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Home Office

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Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding
allegations by D87 of gross misconduct and
gross medical negligence against staff at Brook House IRC
during two separate incidents on 30 June 2017

Ref: IMG/17/1555/1557/007

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1. INTRODUCTION

- 1.1 This report outlines the circumstances and events concerning the treatment of [D87], who alleged gross misconduct and gross medical negligence against staff at Brook House Immigration Removal Centre (IRC) on 30 June 2017, during two separate incidents.
- 1.2 [D87] submitted an undated Detention Services Complaint Registration Form (DCF 9) on 3 July 2017, which was passed to the Home Office Professional Standards Unit (PSU) for investigation.

2. TERMS OF REFERENCE

- 2.1 To investigate the complaint allegations made by [D87] of gross misconduct and gross medical negligence by staff at Brook House IRC on 30 June 2017 during two separate incidents.
- 2.2 • Allegation 1: At approximately 17:20 hours [D87] was attacked by a group of officers in his cell, which resulted in him receiving injuries.
- 2.3 • Allegation 2: [D87] was relocated to the Care and Separation Unit (CSU) and tried to take his own life; it took one and a half hours for the door to be opened, with about 13 officers geared up running towards him, when he was supposed to be dead. He was not seen by a doctor or a nurse, amounting to gross negligence.
- 2.4 To make recommendations about any learning for any individual or organisational learning, including whether any change in policy or practice would help to prevent a recurrence of the events, incidents or conduct investigated.
- 2.5 To make recommendations for line management to consider the conduct of any officer subject to investigation in light of the report.
- 2.6 To make recommendations on whether the incidents highlight any good practice that should be disseminated.

3. HOME OFFICE POLICY & GUIDANCE

- 3.1 Detention Service Order 03/2015 - Handling of Complaints
- 3.2 Detention Services Handling of Complaints guidance ensures that the investigation of complaints is dealt with effectively and efficiently. This investigation and report has been conducted in line with the formal investigation procedures set out in the Complaints Guidance.
- 3.3 Detention Centre Rules - Use of force
- 3.4 41. (1)A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is

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necessary, no more force than is necessary shall be used.

- 3.5 (2) No officer shall act deliberately in a manner calculated to provoke a detained person.
- 3.6 (3) Particulars of every case of use of force shall be recorded by the manager in a manner to be directed by the Secretary of State, and shall be reported to the Secretary of State.

4. OFFICERS SUBJECT OF INVESTIGATION

- 4.1 From the evidence gathered, the Brook House IRC staff listed below have been identified as potential subjects of the complaint, as they were the staff involved in the incidents.
- 4.2 **Incident 1:** DCM Dean Brackenridge, DCM Mike Trott, DCO Ryan Bromley, DCO Sean Sayers, DCO Alex Parpworth, DCO Aaron Stokes and DCO Esmail Moshiri.
- 4.3 **Incident 2:** DCM Daniel Robinson; Team 1: DCM Ben Shadbolt, DCO Jason Murphy, DCO Joe Bryant and DCO Darren Tomsett. Team 2: DCO Chris Brown, DCO Edmund Fiddy and DCO Mark Brewster.

5. SUMMARY OF INVESTIGATION

- 5.1 On 3 July 2017 the Central Referral Team (CRT) received [D87]'s complaint (DCF 9 form). The allegations were accepted for investigation by the PSU on 4 July 2017.
- 5.2 Evidence was requested and received from Karen Goulder, Administrator from G4S Care and Justice Services, Brook House IRC, in the form of: Incident Reports, Use of Force Reports, Report of Injury to a Detainee forms, Care and Separation records, Temporary Confinement records, Rule 40 documents, four discs containing CCTV and camera footage. Healthcare provided [D87]'s Healthcare Patient Record; and Mrs Shipp also obtained data from [D87]'s Home Office computer records (CID).
- 5.3 [D87] was interviewed regarding his complaint on 11 July 2017. It was agreed with the Centre that a telephone interview would be the most beneficial in order to limit [D87]'s movement, as since the date of the incidents [D87] [D87] had been on a four officer unlock, as he presented a significant threat to the Centre, due to his threats and behaviour. The interview was conducted with [D87] on his mobile phone, whilst he remained inside his room.
- 5.4 On 14 July 2017 a Home Office accreditation check was completed on all the officers involved; all officers passed.
- 5.5 Following a full review of the evidence, Mrs Shipp found no issues with the way that the staff had dealt with [D87], or the control and restraint used. However, in order to provide a full response to [D87], she did require some

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explanation regarding the rationale behind the decisions made that led to the complaints being made. Therefore on 29 August 2017 Mrs Shipp attended Brook House IRC and spoke with Steve Skitt – Head of Brook House and Deputy Director, Sara Edwards – Duty Director (on the day of the incidents) and DCM Ben Shadlock, who was involved in both incidents. In addition two of the DCOs (Aaron Stokes and Sean Sayers), involved in the first incident, were asked to provide written responses to three specific questions regarding information provided by [D87] at his interview.

- 5.6 As this complaint contained an allegation of assault, which allegedly resulted in injuries, the matter was reported to Sussex Police on 14 July 2017. A crime reference number of 47170101367 - Incident ref SXP-20170716-1606 was allocated on 16 July 2017. On 11 September 2017 an update was requested by the police as to whether any matters required police investigation; Mrs Shipp advised that she was in the process of completing the report, and both [D87]'s complaints would be unsubstantiated, so no, nothing for police investigation. By return the police asked if the PSU could advise [D87] in the response letter that there had been police involvement, to dissuade him from reporting the matters again to the police.

6. SUMMARY OF EVIDENCE

6.1 SUMMARY OF EVIDENCE FROM [D87]

- 6.2 [D87]'s evidence is informed from his DCF 9 Complaint Form; and his interview with the PSU on 11 July 2017. A very brief summary of [D87]'s evidence is outlined below, with further details, as relevant, in the 'Consideration of Evidence and Conclusions' section.

- 6.3 In summary, regarding Incident 1, [D87] alleged that on 30 June 2017 at approximately 17:20 hours he was attacked by a group of officers in a cell where he was placed on Removal from Association in Eden Wing. He alleged this attack resulted in him receiving injuries.

- 6.4 In summary, regarding Incident 2, [D87] alleged that on 30 June 2017 he was so frustrated that he said he was going to take his own life. He blocked the flap of his cell door with a tissue and remained silent after he had been ignored by all the members of staff that participated. In assumption that was the case it took one and a half hours for the door to open, with about 13 officers geared up running towards him, when he was supposed to be dead. He alleged he was not seen by a doctor or a nurse, amounting to gross negligence.

6.5 SUMMARY OF EVIDENCE FROM G4S STAFF

- 6.6 The PSU were provided with Incident Reports from both incidents, which included statements written by the officers involved. In addition, G4S also provided several other sources of documentary evidence, including camera footage. In this section there is a brief summary of the evidence provided by the officers. Additional details, as relevant, have been included in the

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- 6.7 'Consideration of Evidence and Conclusions' section.
INCIDENT 1
- 6.8 DCM Dean Brackenridge
- Annex
B1 6.9 DCM Brackenridge's report is consistent with that of his colleagues. He reported that on 30 June 2017 he was informed by the Duty Director that [D87] [D87] was to be moved to Rule 40 for making direct threats to harm staff earlier in the day.
- 6.10 DCM Brackenridge reported that he assembled a team of five officers, kitted in full Personal Protective Equipment (PPE) and briefed them on the situation. DCM Shadbolt video recorded the incident; and Healthcare (RMN DeeJay Persaud), the Duty Director (Sara Edwards) and DCM Trott (in his capacity as a use of force instructor to offer advice/guidance) were also present. DCM Brackenridge reported that [D87] was a very large and fit man.
- 6.11 DCM Brackenridge reported that he made his way with the team to Eden Wing; initially he positioned the team out of eye shot of [D87] and he opened his door. He informed [D87] that due to threats made earlier in the day he was required to walk with him to the CSU as he was being placed onto Rule 40.
- 6.12 DCM Brackenridge reported that [D87] made comments along the lines of 'Do you want to fight me?'. DCM Brackenridge asked the team to show themselves and again gave [D87] the opportunity to leave the room compliantly. He refused so DCM Brackenridge instructed the team to enter the room and gain control of [D87]. On entering the room [D87] became extremely aggressive and attempted to fight off the officers. Support officers were instructed to enter the room. DCM Brackenridge and DCM Trott gave guidance to the team but due to [D87]'s strength he was overpowering them.
- 6.13 DCM Brackenridge reported that [D87] continued to resist the team and was non compliant with instructions; he was extremely aggressive. [D87] managed to push the team through the room door and out onto the Unit. At that point DCM Trott became involved in the use of force and took over as the lead and number one officer. The team assisted [D87] to the ground and secured his head, arms and legs. Due to his strength and size the team could not get handcuffs onto him. DCM Shadbolt removed DCO Bromley from the team at that point due to a leg injury.
- 6.14 DCM Brackenridge reported that DCO Trott instructed the team to assist [D87] [D87] to his feet and they began to walk him into the CSU. [D87] was still displaying extremely high levels of aggression and non compliance. Throughout the incident he made further threats to harm staff and accused all of being racist. He made direct threats to kill DCM Brackenridge if he ever got a chance later in the evening. [D87] was walked into the CSU and was still non compliant kicking out at officers.
- 6.15 DCM Brackenridge reported that [D87] was walked into Room 4; the team engaged with [D87] and he appeared to briefly listen to DCO Sayers. DCO

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Moshiri was removed from the team as he appeared to sustain an injury to his chest. Both DCOs Bromley and Moshiri were seen by on site Healthcare and later sent to hospital.

