

Britain: court quashes unlawful killing charge against police officers

By Mike Ingram
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Eight police officers were reinstated following the quashing of an inquest verdict of unlawful killing by a High Court judge on November 26.

Mr Justice Collins ruled that the way the coroner had summed up the case in the inquest into the death of Roger Sylvester in January 1999 had “confused” the jury. He said he would not order another inquest and that no jury in any criminal case would be likely to convict any officer of manslaughter.

Lawyers for the officers argued that the original inquest was wrongly allowed to be turned into a surrogate criminal trial, with the police involved standing convicted of manslaughter. They maintained that there was no evidence to support the decision that Sylvester was unlawfully killed.

Sylvester, a 30-year-old man from Tottenham, north London, collapsed after being held down for 20 minutes in a padded room at a psychiatric hospital. Sylvester suffered from bipolar manic depression and was taken to St Anne’s psychiatric hospital in Haringey after being found naked outside his front door.

At the inquest held on October 3 last year, the jury took just two hours to return its verdict of unlawful killing. The foreman of the jury said, “Roger Sylvester was lawfully detained, except more force was used than was reasonably necessary, causing a significant contribution to the adverse consequences of restraint. He was held in restraint too long, there was lack of medical attention and no attempt was made to alter the position of restraint. Roger Sylvester was killed unlawfully.”

Sylvester’s family have reacted angrily to the court decision to overturn this verdict, saying it had left a “bitter taste in our mouth”. His brother Bernard Renwick said, “We have followed the due legal process

in the criminal justice system for almost six years and feel it is now time to opt out of this procedure.”

He said that in place of the “openness, accountability and transparency” that they were promised, the family had experienced “obstacles, delays, anguish, smoke and mirrors.” “Where is the justice?” Renwick asked.

Renwick said Justice Collins had provided police with a “get-out card”, saying that the case saw “a single judge rewriting the inquest decision produced by a jury.”

The Crown Prosecution Service (CPS) has said it will now reconsider whether or not there should be a prosecution for manslaughter, but the decision is a foregone conclusion.

In a statement following the ruling, Metropolitan Police Federation Chairman Glen Smyth said the officers had been subjected to “wholly unfair public vilification.”

Claiming that justice was “impartial”, Smyth said, “There has been support for the family with the slogan ‘Justice for Roger Sylvester’. Of course, there must be justice for Roger, but there must also be justice for the police officers. The law applies equally to them as it does to anyone else.”

Smyth called for changes to the inquest system, claiming it did not provide for reliable verdicts following deaths in police custody. “Inquests in controversial cases involving the police are invariably preceded by campaigns that seek to prosecute police officers regardless of the evidence,” Smyth claimed.

Repeated cases of deaths at the hands of the police have shown that it is in fact seldom the case that the law is applied equally.

In eight cases in which a verdict of unlawful killing has been brought by a jury in the last decade, the CPS has refused to prosecute the officers responsible. Only

two prosecutions have been brought in the last decade and in both cases the police were acquitted.

The real attitude of the police towards justice was revealed in their response to last month's verdict in the second inquest into the killing of Harry Stanley in 1999. Police serving in the armed response unit SO19 refused to carry weapons in what was effectively a strike in protest at the verdict of unlawful killing. They only returned to work after virtual promises of immunity from prosecution by Home Secretary David Blunkett and senior officers.

The throwing out of the inquest verdict in the Sylvester case is a further indication that even the thin facade of democratic control over the police that existed in the past is being rapidly eroded. The primary function of the police is not to "fight crime", but to defend a system based on private profit and gross inequalities that is increasingly incompatible with democracy. Behind the demands for immunity from prosecution is the drive to enable the police to carry out their primary function, imposing the dictates of a superrich financial oligarchy upon an increasingly angry and disaffected majority.

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