

## **Re Olaseni Lewis, deceased**

### **1. Introduction**

- 1.1. Olaseni Lewis, known as Seni to his family, was an ambitious young man, 23 years-old, and a successful graduate with an IT Degree from Kingston University 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 by police officers. He never regained consciousness, and he was eventually pronounced dead four days later.
- 1.2. In fact, it appears that Seni was restrained – first by hospital staff and then by police officers – for a total duration in excess of some 45 minutes within the last hour prior to his collapse. This was against the background where police officers and hospital staff alike are trained to be aware of the fatal dangers of prolonged restraint in cases such as this, not least because of a significant number of deaths in similar circumstances over the last two decades.

### **2. Factual background**

- 2.1. In the early hours of Tuesday 31 August 2010, Seni's family sought professional help and took him to the Mayday Hospital A&E in Croydon, from where he was sent for observation to a place of safety, known as a 'section 136 Suite', in Maudsley Hospital in South London. In due course, a decision was taken that he required a few days in hospital for assessment, treatment and rest. However, given his home address, the bed managers at Maudsley insisted that he would have to go to Bethlem Royal Hospital. He was taken and admitted there as a voluntary patient that evening. Having helped him to settle down, his family and friend had to leave at around 8pm when visiting hours ended. They did so with assurances that they would be contacted if there were any problems whatsoever.
- 2.2. Four hours later, at around midnight, Seni's family were to learn that he had collapsed and taken by ambulance to Mayday Hospital where he was placed on a life support machine. Four days later, on 4 September 2010, brain stem death was confirmed and his life support machine was switched off.
- 2.3. With the benefit of the evidence heard at the inquest, his family have since learnt what in fact happened after they were told to leave Seni on the ward at Bethlem. They understand that he became more and more agitated in their absence, and even more so when he was told that he could not leave, contrary to his understanding that he was there voluntarily. Eventually, it appears that he was sectioned in order to detain him against his will, and he was then restrained and held face down on the floor by several members of hospital staff whilst the medication was forcibly administered.
- 2.4. At the same time, it appears the police were called because Seni was said to have damaged a door on the ward. When the police arrived and pointed out that Seni was a patient in their care, the hospital staff sought their assistance to take him from the ward to the seclusion room on a lower floor in the Intensive Care Unit at Bethlem.
- 2.5. Seni was then handcuffed and taken down the stairs to the seclusion room by the police – and at all times, while he made it clear that he still wanted to leave and return home, he was not violent towards the officers or anyone else. Indeed, the evidence from the police officers themselves was that Seni was co-operative and did not struggle until he reached the door to the seclusion room when he appeared to realise that he was going to be detained inside it.

### **3. The fatal restraint**

- 3.1. Once inside the seclusion room, Seni was held forcefully on the floor by the police officers. He was so held for a total of 30-40 minutes in the course of two successive episodes of prolonged restraint involving some 11 police officers altogether. The officers insisted that at all times they were fully aware that the prolonged restraint in which they held Seni was dangerous, carrying an inherent risk of imminent death.

3.2. In the course of the second and final episode of restraint, further medication was forcibly injected into Seni by one of the medical staff. Shortly afterwards, he went ‘limp’, and that was when the police officers felt able to let go of him. However, instead of providing basic life support to him, they left him on his own in the room, still lying face down on the floor, apparently because they thought that he was ‘faking’. It was only when he remained motionless that they returned to him with the medical staff, but in reality he was all but dead by then. Following attempts to resuscitate him, an ambulance was called and he was taken to the A&E at Mayday where his family found him on a life support machine.

#### **4. The IPCC & the initial investigation**

4.1. It then fell to the IPCC to investigate the events leading to Seni’s death. From the outset, however, it appears that the IPCC chose to undermine the point of their investigation: they ruled 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 matter was not recorded as a ‘recordable conduct matter’, and in consequence the relevant officers were not put on notice that their conduct was under investigation, nor were they questioned in interview, under caution or otherwise. So, the written accounts presented by those officers in respect of their involvement in the fatal restraint remained untested by the IPCC.

4.2. Nevertheless, in August 2011 – one year after Seni’s death – the IPCC purported to conclude their investigation and refer the matter to the CPS for a decision as to whether any charges should be brought against any of the officers. Two months later, in October 2011, the CPS returned the file to the IPCC with their agreement that it should never have been referred in the first place. Under pressure from the family to explain this state of affairs, the IPCC eventually admitted in May 2012 that it had to do with ‘confusion’ and ‘oversight’ on their part, and they then purported to refer the matter back to the CPS again for a ‘review’ of the case, still without the benefit of any questioning of those involved in the fatal restraint. The IPCC subsequently acknowledged their errors in the conduct of their investigation, particularly with reference to their readiness to accept the unquestioned and untested accounts of those involved in the fatal restraint.

#### **5. The IPCC & the MPS**

In March 2013, the IPCC sought to embark upon a fresh re-investigation, only to be obstructed by intransigence and worse from the MPS. For their part, the family found themselves faced with the sorry spectacle of the IPCC and the MPS at odds with each other, unable or unwilling to do what the public should be able to expect: to work together to ensure that everything necessary is done to allow an effective investigation. The MPS, for their part, appeared intent on hiding behind technicalities in an attempt to prevent any such investigation, while the IPCC looked on, seemingly paralysed into inaction.

#### **6. Judicial Review**

In the circumstances, the family were left with no choice but to seek judicial intervention by way of an application for judicial review whereby the High Court was asked to order the IPCC and the MPS to meet – and be seen to meet – their obligations in relation to this family: as a matter of law and, ultimately, as a matter of justice and common human decency. On 23 August 2013, the High Court ruled that the initial 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.