6.16 DCM Brackenridge reported that [D87] sat on the desk at the back of the room and the team were instructed to leave the room; DCM Shadbolt secured the door; and welfare checks were made on all involved.

6.17 DCM Ben Shadbolt

Annex
Bi

6.18 DCM Shadbolt's report is consistent with that of his colleagues. In addition to the information provided by DCM Brackenridge, DCM Shadbolt reported that following the briefing at 17:20 hours they made their way to Eden Wing, where DCM Brackenridge began talking to [D87], who asked why he was being moved and for what reason; and then subsequently questioned why DCM Brackenridge was sending the officers in to fight him. DCM Shadbolt reported that [D87] put on his socks and trainers and stood up and began to escalate in his behaviour stating he was ready to fight and to send the team in to take him.

6.19 DCM Shadbolt reported that when the team entered [D87] grabbed the shield and began to resist against the officers, attempting to push them away from him. Once outside the room and on the floor DCO Bromley informed DCM Shadbolt that his legs were trapped (his right leg had got caught between [D87] [D87]'s legs and was twisted). DCM Shadbolt helped DCO Bromley to free his legs and as he could see that he was in pain he told him to stand down.

6.20 DCM Shadbolt reported that whilst being escorted through to the CSU [D87] pushed DCO Moshiri who had control of his right arm into the door between two rooms; and he twice attempted to kick out at DCM Trott.

6.21 DCM Mike Trott

Annex
Bii

6.22 DCM Trott's report is consistent with that of his colleagues. In addition to the information provided by DCM Brackenridge, DCM Trott reported that he was briefed by DCM Brackenridge on the current situation.

6.23 DCM Trott reported that once DCM Brackenridge had commenced conversation with [D87] there was a period of time where [D87] seemed confused as to the reasons stated. DCM Brackenridge explained several times and asked [D87] on several occasions to follow him to the CSU. At first DCM Trott believed that [D87] would follow the instruction and comply, but following a sudden change in demeanour the team were presented at the door and entered the room.

6.24 DCM Trott reported that following initial contact there was a period of struggle where the four staff seemed not to be able to gain control. After a short while [D87] made his way out of the room and he was dragging the team with him. At that point DCM Trott stood in front of [D87] and assisted the team in guiding him to the floor by taking control of his head. On the floor [D87] was

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in the supine position (on his back); DCM Troll took control of his head by placing his knees either side and the palms of his hands on [D87]'s forehead. He reported both hands were required due to the strength presented by [D87] who kept attempting to raise his head up.

- 6.25 DCM Trott reported that he opened conversation with [D87] and was instructing him to relax and allow staff to take control of his arms; again due to his strength some considerable resistance was offered. Throughout [D87] was shouting at them to let him go and stating they were killing him. Ultimately DCO Trott instructed the staff to transfer through locks in order to stand [D87] up and walk him through to the CSU.
- 6.26 DCOs Ryan Bromley, Aaron Stokes, Alex Parpworth, Esmail Moshiri and Sean Sayers
- 6.27 All of the DCOs reports are consistent with that of their colleagues. In addition to the information provided by above, DCO Bromley reported that they entered the room at approximately 17:34 hours. DCO Moshiri reported that on approach towards [D87] he told him to step back and he placed the shield on him as the officers tried to gain control of his arms. [D87] pushed the shield back and DCO Moshiri tried to place the shield on [D87] again. At that point [D87] tried to grab the shield from him, so DCO Moshiri got rid of the shield as it was an obstruction in the team's way and its usefulness had faded. DCO Sayers took control of [D87]'s right arm by grabbing his wrist and his bicep, whilst DCO Parpworth took control of his left arm.
- 6.28 DCO Bromley reported at that point [D87] was extremely aggressive and began to resist and try to attack the officers in the room. DCO Sayers reported that [D87] was at a very high level of aggression and was aiming it at the team. [D87] then climbed onto the bed, managing to release both of his arms from the officers, throwing officers away directly onto the second bed; and he continued to throw multiple strikes in the direction of the officers as he ran for the door.
- 6.29 DCO Stokes reported that [D87] was standing in the middle of his room saying '*Do you want to fight! Come and fight me then!*'. [D87] was struggling violently, and pushing the team backwards which led DCO Stokes to intervene to stop [D87] causing harm to any of his team mates. He tried to restrain [D87]'s arms by attempting to put his arm into an arm lock to prevent him from swinging his fists; but due to his size and strength he was unable to place the arm into a lock but he managed to keep hold of his arm to prevent him swinging his fist at his colleagues.
- 6.30 DCO Parpworth reported that upon entry he took control of [D87]'s left arm and ended up in a position where he was kneeling on the bed and trying to maintain control of his arm whilst [D87] struggled violently. [D87] managed to grab DCO Parpworth's left arm with his right hand and was squeezing his upper arm. DCO Parpworth tried to get himself into a position where he was standing on the ground, but [D87] pushed them all backwards, which resulted in DCO Parpworth falling to the floor, leaving him in

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pain. He got back up and saw that another officer had taken control of [D87] [D87]'s arm, so he took control of his head. Due to [D87]'s size and strength, it was very difficult to get him into the correct position and maintain control. [D87] [D87] struggled and used his strength to push them back again, and made a push for the door. DCO Moshiri reported that [D87] took all of them with him towards the door.

6.31 DCO Bromley reported that he managed to block [D87] from exiting further outside the room by remaining in his position and [D87] ran straight into him, causing them both to go to the ground with DCO Bromley's right leg trapped underneath [D87]'s full body weight. DCO Moshiri reported that the team landed on top of them; but he swiftly moved to the right and got control of [D87]'s right arm, and DCO Stokes his left. With DCM Trott gaining control of his head. DCM Shadbolt managed to free DCO Bromley's leg and instructed him to see Healthcare immediately. He later attended East Surrey Hospital where it was confirmed that he had sustained muscle ligament damage to his right knee.

6.32 DCO Moshiri reported that [D87] was being actively and aggressively non compliant and kept shouting; he eventually calmed down enough to be helped to his feet; at which point they switched the locks to figure of four as [D87] walked with them to the CSU. Once at the CSU [D87] started to be non compliant again and in the struggle to gain locks DCO Moshiri was pushed to the wall with [D87]'s elbow and the weight of the team on his chest.

6.33 DCO Moshiri reported that despite struggling to breathe he managed to retain his hold on [D87] until he was placed in room 4. At that point DCO Moshiri was very dizzy and disorientated; he recalled that he walked a few steps and then collapsed on the floor. He was given oxygen and admitted to East Surrey Hospital. He had pulled lots of muscles in his upper body (right shoulder, arm and back), as well as sustaining damage to his chest muscles.

6.34 DCO Stokes reported that the planned removal was concluded at 17:42 hours where they received a de-brief of the situation. During the intervention DCO Sayers sustained an injury to his right bi-cep.

6.35 INCIDENT 2

6.36 DCM Daniel Robinson

Annex Bxi 6.37 DCM Robinson's report is consistent with that of his colleagues. He reported that on 30 June 2017 he was working as the Security Manager; he was aware that [D87] had been moved from Eden Wing to the CSU for making threats to staff. He had also been made aware that due to his size and power he had injured two members of staff. Himself and DCM Yates had spent some time speaking to [D87] and building up a rapport with him to try and calm him down and bring the incident to a peaceful conclusion.

6.38 DCM Robinson reported that after leaving the CSU himself and DCM Yates were called back down at approximately 19:00 hours when he was informed

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that [D87] stated he wanted to kill himself and that he had ripped up a bed sheet and placed it around his neck and covered his observation panel. DCM Robinson contacted the Duty Director, Sara Edwards, and it was decided that it was absolutely necessary to have between six and seven people in full PPE to enter the room to ensure [D87] was unable to harm himself with any ligature that he had around his neck, or harm any more members of staff. DCM Robinson believed that amount of staff was reasonable in the circumstances due to the direct threat that [D87] posed to the welfare of the staff.

