

areas obscured and blind spots on the staircase (photos 4 and 7 to 14)

- 7.3.2 The detainee and his friends who had blocked and 'shoved' Mr [D668] were not identified by Mr [D668] so the only witnesses were Mr [D1249] and DCO Camara. It is questionable, given the evidence and the regime that Mr [D1249] from C Wing would have been able to access D Wing and at that exact time see any altercation and respond to it as alleged by Mr [D668]. Mr [D1249]'s evidence bore this out. He was unable to give any consistent witness account.
- 7.3.3 DCO Camara likewise. He had not witnessed a detainee on D Wing stairs 'shove' Mr [D668] and had not commented as stated by Mr [D668]. He was one of the few DCOs who recognised Mr [D668] given he worked on D Wing sometimes. He was aware Mr [D668] would complain about general things, but had been unaware of any of the complaints being currently investigated. He described the SIR and anti-bullying policies he would have followed if he had been present during the alleged incident. I was satisfied that if DCO Camara had seen the incident he would have recorded it appropriately and mediated between the pair, as suggested in the Violence Reduction Strategy (paragraphs 6.4.7 and 6.4.8). Mr [D668] was not complaining about DCO Camara's actions in any case.
- 7.3.4 No IRs, SIRs or DAT observations were made in respect of this incident. Mr [D668] was unable to describe the security officer he had made his verbal complaint to. The two witnesses put forward were unable to support Mr [D668] account. Without anything more and on the evidence and to a balance of probabilities, I find the allegation that on 17 or 18 August 2017, Mr [D668] was assaulted by a fellow detainee on the staircase, which he reported to a G4S officer but no action was taken **unsubstantiated**.
- 7.4 Allegation 4: that on 24 August 2017, prior to a visit from his brother, Mr [D668] was allegedly 'frisked extremely aggressively' by DCM Darren Tomsett and this intimidated Mr [D668]**
- 7.4.1 Mr [D668] identified DCM Tomsett as the officer on duty when he had had a visit with his brother. He was mistaken on the date. It was established from the rosters and the presence of DCM Tomsett and the description of the female DCO that this visit had been on 20 August 2017. There were five DCOs on duty. However, DCM Tomsett had been a manager at this point and not a DCO. He had been rostered to cover A and B Wings but said at this time he would sometimes be the manager for all the residential wings when short staffed and indeed on 20 August 2017 the roster supported he had covered four instead of two residential wings.
- 7.4.2 It would then seem unlikely that he would be in the Visits area, given the wider than usual residential role he would have had that day. DCM Tomsett said that even as a DCO he had been a residential DCO and had rarely covered Visits.
- 7.4.3 Two witnesses were put forward by Mr [D668] but neither responded to requests for their accounts. There was no CCTV and given this had been four months after the incident, there would be little expectation of any unless an incident had been recorded by an officer. There were no IRs, SIRs or DAT observations recorded.

force i.e. internet provider as in this case. It does however state 'If a detainee has their access suspended and requires access to the internet for material relevant to their immigration case the detainee can approach the IRC's welfare office who will provide limited supervised access on a case by case basis.'

