

- 6.9.5 11 June: 04:55 hours: paracetamol given. 13:24 hours, CSU, three man unlock, sat in room and refused to make contact on the phone. 18:44 hours call taken from paramedic from 111 service advising Mr [D2953] had called them 4 times that day and in the recent call stated he needed medication for his headache. 12 June: 14:08 hours: known to mental health team and though not aggressive there are concerns about behaviour. 14 June: Discharged from mental health as refusing to engage. 15 June: Came for sleeping medication nothing prescribed advised to return a.m. to speak to nurses. 16 June: 00:26 hours: had contacted 111 service to talk about his human rights. 15:16 hour's codeine and medication for insomnia prescribed. 17 June: requested treatment for back pain paracetamol given.
- 6.9.6 29 June: 13:38 hours: moved to CSU after throwing food in wing and being rude to staff. States has been punched and hit by Officers; states hit around side of head, no bruising or red marks – No new injuries. 1 July: called ambulance service, checked states he is upset and complains about room being dirty.
- 6.9.7 The medical information also records the following calls were made to the NHS 111 Service around the incident dates in question:

11 June 2017:

- 10:55 hours: Mr [D2953] reported he was on anti depressants and staff had refused to give him his medication.
- 11:46 hours: During this call Mr [D2953] reported his mental health was worsening.
- 16:50 hours – Reported he has a headache and is not sleeping. He is kicking on the door and no one is taking notice of him. Medical emergency; is on anti depressants and sleep aids which the Centre were not giving to him. Centre had also imposed a ban on him having access to anyone and he was afraid for his life.
- 19:26 hours: Reported he had a headache and was not sleeping.

26 June 2017:

02:00 hours: Prescription request – codeine.

7. CONSIDERATION OF EVIDENCE AND CONCLUSIONS

- 7.1 **Allegation 1: On 10 June 2017 DCM Murphy hit him hard on his left thigh leaving a bruise, on 11 June DCM Murphy punched him on the chest/lower abdomen and, on 16 June he punched him on the left side of his head.**
- 7.1.1 **Review:**
- 7.1.2 At his interview Mr [D2953] gave a detailed account of the alleged physical assaults that he states he endured at the hands of Acting DCM D Murphy on 10, 11, and, 16 June respectively.
- 7.1.3 The extensive documentary evidence in the form of various Security, Use of Force,

cannot ignore the contents of the BBC Panorama Programme about Brook House IRC which was aired on 4 September 2017. The programme transcript contains some alarming information with regards to Acting DCM Murphy's behaviour and actions which includes the following:

- Him threatening a detainee who was suffering from mental health issues by saying: 'clean this window, tell him if he keeps going I'm going to smash the fucking shit out of him, listen listen stop fucking about you understand stop' and 'I don't want to come back in this room again you'll be in trouble all right (14 June).'
- Also on the same day (14 June) in relation to a detainee who had taken spice Acting DCM Murphy stated: 'look at the state of that, imagine bringing that home to your mother' and 'absolutely no sympathy for them at all if he dies he dies.'
- On 6 July mouthing that he wanted to strike a detainee on E wing.
- In early 2017 Acting DCM Murphy looking into a room seeing a detainee was bleeding and taking no action resulting in the detainee bleeding for at least 30 minutes.
- On an unknown date alleging to have punched a detainee in the jaw who had previously bitten him.
- Whilst on shift the previous week (to 8 May) saying 'he had chopped with his open hand or punched a detainee on E Wing under the chin causing him to spit out a razor blade he had concealed in his mouth.'
- On an unknown date him alleging to have punched a detainee on the jaw. A Senior Manager asked what had happened and neither Acting DCM Murphy nor the other officers present said what had actually taken place.

7.1.13 Although some of the actions above by Acting DCM Murphy relate to his interaction with detainees other than Mr **D2953** and, in regards to some of his actions there are no details as to e.g. who he had allegedly punched on the jaw, the information nonetheless gives an indication that Acting DCM Murphy had a poor, unprofessional, insulting attitude towards individuals and had potentially mistreated individuals in his care at the Centre which is highly relevant.

7.2 Conclusion

7.2.1 Crucially some of this mistreatment by Acting DCM Murphy was around the same time as when Mr **D2953** alleges he was mistreated by Officer Murphy. On a balance of probabilities it is therefore right and proper for this investigation to attach weight to the information contained within the BBC Panorama Programme when assessing Mr **D2953**'s allegations against Acting DCM Murphy.