- 6.39 DCM Robinson reported that it was agreed that the officers would enter the room and remove any further items that [D87] could use to harm himself; their rationale for having to enter the room was preservation of [D87]'s life. Once the team were all in their PPE and fully briefed and aware of the power, size and strength that [D87] possessed and the damage he had previously caused to the staff earlier in the day, they formed up outside [D87]'s room.
- 6.40 DCM Robinson reported that he had attempted to engage with [D87], asking him to remove the cover he placed on the observation panel; all the time using a soft calm tone in his voice. DCM Robinson asked one final time to get a response so that they could resolve the issue. At approximately 19:45 hours he opened [D87]'s door and instructed the team to place the shield over [D87] and shouted for him to comply with all instructions.
- 6.41 DCM Robinson reported that [D87] had gone to sit up but the staff prevented him doing so using the shield and approved techniques, which DCM Robinson believed reasonable in the circumstances, due to [D87]'s history of violence. DCM Robinson instantly attempted to engage in dialogue with [D87] and informed him why they needed to enter the room. [D87] stated that they were assaulting him.
- 6.42 DCM Robinson reported that he spoke calmly to [D87] and explained that they had a preservation of life and they had to make sure that he was not left with any items in his room that he could harm himself with. [D87] continued to struggle, so DCM Robinson asked for further staff to act as anchor supports for [D87] as he feared he posed a really significant risk to the staff that were in the team; he believed they were struggling to cope with [D87]'s power.
- 6.43 DCM Robinson reported that he again asked [D87] not to struggle so that staff could remove the ligature from around his neck. Staff were able to get straight arm locks on to prevent [D87] from lashing out. [D87] asked why they would assault him if he tried to kill himself; DCM Robinson again calmly informed [D87] that his concern was to make sure that he did not harm himself and that to do that he needed to remove the ligature from around his neck.
- 6.44 DCM Robinson informed [D87] that DCO Bryant would release his arm and leave the room with one of the supporting officers. He explained to [D87] that if he fought back or became aggressive the team would again place him under restraint. At that point [D87] complied with the instruction allowing two staff to leave the room. DCM Robinson then left the room and asked the team

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to retreat in a controlled manner, using the shield in case [D87] decided to charge the team, as he was still fearful that [D87] could cause severe injury to a member of staff.

- 6.45 DCM Robinson reported that he believed that the actions taken were proportionate to the seriousness of the situation and their measures had prevented [D87] causing significant harm to himself. After the incident DCM Robinson thanked all the staff for their involvement and confirmed no staff had sustained any injuries, and that Healthcare were satisfied that [D87] sustained no injury. DCM Robinson spoke to [D87] after the door was shut and [D87] proceeded to tell him that he hated him and that he hoped he would get skin cancer. [D87] went on to say that he would hunt DCM Robinson and his family down and murder him; that he would get released from there at some point, that he was a white bastard and when he was finished they would all hate black men.
- 6.46 DCM Robinson reported that he believed that due to the constant dialect and de-escalation used by all staff present [D87] did not fight to his full potential, but he still posed a significant challenge for staff to deal with both physically and mentally.
- 6.47 DCM Ben Shadbolt
- 6.48 DCM Shadbolt's report is consistent with that of his colleagues. In addition to the information provided by DCM Robinson, DCM Shadbolt reported that he was informed he was to be the supporting officer to the first team. DCM Shadbolt upon entry to the room had to remove his gloves to use a ligature knife to cut the ligature from [D87]'s neck; he also removed items of bedding from the room.
- 6.49 DCM Shadbolt reported that [D87] then began to resist against the officers that were restraining him, so he pushed his right shoulder into DCO Murphy's back supporting him whilst the shield was still placed onto [D87] to prevent him from pushing the shield away from himself for the safety of all those involved. Once [D87]'s shoes were also removed by another officer they were then all instructed to leave the room.
- 6.50 DCOs Jason Murphy, Joe Bryant, Darren Tomsett, Chris Brown and Edmund Fiddy and Mark Brewster
- 6.51 All of the DCOs reports were consistent with that of their colleagues. DCO Murphy reported he was given the position of shield officer and he was the first officer through the door. As he entered the room he immediately pinned [D87] by his upper torso and head using the shield. He then saw officers take control of [D87]'s arms. DCO Murphy tried to talk to [D87] through the shield to keep him calm and get him to comply with them; he was resisting and becoming abusive and aggressive.
- 6.52 DCO Bryant reported that he entered the room at 19:45 hours and [D87] was lying flat on his back on the table with his left arm against the wall. DCO

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Bryant quickly gained control and isolated [§ 87(2)(b)]'s left arm, preventing him from moving forward and causing damage to any of the team. DCO Tomsett reported that upon entry he immediately took control of [§ 87(2)(b)]'s right arm to prevent any injury to himself or his colleagues, and gained a straight arm lock.

- 6.53 DCO Bryant reported that [§ 87(2)(b)] showed resistance and even though DCO Bryant had isolated his arm, he was still able to move DCO Bryant with his strength. DCO Bryant then leaned his bodyweight forward to ensure the arm was isolated, ensuring he was not leaning on [§ 87(2)(b)]'s chest restricting any breathing. He reported that [§ 87(2)(b)] was shouting and showing resistance, trying to get out of the hold.
- 6.54 DCO Brown reported that whilst the first three officers were with [§ 87(2)(b)], the remaining three officers were instructed to start clearing the room of all objects they could see. Once all the items were cleared, [§ 87(2)(b)] then became even more aggressive to the point where all remaining officers were needed to intervene. At that time [§ 87(2)(b)] had managed to work his way up to a sitting position. DCO Bryant reported that he was struggling to maintain the hold and lent more of his body weight forward onto [§ 87(2)(b)]'s left arm. At that point he felt the hand of another officer on his back, which secured his position and balance. [§ 87(2)(b)] also attempted to kick out with his legs but was unable to do so as DCO Bryant's legs and body were in the way.
- 6.55 DCO Bryant and DCO Tomsett maintained their holds until all items had been removed, and the ligature was removed from around [§ 87(2)(b)]'s neck. DCO Tomsett reported that DCM Robinson instructed them to leave the room one at a time; after he had left the room DCO Tomsett took it upon himself to be ready to shut the door when the last member of the team had left the room, which he did at approximately 19:50 hours.
- 6.56 DCO Murphy reported that [§ 87(2)(b)] failed to understand that they were trying to assist him and prevent him being injured or worse; he just thought they were trying to hurt him. At no point did DCO Murphy see any officer do anything other than try to restrain [§ 87(2)(b)] to prevent harm.
- 6.57 DCM Caroline Dance-Jones
- 6.58 DCM Dance-Jones reported that at approximately 19:00 hours she was positioned outside looking into [§ 87(2)(b)]'s room through the window. There were concerns over [§ 87(2)(b)] as he was sitting on the desk with a bed sheet made into a ligature around his neck. In addition to that there was also a green towel draped over his shoulders and round his neck, however that did not appear tied and movement could be seen, which was consistent with breathing. It was necessary to observe [§ 87(2)(b)] in this way, as he had covered his spy hole. DCM Dance-Jones reported that a team were being assembled outside of the room and she was relaying her observations via radio to them.
- 6.59 DCM Dance-Jones reported after the team had exited the room [§ 87(2)(b)] produced a pillow case, ripped it and placed it around his neck. He quickly removed it and wrapped it around his right fist as if it were a boxing glove. She

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continued to observe [D87] through the window and he then proceeded to direct his anger and aggression towards her. She was unable to hear what he was saying, however the anger in his face was evident and unmistakable.

- 6.60 DCM Dance-Jones reported that throughout the rest of the time she was located on the constant observation she appeared to be the intended target for [D87]'s abuse; during that time [D87] repeatedly exposed his genitalia at her, shaking it and appearing to suggest that she should be looking at it. He also exposed his backside on two occasions; and suggested that he would track her down and simulated that he was going to shoot her in the head, using both hands as guns. [D87] also punched the window with his hand the pillowcase was tied round and insinuated that it was intended for her face.

6.61 **SUMMARY OF OTHER EVIDENCE**

6.62 DCO Sean Sayers and DCO Aaron Stokes

- Annex Di-Dii 6.63 Both DCOs provided a written response to questions asked in relation to a statement made by [D87], and their interaction with him. Their responses, as applicable have been added to the Consideration of Evidence and Conclusions section below.

6.64 Steve Skitt - Centre Deputy Director, Sara Edwards - Duty Director and DCM Ben Shadbolt

- Annex Ei-Eiii 6.65 All three were interviewed on 29 August 2017 and provided information pertaining to the rationale behind the decisions made regarding [D87]; and their responses to issues [D87] raised at his PSU interview. The information they provided has been summarised and annexed in full; extracts, as applicable, have been detailed in the Consideration of Evidence and Conclusions section.

6.66 **G4S Documents – Non Incident Specific**

6.67 Care and Separation – DCF 1 DC Rule 40

- Annex Biii 6.68 This form recorded the actions and observations of [D87] when he had been relocated into Rule 40 on 27 June 2017, until he was removed on 29 June 2017. [D87] was placed into Rule 40 for having made threats to take a member of staff hostage due to the Home Office not updating him on his case. Due to the seriousness of the threat he was placed on to Rule 40.
- 6.69 On 28 June 2017 at 15:00 hours it was recorded the [D87] had continued to make statements of a serious threatening nature if he was not removed from the CSU. He had since started flooding his room and his behaviour was up and down. He had said he would not return to his room if let out for a shower. A 24 hour extension was authorised.