- 7.10.6 Whilst not an ideal situation, Brook House IRC were at the mercy of the internet provider and the provision of internet was therefore outside of their control. The Welfare office was available to detainees and I was satisfied that there were alternative means of communication, mobile phones and fax machines at Mr [D668] disposal.
- 7.10.7 On the evidence and to a balance of probabilities, I find the allegation that the IT system at Brook House IRC was so bad that it made it difficult for Mr [D668] to send emails to his lawyers **part substantiated**, given he had alternate means of communication.
- 7.11 **Allegation 11: that the toilet facilities in Mr [D668] room were inadequate and lacked privacy (causing Mr [D668] humiliation when using during times when his room was locked).**
- 7.11.1 Mr [D668] was extremely distressed when describing the toilet facilities in his room and his use of this, given he shared a room and was locked in this room at certain times during the day and all night. He said there was no cover and the toilet area was open. The window is fastened shut so there was no ventilation and there needed to be because of the smell. His bed had been opposite the toilet and he cried when his roommate used the toilet because of the smell. He had to lie there and smell it. He would not use the toilet during lock ins because it was humiliating and he hurt his stomach by keeping it in. He said there was no seat and the toilet was filthy and had never been cleaned; brown inside. He had to stand to use it and would not sit down on the dirty seat. He said all of this had been like torture and had affected his mental health.
- 7.11.2 The toilets in the rooms in Brook House IRC were viewed. They had a curved wall (to prevent ligatures) and a sheet of velcroed material across the doorway. G4S said that some of these curtains were previously missing but have since been replaced. There were two complaints about the toilets between April and June 2017. It was acknowledged that sharing a room with two detainees, with one toilet in the room, could cause discomfort and be unpleasant although the Home Office accepts this as an operating norm. The Operating Standards for IRCs state for hygiene 'the Centre must ensure that detainees have access to toilet and hand washing facilities 24 hours per day.'
- 7.11.3 During Sir Shaw's visit to Brook House on 22 June 2015 he noted, 'the toilet/shower was separated from the room by a curtain.' The norm, especially in new-build facilities, such as on the Heathrow estate and at Brook House, is for lock-in between 9pm and 8am (though, at Brook House, for example, detainees are also locked in their rooms for half an hour at noon and 5pm for roll call).'
- 7.11.4 He found that 'there is no evidence to suggest that any of the accommodation viewed in the IRCs and other detention facilities has not been certified as fit for use

in the terms of Detention Centre Rule 15, or that regular checks on the accommodation are not being carried out. The nature of the accommodation varies across the estate. Much of it is decent but some rooms are less pleasant. Apart from the example mentioned above (Colnbrook), the policy requirements in terms of hygiene appear to be being met.' Sir Shaw made no recommendations about the toilet facilities in Brook House IRC.

7.11.5 Rule 15(2) of the Detention Centre Rules 2001 provides that 'No room shall be used as sleeping accommodation for a detained person unless the Secretary of State has certified that:- (a) its size, lighting, heating, ventilation and fittings are adequate for health'. DSO 04/2003 (re-published January 2017) has been issued 'to ensure that all accommodation provided at immigration accommodation centres is compliant with Detention Centre Rule 15 and published Operating Standards'. The DSO provides that for rooms with no natural ventilation, 'the minimum fresh air rate must be eight litres/second/person where no smoking is permitted' and where smoking is permitted 'the fresh air rate shall be increased in accordance with CIBSE Guides and the Building Regulations Part F1 recommendations.' Checks with the contract monitor at Brook House recorded that 'in August 2016, the Secretary of State certified that the rooms in Brook House 'are of such size and are lighted, heated, ventilated and equipped in such as a manner as is requisite for health.' I understand that there is a wider HO review of accommodation facilities at Brook House IRC and Mr [D668] concerns have been raised to this review.

7.11.6 Mr [D668] evidence about the toilet was that he was upset and humiliated about the state of the toilet and having to use this in front of a roommate and to be subject to being present when the roommate used this. I understand that the responsibility for cleaning the toilets falls to the detainees themselves and cleaning products are available. Other than that, the toilet in the room, room sharing and lock up are an accepted norm by the HO at this time and no issue has been raised in the centre-wide review by Sir Shaw. Current HO policy is that Mr [D668] need only have access to a toilet and he did. On the evidence and to a balance of probabilities, I find the allegation that the toilet facilities were inadequate and lacked privacy **unsubstantiated** unless found otherwise by the wider HO review.

8. SUMMARY AND RECOMMENDATIONS

8.1 Mr [D668] raised 11 allegations ranging from inappropriate conduct by staff (DCM Tomsett and DCO Spark) to officers ignoring his complaints and providing insufficient feedback on any complaints he raised. He only ever raised verbal complaints and never used the HO complaints mechanism. He said that he had only ever submitted one complaint to the G4S complaint box in the library in August 2017. This was next to the HO complaints box. The form he had completed had been in the library. He received no response from G4S so did not use the formal complaints process again. He had not used the HO complaints process because a friend of his had and was then removed.

8.2 Checks with Brook House IRC confirmed that there was only the yellow Immigration Enforcement Complaints box and this was on each Wing. In the library there is a grey Samaritan's box and a red Immigration Enforcement box labelled complaints and requests. There is no box with a G4S sign on it. The Detention