#### **7. The IPCC & the fresh re-investigation**

7.1. In September 2013 – over two years after Seni’s death – the IPCC launched a fresh re-investigation, announcing that they were “determined to conduct a robust and thorough re-investigation, as it is what is demanded to finally understand what happened to Seni Lewis”. In the ensuing months, the family saw little sign of the “robust and thorough re-investigation” they had been promised: indeed, they were given cause to raise repeated concerns about the level of resources being made available for this matter at the IPCC, with a single relatively inexperienced investigator left to her own devices to cope with the complex demands of this case.

7.2. Not surprisingly, the purported re-investigation was not concluded – and its outcome in the form of a report was not made available to the family or the CPS – until April 2015, some twenty months after its commencement and over four and a half years after Seni’s death. The IPCC concluded that seven of the eleven officers involved in Seni’s restraint had a case to answer for gross misconduct, and that the remaining four officers had a case to answer for misconduct.

## **8. Misconduct proceedings**

8.1. The response from the MPS was to decline to hold any misconduct proceedings whatsoever, on the basis that there was no evidence to suggest that any of the officers who came into contact with Seni had a case to answer for misconduct or gross misconduct. The ensuing exchanges between the MPS and the IPCC culminated in a direction by the IPCC to the MPS requiring misconduct proceedings to take place. As yet, neither the MPS nor the IPCC have informed the family of the timetable for such proceedings.

8.2. For their part, the family consider that the multiple and repeated failures they have seen at all levels of the IPCC from the very outset since the fatal events of August 2010 – and the apparent intransigence and worse of the MPS – serve to explain in large part the reasons why no officer has faced misconduct proceedings almost seven years after the relevant events.

## **9. The CPS decision**

9.1. Following the conclusion of the second IPCC investigation in April 2015, the matter was referred to the CPS once again for a decision as to whether the available evidence justified criminal proceedings against any individual arising out of the circumstances of this matter.

9.2. On 29 May 2015, the CPS announced that no charges would be brought against any of the officers involved in the restraint. Significantly, they confirmed that they had not even needed to consult counsel following the conclusion of the second IPCC investigation because “*the new material provided did not take the case very much further*”, given the material produced by the first quashed investigation. For their part, the family were not in the least surprised that this decision was in the negative: they considered that it necessarily shaped by the flawed and inadequate investigation of the circumstances in which Seni met his death. She stated that she had not considered offences of corporate homicide as there had never been an investigation into this aspect of the case.

## **10. The corporate homicide investigation**

10.1. On 16 April 2015, just as the family were preparing for the full inquest to be finally listed for hearing, they were notified by the Coroner of her insistence that a further criminal investigation was required into potential offences of gross negligence manslaughter and corporate homicide against the staff of Bethlem Royal Hospital and/or its management at the South London and Maudsley NHS Trust.

10.2. The family were told that the reason for the delay in this regard lay in discussions which had apparently been taking place since 2012 between the Health and Safety Executive (HSE), the MPS and the IPCC, without the knowledge of the family, as disclosed to the Coroner in March 2015. No explanation has been forthcoming as to why the investigation could not have been initiated earlier, but the Coroner confirmed that until its conclusion the final inquest hearing could not take place.

10.3. It took a further four months before, in August 2015, Devon and Cornwall Constabulary were eventually appointed to assume responsibility for the corporate homicide investigation, and ten more months passed before a file was submitted to the CPS for a charging decision in June 2016. On 11 October 2016 – over six years after Seni’s death – the CPS announced that no charges were to be brought against SLAM or any member of its staff.

## **11. Inquest**

11.1. The inexplicable, inexcusable and intolerable failures reflected in the sorry history outlined above have meant that the family and the public alike were denied the benefit of effective scrutiny into the circumstances in which Seni came by his death for over six and a half years.

11.2. At the family's insistence, the full inquest finally commenced on 6 February 2017 before a jury sitting with the Senior Coroner for the South London Area, Ms Selena Lynch. Following 14 weeks of hearings – including 29 days of evidence from witnesses and their questioning on behalf the family as well as the MPS, SLAM and the individual officers involved in the fatal restraint – the family and the public alike now know what happened to Seni.

11.3. In this light, Seni's parents, Aji and Conrad Lewis, have issued the following statement:

*“When Seni became ill, we turned to the state in our desperation: we took him to hospital which we thought was the best place for him. We shall always bear the cross of knowing that, instead of the help and care he needed, Seni met with his death.*

*“Now, after almost seven years of struggle to get here, the last three months have allowed us to hear for ourselves about what happened to Seni. We have heard about the failures at multiple levels amongst the management and staff at Bethlem Royal Hospital: instead of looking after him, they called the police to deal with him. And we have heard about the brute force with which the police held Seni in a prolonged restraint which they knew to be dangerous: a restraint that was maintained until Seni was dead for all intents and purposes.*

*“In light of the evidence we have heard, we consider that the prolonged restraint that resulted in Seni's death was not and cannot be justified, and we now look to the Crown Prosecution Service to reconsider the case, so that the officers involved in the restraint may be brought to answer for their actions before a criminal court. This is necessary, not just in the interests of justice for Seni, but also in the public interest, so that the police are seen to be accountable to the rule of law.*

*“The officers involved in the restraint have not been able or willing to offer any word of condolence or regret in their evidence, in the same way that none has been forthcoming from any of their managers or superiors in the Metropolitan Police over these years. That lack of simple human decency is telling, and the new Metropolitan Police Commissioner, Cressida Dick, has an opportunity to put it right. We call on her to meet with us, so that we may help her to take responsibility for Seni's death, to understand the lessons that need to be learnt, so that other families need not go through what we have had to endure.*

9 May 2017

Raju Bhatt  
Bhatt Murphy

**Solicitor for the family of Olaseni Lewis, deceased**