6.70 Care and Separation – DCF 1 DC Rule 40

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- Annex Bv 6.71 This form recorded that [D87] was located into Rule 40 on 30 June 2017 at 18:30 hours, and removed on 14 July 2017 at 08:50 hours with Tascor crew for relocation to HM Prison.
- 6.72 The Record of Actions and Observations began on 30 June 2017 at 17:50 hours (and ended on 14 July 2017 at 08:50 hours). There would be too many observations to repeat within this report; it is suffice to note that it was fully recorded that [D87] had covered up his hatch so that staff could not see in to his room; and it was noted how poor the vision was to see in through the window from the outside. [D87] remained irate and making threats for a prolonged period of time.
- 6.73 It was first recorded that [D87] threatened to hang himself at 18:40 hours. Further notes were made every few minutes of actual movements, or movements consistent with breathing. It was recorded that a team entered the room at 19:45 hours; and after they had exited that he displayed aggressive behaviour and made threats to staff; including exposing himself on two separate occasions to the female officer outside his window.
- 6.74 The first reporting of [D87] requesting a drink was at 20:30 hours; and then at 20:35 hours he was kicking his door and motioning that he needed food and water. No further observations were reported until 10:55 hours the following day when he was seen by the Duty Director and Oscar 1; whereby they reported that [D87]'s version of events were different to those evidenced on camera.
- 6.75 **G4S Documents – Incident 1**
- 6.76 Report of Injury to Detainee
- Annex Bii 6.77 This form was completed by RMN Persaud on 30 June 2017. He recorded the time of examination as being 17:45 hours; and reported that [D87] was seen by Healthcare from the window hatch. Mobilising well in his room. Very agitated and unpredictable in his behaviour. He made the move very difficult and he was verbally aggressive and made threats.
- 6.78 Temporary Confinement – DCF 3 DC Rule 42
- Annex Biv 6.79 This form recorded that [D87] was located into Rule 42 on 30 June 2017 at 17:30 hours, and removed the same date at 18:30 hours. The form was completed by DCM Brackenridge who recorded that [D87] had been placed on DC Rule 42 and constant supervision. He had displayed violence towards the control and restraint team when relocated to the CSU for threats to staff. De-escalated to DC Rule 40.
- 6.80 **G4S Documents – Incident 2**
- 6.81 Use of Force – DCF 2 DC Rule 41
- Bvii 6.82 This form noted that the use of force commenced at 19:45 hours and was

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completed at 19:50 hours; and the reasons for use of force were preservation of life. Six DCOs and DCM Shadbolt were listed as the officers involved in the use of force incident. It was noted that Nurse Nicola Wells was present throughout the incident and that [D87] did not sustain any injuries.

6.83 Report of Injury to Detainee

Annex Bvii 6.84 This form was completed by Nurse Wells on 30 June 2017 at 19:50 hours. She reported that [D87] had to be restrained by six officers as he threatened to take his life. He refused to remove cover from panel and was non compliant when asked to respond. [D87] had an item tied around his neck that was cut off by supporting officers, and all items removed from his room. [D87] was verbally threatening towards Oscars and officers. She noted the time of the examination as being 20:05 hours; and reported no physical marks were caused by any officers; [D87] is still very unpredictable at this present time.

6.85 Camera footage and Closed Circuit Television (CCTV)

Annex Bxiii 6.86 The footage comprised of four discs, two for each incident. For both incidents there was a briefing provided by the DCM in charge, the actual incident, a de-brief, and Healthcare reporting no injuries to [D87].

Annex C 6.87 The full details of both incidents are attached to this report; a thorough summary of each incident has been detailed below in the Consideration of Evidence and Conclusions section to detail exactly what occurred. It is suffice to note here that the footage corroborates the accounts provided by the officers' in their reports.

6.88 Extracts from [D87]'s Medical Records

Annex F 6.89 [D87]'s medical records were requested via fax on 7 July 2017, to include data from 29 June 2017 to the present date. The records were received via e-fax on 28 July 2017.

6.90 In summary the records included data from 31 May 2017 to 28 July 2017. For the first incident on 30 June 2017 there was a record noting that [D87] had been placed on Rule 40 and that an F213 form was completed.

6.91 The second incident was recorded on 1 July 2017; it was reported that Healthcare were asked to assist as [D87] was threatening to self harm. The officers were going to restrain [D87] as he had covered the window to his cell door and the window so nobody could see him. Two staff members from Healthcare went to assist; and they reported that [D87] was not replying to anyone that was asking if he was responsive. [D87] was seen breathing through the back window. Six officers forced entry to his cell, restrained him and removed all items that he could hurt himself with. [D87] was swearing and trying to fight against the officers. No harm came to [D87] and all physical signs were good. After all the officers left his cell [D87] carried on swearing and banging against the door. Healthcare remained until asked to go to the de-brief.

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6.92 [D87] was seen by a doctor on 4 July 2017, as part of a daily review, and no issues were raised.

6.93 **Home Office Documents**

6.94 Computer Records (CID)

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6.95 [D87] has a history of criminal damage and threats to kill; and has had a number of restraining orders taken out against him. Whilst within the Detention Estate he has been verbally aggressive to staff, threatened physical harm, on several occasions, and made threats to take a member of staff hostage due to the Home Office not updating him on his case. The latter incident was the reason why [D87] was originally placed onto Rule 40 on 27 June 2017. He remained there due to further threats made that he would do something more serious if kept on Rule 40. [D87] was moved onto Eden Wing for monitoring on 29 June 2017, pending his transfer out of the Centre.

6.96 Both incidents under investigation were recorded on CID in brief; and [D87] [D87]'s subsequent threats made to the Tascor officers when being escorted to HMP. [D87] had stated *'When I get bail on Monday (17 July 2017), I will come straight to Brook House and come for Deputy Director and Duty Director'*.

6.97 [D87] was released from Detention on 20 July 2017, as ordered by the Court.

7. CONSIDERATION OF EVIDENCE AND CONCLUSIONS

7.1 The investigation of [D87]'s complaint regarding his alleged treatment during two separate incidents on 30 June 2017, whilst detained at Brook House IRC has now been concluded. His complaint is essentially that he was assaulted on two separate occasions by two different teams of officers and he suffered injuries as a result.

7.2 [D87] was interviewed by the PSU on 11 July 2017 and provided further details of the incidents. Comprehensive Use of Force Incident Reports were provided for both incidents, by all officers involved, which Mrs Shipp deemed sufficient to respond to the allegations raised, alongside the audio camera footage of both incidents, without obtaining further information from the officers involved. However, additional information was obtained from Steve Skitt, Deputy Director, Sara Edwards, Duty Director and DCM Shadbolt, in order for Mrs Shipp to provide [D87] with a full response. In addition medical records were obtained and examined.

7.3 Having studied all of the above reports provided by the officers present during the incidents, and the other documentary evidence, this investigation has found them to be credible and consistent. All statements contain corroborative evidence, backed up by the CCTV and camera footage. The accounts given by Brook House IRC staff of what took place and their perceptions of events

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are very different to [D87]'s own view of what took place. However, after considering all of [D87]'s concerns and based on the balance of probability, Mrs Shipp has found that all members of staff acted in a professional manner and followed Home Office procedures and guidelines.

- 7.4 Taking account of the evidence gathered there is insufficient evidence to substantiate that [D87] was assaulted or mistreated during either incident. **It is therefore concluded that the allegations made by [D87] are unsubstantiated for the reasons outlined below.**

7.5 **Allegation 1**

- 7.6 [D87] alleged that on 30 June 2017 at approximately 17:20 hours he was attacked by a group of officers in his cell, which resulted in injuries.

7.7 **Review**

- 7.8 At his interview with the PSU [D87] explained that around 17:20 hours his door was opened and he assumed that it was for dinner; he was on the phone talking to a member of his family. When he turned to the direction of the door he noticed two officers, DCM Shadbolt and DCM Brackenridge. He said they told him that he was going back to the CSU because he had made threats to staff; he questioned when and who he had made threats too. [D87] said they were quite inconclusive and they were not going to tell him anything, bar that he had made threats to staff.
- 7.9 [D87] said he was a bit reluctant to comply right away because it was becoming very annoying. He said they had ignored his question for them to explain what threats he had made and who too; and he had not long since left the CSU to progress to Eden Wing, and then they were asking him to go back. He said he had not committed any violent offence, and was very sure that he had not made any direct threats to staff.
- 7.10 [D87] said they were saying he had to go with them; and they said they had a team. He said they had already geared up some members of staff waiting on the side to attack, where they had assumed he was not going to comply.
- 7.11 [D87] said he stood up and sat on the table and DCM Brackenridge commanded the same officers that he was in the office with earlier (DCO Sayers and DCO Stokes, and a couple of other officers) to run up to him without warning, and that was the first attack. He said as they ran up to him, he had his hands in front of him to protect himself from the shield. He said he was saying 'What are you doing? What are you doing?' He said he persistently kept asking the same question; as well as asking why they were doing it. He said they kept ruffling him, trying to grab him; trying to put him on the ground.
- 7.12 [D87] described that he was six foot four and weighed about 20 stone. He said he was quite strong and heavy; so it would not have been easy for them to try to take him. He said with slight resistance, he kept repeatedly asking them what they were doing. He said he was still compliant, walking towards

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the door, out of his room. He said as he walked out the door, they managed to grab his two hands in a lock position. He asked them to leave him alone; and again asked why they were doing that to him.

