

PRESS RELEASE

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IPCC INVESTIGATION INTO DEATH OF OLASENI LEWIS RULED TO BE UNLAWFUL AND QUASHED BY THE HIGH COURT

Ruling comes as family mark third anniversary of his death

The High Court has quashed the IPCC investigation into the death of Olaseni ('Seni') Lewis, paving the way for a fresh investigation into his death.

Seni Lewis was 23 years old when he died following prolonged restraint at the Bethlem Royal Hospital in South London on 31 August 2010. He was a successful graduate with a degree in IT and plans for further postgraduate study. In August 2010 he was physically well and had no history of mental illness. But within 48 hours of beginning to exhibit uncharacteristically odd and agitated behaviour – and within 18 hours of being brought to hospital – he was all but dead, having collapsed in the course of prolonged restraint involving 11 police officers of the Metropolitan Police Service (MPS). He never regained consciousness, and he was eventually pronounced dead four days later, on 4 September 2010.

From its outset, the original IPCC investigation into the death sought to rule out the possibility that the circumstances might disclose disciplinary or criminal wrongdoing on the part of the officers involved in the fatal restraint. As a result, the relevant officers were treated as mere witnesses rather than the subjects of the investigation: they were not put on notice that their conduct was under investigation, nor were they questioned in interview, under caution or otherwise. In the event, their accounts of the relevant events remained untested, and on that basis the investigation concluded in August 2011 where it had started, i.e. a determination that the circumstances of the death did not disclose any disciplinary or criminal wrongdoing on the part of any officer.

Throughout that original investigation and upon its conclusion, the approach adopted by the IPCC was the subject of consistent and critical challenge by and on behalf of the family of Seni Lewis. Eventually, the IPCC was compelled to admit that its approach had indeed been fundamentally flawed, and that it had failed to carry out an effective investigation. In that light, an application for judicial review brought by Seni's family in respect of the original investigation resulted in a ruling by the High Court on 23 August 2013 that the investigation had indeed been unlawful, and that the IPCC was required to undertake a re-investigation on a proper footing in accordance with its obligations under Article 2 of the European Convention of Human Rights.

Seni's mother, Ajibola Lewis, said:

"We are relieved that the way has finally been cleared for a proper investigation into Seni's death, even if it comes three years late. We have had to tread a long and tortuous path to get here, which would have been altogether unnecessary if the IPCC and the MPS had been willing to fulfil their responsibilities under the law. As it is, we find that we have been failed and victimised thrice over: first, by the manner in which Seni was taken from us; second, by the IPCC in their inability or unwillingness to do their job until forced by us to do so; and third, by the Metropolitan Police in their reluctance to help the IPCC do that job until compelled to do so by the High Court. We hope that both the IPCC and the Met will now allow light to shine upon the truth about Seni's death."

Deborah Coles, co-director of INQUEST said:

"This is obviously welcome news for Seni's family who have been battling tirelessly for a decent and thorough investigation into how Seni came to his death. It is beyond comprehension that this family is back to square one, three years after he died. It is vital that the new investigation is conducted rigorously and robustly and that any wrongdoing is identified and dealt with appropriately. We can only hope that the IPCC has learned from this whole sorry experience so that no other family will ever have to go through this again."

Raju Bhatt, solicitor for Seni's family, said:

"This outcome is a full vindication of the insistence of Seni's family that the IPCC should be compelled to do the right thing by Seni. They look now to the IPCC to do what should have been done three years ago, at the outset upon Seni's death, so that there is at long last a proper and effective investigation, with the benefit of rigorous questioning of the relevant officers under caution, leading to a fresh consideration of the question as to whether criminal proceedings should be brought against any officer in relation to Seni's death."

INQUEST has been working with the family of Olaseni Lewis since his death in September 2010. The family is represented by INQUEST Lawyers Group members Raju Bhatt and Sophie Naftalin from Bhatt Murphy Solicitors.

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For further information, please contact Hannah Ward, Communications Manager at INQUEST on 020 7263 1111 / 07972 492 230 or hannahward@inquest.org.uk

INQUEST provides a general telephone advice, support and information service to any bereaved person facing an inquest and a free, in-depth complex casework service on deaths in custody/state detention or involving state agents and works on other cases that also engage article 2 of the ECHR and/or raise wider issues of state and corporate accountability. INQUEST's policy and parliamentary work is informed by its casework and we work to ensure that the collective experiences of bereaved people underpin that work. Its overall aim is to secure an investigative process that treats bereaved families with dignity and respect; ensures accountability and disseminates the lessons learned from the investigation process in order to prevent further deaths occurring.

Please refer to INQUEST the organisation in all capital letters in order to distinguish it from the legal hearing.