7.2.2 Mr **D2953** also appears to have been let down by processes inside Brook House in June 2017 when he mentioned he had been assaulted. The allegations should have been flagged to e.g. the Home Office Immigration Team and Detention Services. At

the very least, Mr [D2953] should have been handed a complaints form and assistance should have been given to him via e.g. the Centre Welfare Officer given the fact that English is not Mr [D2953]'s first language for him to provide full details of the assault.

- 7.2.3 The fact all these necessary steps were not taken back in June when Mr [D2953] mentioned he had been assaulted when balanced against the rest of the evidence which includes; Mr [D2953]'s call to the EASS helpline at 15:06 hours on 16 June; the fact he mentioned on 20 June to the Officer in the library that he had been assaulted; three attempts to alert DCM Page as well as healthcare staff on 29 June; a note by healthcare on 29 June who recorded 'a ? over injuries prior to that day;' a further call to the helpline on 29 June in which Mr [D2953] mentioned he had been assaulted as well as; the evidence featured in the BBC Panorama Programme with regards to Acting DCM Murphy's conduct at Brook House IRC leads to the conclusion that something did happen to Mr [D2953] as he states.
- 7.2.4 Therefore on a balance of probabilities the conclusion reached by this investigation is that there is substance to Mr [D2953]'s allegations consequently the allegation is substantiated.

8. RECOMMENDATIONS

8.1.1 Recommendation 1 G4S and Detention Services – Policy and Procedure-Complaints Process

- 8.1.2 This investigation has identified a failing in G4S's policy and procedures when it came to the handling of Mr [D2953]'s assault allegation. Between 20 and 29 June 2017 Mr [D2953] mentioned four times he had been assaulted. The first time on 20 June when Mr [D2953] mentioned he had been assaulted the Officer completed an Incident Report. A Senior Manager was asked to speak to Mr [D2953] but there is no documentary evidence to show any contemporaneous follow up action was taken. There is no evidence to indicate Mr [D2953] was given a complaint form to complete. On 29 June 2017 Mr [D2953] mentioned three times he had been assaulted on 16 June. Whilst DCM Page's Incident and UoF reports make reference to Mr [D2953] stating he had been assaulted there is no documentary evidence to show the allegation was followed up in any way.

- 8.1.3 **Action Point 1:** Taking account of the background in so far as the handling of Mr [D2953]'s complaint is concerned It is recommended G4S review and ensure their current complaints handling process is robust enough to prevent a repeat of a similar situation from arising again. Any review should give consideration to the formalisation of a more active role by the Centre welfare Officer particularly in cases where a vulnerable detainee or an individual where whose first language is perhaps not English makes an allegation of mistreatment to ensure such individuals are afforded every opportunity to give all relevant details.

- 8.1.4 **Action Point 2:** It is recommended G4S reminds all Centre staff of the actions that should be taken when a detainee alerts them to any form of mistreatment.

- 8.1.5 **Action Point 3:** Where a detainee does not wish to pursue an allegation or does not

wish to engage with an Officer who liaises with them about an allegation of mistreatment, it is recommended Officers are reminded of the need to record this information on the individual's record. Any entry should include details of who spoke to the individual and the date, time and location of any discussion.

- 8.1.6 **Action Point 4:** Subject to the above being implemented it is recommended Home Office Detention Services in due course reviews the G4S complaints handling process/procedures and ensure they are robust and sufficient in light of the failings which occurred in the handling of Mr **D2953**'s complaint.

8.2 **G4S Equalities Advisory Support Service helpline – Other – Reporting calls of mistreatment**

- 8.2.1 Mr **D2953** first contacted the EASS helpline and told the EASS Operator he was calling from Brook House and mentioned he had been assaulted. At the time the helpline Operators apparently did not know Brook House IRC was run by G4S and therefore did not make the connection. Mr **D2953** continued to make calls to the helpline and was eventually told to ring another Immigration helpline.

Action Point 5: It is recommended G4S ensures the EASS help line has appropriate mechanisms in place to ensure any future calls of a similar nature are routed properly and in a timely manner.

9. **APPENDICES**

- A Copy of the letter dated 28 September 2017 from Duncan Lewis Solicitors.
- B Letter to Acting DCM Murphy dated 13 December 2017.
- C1 Summary of relevant extracts of Mr **D2953**'s interview of 6 October 2017.
- C2 Summary of Mr **D2953**'s interview of 18 October 2017.
- D Copy of DCM Nick London's statement.
- E Copy of DCM Michael Yates' statement.
- F Copy of Rule 40 Log.
- G Copy of Mr **D2953**'s medical records.

Name: Rukshana Rafique

Name: Jon Wyatt

Position: Investigating Officer

Position: Senior Investigating Officer

Signed:

Signed:

Date: 15.2 2018

Date: 15. 2. 2018