- 7.13 [D87] said they struggled with each other; they were trying to forcefully move him literally from Eden Wing to the CSU.
- 7.14 [D87] said all he kept asking was *'Why are you doing this? What are you doing? Just leave me alone!'* He said they kept restraining him; and there was no need for it. [D87] said two officers were holding him and they all fell to the floor together, and he was on his back. He said another officer grabbed his head and pinned it onto the floor.
- 7.15 [D87] said they managed to stand him up and as they stood up he was walking with them, quietly, to the CSU, but as they were walking he kept saying *'Why are you doing this? What are you guys doing? This does not make any sense. You have come up with lies that I have threatened people. Can you tell me who I have threatened?'*
- 7.16 [D87] said he was walking with them; there had not been any fight or any resistance, as such. He said he walked into the CSU room that was allocated to him; and to show them that he was compliant, as soon as he walked in there, two of the officers, including the third one which was DCO Sayers, who he genuinely had a good rapport with, was still stood there saying *'[D87] calm down, calm down'*. [D87] said he said to them *'I can't believe you guys are being like this. Why are you doing this Sean?'* He said he sat there and when they walked out of the room, he did not run after them; he did not attack no-one. He said once the door was shut, he sat in the room quietly, pacing around, a bit pissed off. [D87] said he was volatile, as understandably he was very upset.
- 7.17 DCM Brackenridge recorded during the briefing he gave to staff on 30 June 2017 at 17:25 hours that earlier on that day [D87] had made significant threats towards Home Office, G4S and Chaplaincy staff. He said that the Duty Director had requested that [D87] be placed onto Rule 42 for those reasons, and it had been decided that a planned intervention was the only course of action left. He said he had checked [D87]'s record and his history was as follows; that he arrived at Brook House IRC on 22 March 2017; he was previously arrested for threats to kill and criminal damage. He said [D87] had previously smashed furniture in their Healthcare Department and had been abusive and threatening towards staff. He had threatened to take a member of staff hostage only a few days ago, and he was taken to the CSU, and then again he had made several threats that morning towards Home Office, G4S and Chaplaincy staff.
- 7.18 DCM Brackenridge said that the plan of entry would be facilitated by himself; the team would gain control of [D87] as quickly and safely as possible; once under control if necessary hand cuffs would be applied; and [D87] would be relocated into the CSU. A team of officers, who were currently certified in the use of force, had been selected to carry out the intervention (DCOs Moshhiri,

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Parpworth and Sayers, and support officers DCOs Stokes and Bromley); DCM Mark Trott was also present in his capacity as a Control and Restraint Instructor. There was also two members of staff present from Healthcare.

- 7.19 The camera footage of the incident lasted 10:21 minutes; and has been summarised below, to detail what happened.
- 7.20 The recording began with DCM Brackenridge opening the cell door and entering [§ 87(2)(b)]'s room; he said 'Hello [§ 87(2)(b)]'. [§ 87(2)(b)] was lay on his bed on his phone, so he tells the person he will call them back, and sits up and places his legs on to the floor. DCM Brackenridge tells him that he said he would go back and speak to him and he has spoken to the Director and due to some remarks that were made earlier on that day, the Director has accessed that he was to go back down to the CSU. [§ 87(2)(b)] said 'Sorry?' DCM Brackenridge said again that due to the remarks he had made that morning...
- 7.21 [§ 87(2)(b)] interrupted and questioned which remarks; DCM Brackenridge said that he had said if he was not given some answers he was going to hurt people. [§ 87(2)(b)] said 'What are you talking about' and appeared confused. DCM Brackenridge said he would explain it all to him when they were back in the CSU. [§ 87(2)(b)] questioned again what remarks he had made and when he had made them; and DCM Brackenridge told him that it was earlier on that morning and again that they would discuss it in detail when he was back down to the CSU. He told [§ 87(2)(b)] that he had told him that he would come back and speak to him and that is what he was now doing; he said the boss had requested he be moved back down to the CSU. When questioned again he told [§ 87(2)(b)] that a report had been submitted with the remarks he had made and that was the reason for his move to the CSU.
- 7.22 DCM Brackenridge said he needed [§ 87(2)(b)] to pack up his stuff and go down to the CSU. [§ 87(2)(b)] said 'To go where?' DCM Brackenridge repeated down into the CSU. [§ 87(2)(b)] asked him what he was talking about; and DCM Brackenridge said again that he needed him to pack his stuff and they needed to go down there; he told him that was where they needed to go, down to the CSU where he was two days ago. [§ 87(2)(b)] said 'I am not going down there; you need to leave me here'. DCM Brackenridge told him that that could not happen he was afraid; and [§ 87(2)(b)] said again he was not going anywhere. DCM Brackenridge explained he had a team of officers with him and if [§ 87(2)(b)] refused to walk down with him, they would have to take him down there. (During this time [§ 87(2)(b)] had started to put on his socks).
- 7.23 DCM Brackenridge said again that he needed [§ 87(2)(b)] to agree to walk with him, and in response [§ 87(2)(b)] said he was not going with him. DCM Brackenridge asked someone to just get behind him and then asked [§ 87(2)(b)] if there was anything he could say or do that would make him walk out of there with him to the Segregation Unit. [§ 87(2)(b)] mumbled something. DCM Brackenridge asked if he was going to walk out with him compliantly down into the room, and [§ 87(2)(b)] said 'Yes, okay'. DCM Brackenridge said 'Thank you'. (During this time [§ 87(2)(b)] had put on his socks, followed by his trainers).

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- 7.24 DCM Brackenridge explained to [D87] that the officers would be closely following him down, and he would be searched and then placed into the room, and they would go from there. DCM Brackenridge said to the team *'So guys, nice and tight as we walk down'*; and he explained in what positions he wanted them to walk. ([D87] was still tying his shoelaces, very slowly). [D87] looked up and said *'Have you come to fight me?'* DCM Brackenridge said *'No one wants to fight anybody'*. [D87] questioned what he had brought a team for. DCM Brackenridge explained that it was in the event that he had not agreed to go with him. [D87] said he had not said anything.
- 7.25 DCM Brackenridge explained that as he had already told him, once they were in the CSU he would get to speak to the Duty Director and then the Home Office the next morning, who could answer any questions he had. [D87] continued to protest his innocence, in saying that he had not said anything, and he asked who had said he had. DCM Brackenridge said he did not know who it was; but that they needed to get him down there. [D87] continued to talk over him, and continued to question why he needed to go to the CSU. DCM Brackenridge said it was for the reasons he had explained. [D87] again questioned why they had come to fight him. DCM Brackenridge said that no one wanted to fight him. [D87] questioned why they had brought a team, and DCM Brackenridge said it was because that was what they do. He told him he needed him to walk out of the room and walk to the CSU with him.
- 7.26 DCM Brackenridge asked [D87] if he was going to walk out of the room with him quietly or would the officers have to come in for him. As he said that [D87] began to stand and said *'Do you want to fight with me'*. He is now stood up in an aggressive stance and telling them to come and fight with him. DCM Brackenridge said no. [D87] repeated *'Come and fight with me'* as he gestures with his hands, and walks towards DCM Brackenridge in the doorway. DCM Brackenridge tells [D87] that the officers will have to come in for him, and [D87] stands with his arms crossed and says *'Come and fight with me, come and fight me'*. Again DCM Brackenridge asks him if there is anything he can say or do that will make him walk out of the room. [D87] questions what he means by that in repeating the question, and DCM Brackenridge tells him it is his last chance. He again asks if he is going to walk out of the room or do the officers have to go in and take him. [D87] is still questioning why, so DCM Brackenridge says *'Okay guys'*, and the team enter the room.
- 7.27 The three officers, in full PPE, enter the room with one shield, which is soon cast aside as it appears to be in the way. The officers are trying to get hold of [D87] but he is just batting them away whilst saying *'Why are you trying to fight me?'*. There are three officers, one stood in front of [D87] and one either side trying to get a hold of his arms. DCM Brackenridge says *'Guys take control of him'*. [D87] is resisting and saying *'Don't fight with me, leave me alone'*. There is a fourth officer, in PPE, stood just behind the team with [D87]. [D87] is repeatedly telling them not to fight him and to leave him alone. The team are trying to communicate with [D87] but he just keeps repeating *'Why are you fighting me'*. The officers are not fighting him, they just appear to be stood trying to keep hold of his arms, which [D87] is making difficult. DCM Brackenridge says [D87], *just listen to the officers and walk*

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out of the room with them'.

