deep sorrow to the Sylvester Family.

37.1 He said that the Group was sorry about what happened and how it happened and went on to say: I've learned a great deal this evening and I am sure I will learn more. What I want to comment on is the process. We have heard dissatisfaction from everyone – the floor, senior Police Officers and the IPCC – about the length of time this has taken and the fact that it has all happened behind closed doors. Justice has not been seen to be done. A hospital enquiry was also held behind closed doors. Every investigation was in private. The only publicly accountable investigation was the Inquest. It was the only time there was proper process. What I wish to take back to the Executive Board of this Group is that we move a motion that the processes must be changed so that resolution is made in months rather than years and that justice is seen to be done rather than justice is failed by everything happening behind closed doors. I hope that The Metropolitan Police Service, the IPCC and maybe the MPA will join forces and press the Ministry of Justice or the Home Office to alter the way things are done because they are wrong and unsatisfactory. The Joy Barber case is exactly the same process with exactly the same dissatisfaction. We must press that things are altered so that people can see a different process and have closure.

38. Chris Harrington proposed that such investigations be concluded in months not years, held in the open and not in secret. His proposal was seconded.

39. Mr Victor Sylvester said that he had spoken at meetings of 1, 1,000 and 10,000 regarding this case and had come to the conclusion that a death in custody is treated as if it is an industrial incident – a dehumanised process.

39.1 Accountability was needed and he asked Ms Williams how she weighed the evidence, suggesting that her weight of evidence may be different from mine.

39.2 He noted that the transcript was a long document and asked Ms Williams how long she had spent considering it.

40. **Answer:** Mike Franklin said that the racism guidelines were set up before the IPPC came into place. Officers, he said, should expect to be dismissed if they are racist.

40.1 He advised the meeting that new guidelines were currently out for consultation and that in the North West he had changed provisional decisions that he had issued.

41. The Sylvester Family Solicitor said that Mr Osborne suggested that the Officers made their notes on the night of his death.

41.1 However, the Officers, he said, were allowed to come back to the station, have a collective de-brief by the Police Federation and then a collective note was compiled. When the subject of an investigation is not a Police Officer, that kind of collusion would not be allowed.

41.2 This matter was in the Metropolitan Police Complaints Investigation Bureau and then handed over to Essex Police. Disciplinary proceedings resulted in guilt for the 3 senior Officers following which the most senior Officer appealed and the decision was over-turned. I understand another Officer has appealed. He asked why the family had not been kept up to date.

41.3 He added that the IPPC in the De Menezes case said that it deprecates the practice of Officers colluding and asked why this was not said in relation to the Sylvester case.

42. Reshard Auladin MPA said that the Authority was keen to see improvements being made. Over the years, he said, a number of things have happened, reviews undertaken and the degree of robustness can be seen in our committees when they are held in public.

42.1 I am personally against Officers remaining silent and I hope this will change in the future, he said. On collation of notes, Mr Auladin agreed and advised the meeting that the MPA would shortly be making its views known to HMIC. Families who have relatives who suffer from mental illness want to work with the Police and the MPA are working hard to make improvements he concluded.

43. **Answer:** Ms Williams said that she personally thought it is much better if Officers do their notes separately and not together and she supported what Mr Auladin had said.

44. A member of the Audience, Chair of London CLC's committee, said that he had seen a succession of Commissioners, met with the people in the Home Office and sat through the Lawrence case every day. He commented that racism was endemic in the Police and that although there are lessons to learn he wondered if the Police ever learned a lesson.

45. Police man – in response it is our intention to continue to learn and to work with the community and partners.

46. The Chair handed over to the Vice Chair Dr Samuel Wynter who thanked everyone for attending the meeting and helping to clarify the position. He reminded the meeting that Sir Ian Blair attended a meeting at the behest of the Group on 21 September 2005 and made a public apology. Up until that date, he said, no apology had been made at all.

46.1 Dr Wynter said we have listened and welcome the changes that have been and are being made, he said, but expressed extremely disappointment with the speed of the IPPC's investigation.

46.2 In conclusion, he said that the only place where true justice was given was at the Inquest but hoped that the Group had provided a forum for people to air their views and the Family given their opportunity to speak.

47. The Sylvester Family thanked everyone in the community for their support over the years and, in the absence of a recommendation, even one of reprimand, from the IPPC, called on the Metropolitan Police to make the difference of which they spoke and discipline the Officers in question.

48. ANY OTHER BUSINESS

48.1 There was no other business

49. DATE OF THE NEXT MEETING

53.1 The next meeting will be held on **19 March 2008** at the Civic Centre Wood Green.

50. MEETING CLOSED 9.35pm