- 7.28 [D87] continues to question why they are fighting him, and why they have brought in a team. One of the officers is trying to explain to him, and [D87] keeps saying 'Just leave me alone'. DCM Brackenridge tells the team to keep hold of him (in a calm voice). The team try to move [D87] forward towards the door, and DCM Brackenridge tells [D87] that the officers are going to keep hold of him. [D87] is very resistant with the three officers, and one of them appears to fall over. Someone is shouting for them to get [D87]'s head down, and at that point [D87] jumps up onto his bed, and the officer stood with his left arm stands on the bed with him. There are now two male voices asking the team to take [D87]'s head down; and DCM Brackenridge asks DCO Parpworth, who is on standby, if he needs to get involved.
- 7.29 [D87] can be seen holding off the officer on his left, who appears still to be stood on the bed, whilst [D87] is now back on the ground. [D87] then jumps back up on to the bed, whilst the officers are struggling with him, and DCM Brackenridge tells them all to get on the floor. With the strength of [D87] [D87] then they all fall to the right of the bed and [D87] has broken free and is pushing them away as he moves backwards towards the door.
- 7.30 [D87] is blocked from leaving the room by another officer and then there is a bit of a struggle as several of the team and [D87] fall to the floor, outside the door. DCM Trott has safely taken control of [D87]'s head and can clearly be seen with his right hand on [D87]'s forehead. There is an officer lay either side of [D87] attempting to take control of his arms, and at least one officer controlling his legs. [D87] is asking why they are fighting him, and stating that they came there to fight with him. DCM Trott tells [D87] that all he had to do was walk down to the CSU; he is telling him to relax and then they will walk down to the CSU. [D87] is still asking why they are fighting him; and asking them to leave him alone. At this point [D87] is under control, as no-one is moving (04:39 minutes into the recording).
- 7.31 Whilst lay on the floor [D87] says something about his Human Rights. The two DCM's appear to be discussing the next move. DCM Brackenridge asks if everyone is alright individually. There is another DCM present who has his handcuffs in his hand. He asks [D87] if he is willing to walk down to the CSU. [D87] tells him what they are doing is illegal, and that they were trying to kill him, to murder him. [D87] says he has not made any threats. DCM Trott tells [D87] that they can have a conversation about that once they get him down to the CSU. DCM Trott tries to reason with [D87] but he does not appear to be listening; he is just asking them to leave him alone.
- 7.32 DCM Trott tells [D87] to let the officers do what they need to in order to get down into the CSU and then they can talk. He asks [D87] if he is happy to be stood up and he says he is, saying 'Let's go, let's go'. He continues to ask them to leave him alone, whilst DCM Trott repeatedly asks him to relax his arms. The officer on his right arm asks [D87] not to fight him and [D87] responds with 'Leave me alone then'. The officer on his right appears to be trying to lock off his arm but [D87] must be resisting. He is telling DCM Trott

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they need to leave him alone and he will not do anything. DCM Trott tells [D87] [D87] it is because of what he has done already that they have to stand him up in hold and they cannot just let him go. [D87] questions what he has done already. DCM Trott tells him that he has fought the officers; and in response [D87] says they attacked him. DCM Trott tells him he had the opportunity to walk with them. [D87] just keeps repeating 'Did you attack me, did you attack me'.

- 7.33 During that conversation the officer on [D87]'s left has managed to get his lock on and has turned himself around, like the officer on his right, into a kneeling position. [D87] says they are trying to kill him. DCM Trott tells him they are not, they are just trying to get him safely to the CSU. [D87] just keeps saying that they are trying to kill him and murder him. As the officer on his right is trying to get [D87]'s arm behind him into a final lock, [D87] says again that they are trying to kill him, and says that he has blood pressure. DCM Trott is trying to explain what they are trying to do; and [D87] says he will go with them if they stop using the force. DCM Trott said they are not using any force. [D87] says he is good and he will go with them. He continues to shout that they are going to kill him.
- 7.34 DCM Trott asks [D87] to listen to him, and he is telling him to relax. The officers appear to be trying to get [D87] ready to stand up, but he is shouting and telling them to leave him alone. DCM Trott is still trying to get [D87] to listen to him. (07:36 minutes into the recording) DCM Trott and the two arm officers sit [D87] up, with DCM Trott saying 'Sit up [D87], sit up'. [D87] appears to comply, as he does sit up, albeit he is still telling them to leave him alone; and to stop being forceful. The officers are clearly trying to place [D87]'s arms behind his back, ready to stand him up, but he must still be resisting them. He repeatedly tells them to leave him alone.
- 7.35 DCM Trott tells him they need to have a secure hold to be able to stand him up. [D87] then says 'Let's go, let's go, come on, let's go'. DCM Trott tells him to put his feet flat on the floor, so that they can help him stand up. [D87] appears to be getting agitated with them because he just wants to go, but they will not go until he is in the correct position. The other DCM who is now stood behind [D87] tells him that they need to stand him up. [D87] says 'I'm going to stand up', and as he says that he stands up, aided by the officers.
- 7.36 The team proceed to walk with [D87], with an officer walking either side of him, with him in hold. There is a third officer walking closely behind, and one of the DCM's in front. [D87] is being very vocal throughout the few seconds walk from outside his room to the door of the CSU. He shouts at DCM Trott, questioning why he would bring people to fight him etc.
- 7.37 The officers appear to be struggling containing a tight hold of [D87], and just as they approach the CSU doorway [D87] is told to keep walking. As they enter into the CSU and walk a few paces forward, [D87] veers quickly to the right, appearing to shove the officer on his right against the wall. [D87] is saying 'You don't have to do that, you don't have to do that; you don't have to use force'. [D87] appears to be very angry with the team; he is shouting at

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- the officer on his left telling him that they did not have to use force, and they did not have to attack him.
- 7.38 Another officer in full PPE steps forward and tries to encourage [D87] to walk over towards the room he is being placed in. [D87] is not really listening, and is talking aggressively at one of the officers/DCM's off camera and questioning why they had to attack him. He says *'You're a prick. You are a fucking idiot'*. He is saying this whilst walking forward, as though he is walking towards the person he is talking to. The officers are walking with him, still one on each arm, and one behind, and one in front. [D87] says *'If I ever see you out of here. You are a fucking idiot'*.
- 7.39 [D87] appears to try and get free and he moves quickly to the right again; and the officers move with him. The officer in front takes a hold of his head and his is bent into the figure of four, and walked quickly into the cell. He is being resistant and asking them to leave him alone. [D87] is walked into the room surrounded by the four officers. DCM Brackenridge asks for a full relocation.
- 7.40 One of the officers is trying to calm [D87] down; and [D87] is saying *'Sean if it wasn't you Bruv'. Why are you attacking me'*. That officer is following [D87] into the room, and appears to be trying to reason with him. [D87] sits down on the table, and someone shouts for DCO Sayers and DCO Stokes to come out of the room now. DCO Stokes turns to walk towards the door, but DCO Sayers is still stood in front of [D87]. DCO Stokes is told to wait by the door, whilst someone shouts DCO Sayers' name. DCO Stokes says *'[D87] / I want you to stay where you are Sir'*; and as he says that DCO Sayers is backing out of the room, still facing [D87]. All officers are now out of the room, and the door to Room 4 is shut.
- 7.41 **Conclusion**
- 7.42 From the evidence gathered, the decision was made to move [D87] back to the CSU on 30 June 2017 for the threats he had made to harm staff earlier that day, and because his behaviour had become more of a concern. This was confirmed by Steve Skitt at interview. Although [D87] disputed he had made the threats and had provided his explanation of what had happened; that was not an issue for this investigation to consider. Irrespective of the reasons behind the move, it should be made clear that this investigation has specifically considered [D87]'s allegations of assault against the officers that were involved in the move, and not at the reasons behind the actual move.
- 7.43 It should also be noted that [D87] believed that the person behind all that had happened to him was Michelle Brown, Head of Security Gatwick IRCs. [D87] had submitted three separate complaints about Michelle Brown, which had been responded to locally by Steve Skitt. Whilst [D87] was on Rule 40 and on a continuous watch, he continued to make threats towards staff in the Centre. Steve Skitt found that Michelle Brown's actions were not in any way to victimise [D87], but were as a result of his own behaviour, which he had displayed whilst at Brook House IRC, which was inappropriate. [D87]'s complaints were not upheld; Steve Skitt found that [D87]'s behaviour over a period of time had escalated to an unacceptable level and he had been

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- advised of that by his Wing Manager, but he continued to make threats to take a hostage.
- 7.44 By way of background [D87] was removed from Rule 40 on the morning of the 29 June 2017 onto Eden Wing given a change in his behaviour. However, on 30 June 2017 a number of threats were made by him to staff within the Centre, and his behaviour became one of concern; for staff safety and for the security of the Centre, the decision was made by Steve Skitt and overseen by Sara Edwards on the day to place [D87] back on Rule 40, hence a planned intervention was put into place.
- 7.45 [D87] questioned why the relocation took place when it did, when he had been 'chatting' and being friendly with the officers in the office all afternoon. Sara Edwards explained that the decision was made to wait until later in the day, once the detainees were locked back in their rooms, to make it a safer environment for the relocation to take place. Therefore that decision was taken for the safety of both [D87] and the officers concerned.
- 7.46 [D87] also questioned why he was not relocated by a couple of the Managers, as opposed to the officers in full PPE. It should be noted that it is standard practice for all planned removals to be video recorded, with all staff in full PPE, and Healthcare in attendance. Steve Skitt explained that as in this case, a DCM would go to the door to explain to the detainee what they wanted them to do, and the DCM would take a response of what to do from the detainee's reactions, which would depend on whether the DCM would commit the team in PPE to take over or not. [D87] was given several opportunities to walk with the DCM, and he refused, which led to DCM Brackenridge authorising the team in full PPE to enter the room.
- 7.47 At his interview with the PSU, [D87] accepted that he had refused to leave his room with DCM Brackenridge; and accepted that he had been resistant towards the officers. However, he subsequently said his reaction was for his own safety, to get away from the officers, from being attacked, and to try and walk out the room. [D87] did not believe that he was aggressive in any way; he said he was being resistant, not aggressive. He said that had he have attacked them they would have known about it because he would have injured people.
- 7.48 What occurred is clear from the evidence outlined above. DCM Brackenridge remained very calm throughout the time he was speaking to [D87]; he explained as fully as possible what was happening to [D87] and to a degree why. [D87] had initially reluctantly indicated that he would go with him, but once he saw the team he changed tact, began to question why again and became verbally aggressive in both his stance and his words. [D87] was given nearly three minutes to leave his room of his own accord and he chose not to. Therefore DCM Brackenridge was fully justified in sending in the team when he did.
- 7.49 There was no evidence obtained to support that [D87] was attacked as alleged. The written Use of Force reports completed by all officers involved, backed up by the audio camera footage, provided sufficient evidence that

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approved control and restraint techniques were used on [D87] as a result of his non compliance with instructions. Therefore no officer assaulted [D87] as alleged.

- 7.50 DCO Moshiri reported that he has been a DCO since July 2013, and that [D87] [D87] was fighting with a level of aggression and violence and with the force that during his years of service as a DCO, he had not seen before.
- 7.51 With regards to injuries sustained as a result of Incident 1, [D87] said he had injured his knee from how he had dropped to the floor on his back. He explained that his knee felt sore and painful; he could walk around but he had been complaining for the last week and a half about it. He said he had bruises on his arms, and scrapes/graazes on his elbows on both arms because of the force used and from the clothes the officers wore.
- 7.52 No injuries were reported within [D87]'s medical records; and when asked on the video recording if he had any concerns regarding [D87], the Healthcare nurse, DeeJay Persuad, said that [D87] was observed by Healthcare, he was fully mobile in his room, very intense, very aggressive, and still remained very agitated. He said he was observed from the hatch of the door with no injuries; he was fit and well; and still remained unpredictable in his behaviour.
- 7.53 It should be noted that officers are permitted to use force when dealing with disruptive or non-compliant detainees and they are trained in the use of approved control and restraint techniques. As a general principle, control and restraint techniques are intended to minimise injury to those involved. However, injury cannot always be avoided if the detainee is determined in his resistance. If [D87] did sustain any minor injuries, as alleged, it would have been due to his own resistance shown towards the officers and therefore any minor injuries he may have received were as a result of his own actions, and not down to any inappropriate use of force displayed by the officers. Had [D87] [D87] have walked with DCM Brackenridge when requested, the officers would not have had to have intervened and restrained him.
- 7.54 It is concluded that [D87] was not assaulted by the officers during his relocation from his cell on Eden Wing to the CSU. The force used by the officers was justified, proportionate and necessary; [D87] was only subjected to recognised restraining techniques due to his non compliance with the initial instruction to walk, and his subsequent resistance shown towards the officers.
- 7.55 **Based on the examination of all the evidence, on the balance of probability it is found that this part of [D87]'s complaint is unsubstantiated.**
- 7.56 In addition to the above [D87] alleged that DCO Sayers and DCO Stokes visited him later that same evening to apologise for the way he had been treated; and told him that they had been threatened with disciplinary action if they did not do it. [D87] believed it spoke volumes that they had apologised;

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he also said they had tried to tell their Manager that he was a reasonable man.

- 7.57 Both officers provided their written response to this aspect; and whilst it is not in question that they did return to speak to [D87], it would appear that [D87] [D87] may have taken out of context what they told him, and turned it around to claim they were apologising, and should not have treated him that way.
- 7.58 DCO Stokes confirmed that he did return to speak to [D87], and that he told him that he did not want to do it, with elaboration on that he did not want to do it because he had a good rapport with him. With regards to being threatened with disciplinary action, DCO Stokes believed that was a misinterpretation of words used. He wrote that he said he had to do it, as per his duties as a DCO; he was duty bound to carry out control and restraint when required.
- 7.59 DCO Stokes also said he did apologise to [D87] as he did have a good rapport with him; and he confirmed that he had asked DCM Brackenridge if he could have spoken to [D87] first, but he was advised that it was past that now due to security reasons.
- 7.60 DCO Sayers also confirmed that he returned to speak to [D87] following the incident. He said that he and [D87] had a very good rapport; he said [D87] [D87] was very respectful towards him. DCO Sayers wrote that during the relocation of [D87] he was trying to calm him down, hoping that he would recognise his voice and stop fighting against the move. He wrote that when [D87] [D87] did finally recognise him, he asked 'Why are you doing this?'. DCO Sayers said his reply was 'I have to do it; it's my job and nothing personal'. DCO Sayers wrote that he was not threatened with disciplinary action; control and restraint was part of his duties as a DCO, which he did explain to [D87] upon his return to his room, when [D87] continued to ask why he had been a part of it.
- 7.61 DCO Sayers confirmed that he did speak to the Manager about talking to [D87] [D87] to see if he could get him to move on his own accord, due to their good rapport and mutual respect for one another. However, DCO Sayers was advised that the matter had been taken out of his hands and the decisions already made that they would form a control and restraint team to enter [D87] [D87]'s room if he did not comply with the instructions given to him.
- 7.62 **Allegation 2**
- 7.63 [D87] alleged that on 30 June 2017 he was relocated to the CSU and tried to take his own life; it took one and a half hours for the door to be opened, with about 13 officers geared up running towards him, when he was supposed to be dead. He was not seen by a doctor or a nurse, amounting to gross negligence.
- 7.64 **Review**
- 7.65 [D87] said that after the first incident he was very upset and quiet, and he remembered saying nothing for a good while. He noticed that there was quite a few people outside his door; he did not know why. He said after about 15-20

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minutes he put tissue on the flap to cover it, so that no one could look into his cell, as he did not see why they should; it was getting him more agitated.

- 7.66 [D87] said after he had done that he noticed that some officers went outside the building to look in through his window, invading his privacy; he said he was looking at them watching him and getting more angry. He said that the right thing to have done was to have left him alone for a couple of hours, and when he had calmed down, they should have sent someone to see him.
- 7.67 [D87] said that the person around the back was writing notes. He said the female officer stood there consistently for a good 30 minutes. [D87] said he was getting very frustrated; and then he started asking if he could get some water and some food. He said he kept asking for it and everyone ignored him. [D87] said that this was about two and a half hours after the first incident.
- 7.68 [D87] said he spoke to an officer called Michael, who he knew to be a negotiator. He asked the officer to bring him some food and water, and the officer told him that they could not open his door because of what had happened earlier. [D87] said he was so frustrated at not being provided with any food and water that he actually started thinking that he was going to hurt himself. He said he took the bed sheet that was in the room, and put it around his neck, just for attention. He said he did it purely for attention, not to kill himself, or hurt himself, so that the door could open and he could get food. He said that was his protest. He said he thought if he put something around his neck, maybe that would force them to open the door and give him some attention; ask him what he needed, to give him food and water.
- 7.69 [D87] said he was pretending that he was trying to strangle himself, which the officer outside could see. He said when he had done that for a good 5-10 minutes, he went completely silent, without talking; and he was making the sounds as though he was hurting himself, choking noises; so they could hear him. He said he went completely silent; in the pretence that he had hurt himself. He said he just leaned towards the window, without moving, for a good one and a half hours. [D87] said a couple of other officers appeared around the back, to see that there was no movement at all. He said that his eyes were opened slightly to see what was going on; he could see there were three or four people outside, looking at him. He said that he was not moving he just stayed in the same position, waiting for the door to open.
- 7.70 [D87] said people outside the door were saying '[D87], please can you say something, please we are concerned; can you tell me what is going on; are you okay?' He said it took them over an hour to open his door.
- 7.71 [D87] said when that door opened he could not believe what happened. He said there were 13 heavy guys with helmets, and four or five shields, running up to him, with the command of someone who was behind the window, who could see that he was no threat to anybody because he was not moving. He said he questioned what they were doing and they still ran up to him, and hit him with the shield. He subsequently said that they beat him and attacked him with the shields from all over the place.

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- 7.72 [D87] said he put his hands around his head, as he was trying to defend his life. He said they were trying to take off his trainers; and they came in with a sharp cutter to cut what they thought was a ligament around his neck; but he had the bed sheet around his neck like a scarf. He said from outside they could see that it was around his neck like a scarf, not tight around his neck.
- 7.73 [D87] said they took the bed sheets, the pillows, the mattress; he said they took anything that was material in the room. He said as they left, they all ran back, retreated one after the other. He said once they had all left the room he was very angry, very upset. He said he went to the side of the door and said *'You guys are so evil; I wish all off you die of cancer'*. He said he became very volatile; and was saying many things. [D87] said they had left one person on his door, as he was on a constant watch because of him allegedly attempting to kill himself; but as he still had the flap covered, the officer had to go around the window to observe his actions.
- 7.74 DCM Robinson recorded during the briefing he gave to staff on 30 June 2017 that the current situation was that [D87] was moved to the CSU for making threats to members of staff. He said he caused significant harm to two members of staff that had just been sent to hospital. He said he was now located in a CSU room where he had blocked his spy hole and had also tried to block the back window. He said they had two members of staff that still had visualisation of him at the moment, but he had made significant threats to self harm. He said they believed he had tied a ligature around his neck, although he was sat with it on his neck, on the bench or on the desk at the back of the room. He said he had contacted the Duty Director, Sara Edwards, and it had been decided that a planned intervention was the only course of action.
- 7.75 DCM Robinson said that the plan was for entry to be facilitated by himself; due to [D87]'s demeanour and behaviour he was going to open the door and the team were going to go in and take control of [D87] as quickly and safely as possible. He said once under control, handcuffs would be applied by himself if required. He said that the relocation point would be the same room, but they were going to go in there by the orders of the Duty Director and take anything away that [D87] could cause harm to himself with; they would then exit the room as safely and as quickly as possible.
- 7.76 DCM Robinson said he had selected two teams of officers who were currently certified in the use of force to carry out the intervention. He said that the reason they were using two teams was again because of [D87]'s physical size and his ability earlier on to cause significant harm and damage to members of staff.
DCM Robinson read out the names of the officers on each team, three on each one, with one officer as support to both. He said the plan was that once [D87] was under control the second team would go in and remove everything.
- 7.77 DCM Robinson said that Healthcare had been informed of the planned intervention and had stated that there were no medical concerns. DJ Persuade and Nicola Wells Healthcare staff members introduced themselves and stated

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that they had no physical concerns; [D87] was fit and well, but he was still unpredictable in his behaviour.

- 7.78 DCM Robinson said that as they had been advised that [D87] was now lay on the bench (updated during the briefing), as they entered the room they would place the shield over [D87]; and if he was to get up at any point, or not listen to any instructions, then they would initiate full control and restraint.
- 7.79 The recording of the actual incident lasted 05:59 minutes (the reports note the time was 19:45 hours). DCM Robinson was facing Room 04 and asking [D87] [D87] politely if he would mind taking the covering off the observation panel. There was no response. DCM Robinson said that earlier on [D87] had said that he had wanted to speak to him, and that now he was there to engage in conversation with him, but he needed him to take this (the covering) down, so that he could see that he was fit and well. He said that he was going to open the door. After a couple of seconds DCM Robinson told [D87] that he was concerned that he may have hurt himself; he asked him to please confirm whether he was in their okay or not.
- 7.80 After another couple of seconds there was no response, so DCM Robinson used his keys to unlock the door. He immediately moved aside for the first team of three officers (the front one carrying the shield) to enter the room at pace. A fourth officer in PPE entered (to remove some bedding) followed by DCM Robinson, who was talking to [D87]. [D87] can be heard asking the officers what they are doing and why they are attacking him; and him telling them to leave him alone. DCM Robinson tells [D87] that no-one is attacking him (calling him Sir throughout). He told him that he wanted him to lie still and listen to their instructions. He told [D87] that he was not under attack; and he told the fourth officer to remove [D87]'s shoes.
- 7.81 The three officers can clearly be seen standing over [D87] (not moving), and [D87] is shouting '*What are you doing*'. DCM Robinson stepped forward to ask [D87] to talk to him, whilst one of the three officers went around to [D87]'s head area to try to remove the ligature from around his neck (he subsequently had to take off his gloves, which he handed to DCM Robinson, to enable him to cut the ligature away). [D87] is asking them to just leave him alone, and go away; and asking what is wrong with them.
- 7.82 DCM Robinson continues to talk calmly and politely to [D87], referring to him as '*Sir*'. He is trying to explain what they are doing, but [D87] is shouting over him. Throughout this time [D87] has remained lying down, with his knees bent, with the officers leaning over him, with the shield. The ligature is removed and the officer throws the ligature and the knife along the floor towards an officer by the door. That officer has now stepped back away from [D87]'s head, and DCM Robinson has moved into his place to talk to [D87], who is still shouting over him. As [D87] continues to shout DCM Robinson and one of the officers in full PPE are passing items out of the room.
- 7.83 DCM Robinson invites another officer in full PPE inside the room to check the toilet area. He continues to ask [D87] to listen to him, but [D87] continues

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to shout and raise his voice. The male Healthcare nurse has now entered the room, and is overseeing what the officers are doing. DCM Robinson tries to explain to [D87] what they are trying to do, but [D87] makes it very difficult for him to speak and be heard due to his constant talking back at him in a very loud voice. DCM Robinson explains at [D87]'s request why they are there, and you then hear [D87] shout for the camera, and DCM Robinson tell him that it is inside the room.

- 7.84 At that point the camera is moved nearer, so that we can see [D87]'s face; he is turned slightly towards DCM Robinson whilst he is questioning what they are doing. DCM Robinson says they are not attacking him; and [D87] shouts that they are manhandling him. [D87] asks where they are moving him too, and DCM Robinson tells him they are leaving him there. Then all of a sudden [D87] tries to sit up and all of the officers surrounding him appear to try and contain him from doing so. There are four officers in full PPE with a fifth one just entered the room. DCM Robinson is telling [D87] to calm down and listen to what he is trying to tell him. The officers appear to have the shield between them and [D87] who is now sat up, and continually shouting at them in an aggressive manner.
- 7.85 [D87] is very vocal; DCM Robinson is telling him that they will be leaving the room, but that he needed assurances from him that he would not struggle against the staff as he released them from the room. DCM Robinson proceeded to ask the officers to leave the room one at a time; but after the first one had left he noted that [D87] still had his trainers on, so he told him that they needed them, due to them having laces on them. [D87] is shouting again. He is shouting about them attacking him and telling them to leave the room. DCM Robinson tells [D87] again that he needs his shoes because he was concerned if the laces were left that he could hurt himself with them.
- 7.86 DCM Robinson moves himself round to be more in [D87]'s vision; there are now six officers in the room in full PPE; five surrounding [D87] and one stood to the right of DCM Robinson. It is that officer who bends down to remove [D87]'s shoes; and whilst doing this [D87] becomes very loud and is clearly pushing back against the officers, as they all start to move. DCM Robinson tells him again that all he needed to do was to let the officer take his trainers. [D87] is still shouting and trying to push back against the officers and the shield. The officer stood in front of [D87] tells him that they are just trying to help him, and [D87] is telling them just to let him go. [D87] continually tells them to stop attacking him (they are just stood in front of him with the one shield).
- 7.87 DCM Robinson again tells [D87] that they will retreat backwards, but they will use the shield continuously for their own protection. [D87] says that he has not attacked anyone, which DCM Robinson agrees with. He wants [D87] to calm down and stop shouting at them. He continually tells them to go; and tells them to run several times; they all exit the room one at a time, with the shield officer last; [D87] remained sat on the table, albeit shouting in a threatening manner, telling them to go and asking why. DCM Robinson thanked the team once they had closed the door. The recording ended.

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- 7.88 At 20:16 hours DCM Robinson recorded the de-brief. He said that they had got information that [D87] was lay across the bench at the back off the room, by a member of staff that was outside, so they took that opportunity to open the door, to enter the room, to place the shield over him. He said [D87] went to sit up, so the staff prevented him from doing that. He said that in trying to get himself sat up he could see that [D87] could provide a lot of strength in pushing the staff backwards. He said they were able to remove the ligature from around his neck. He asked if anyone had any issues with how the removal went; no one did. He said they were all able to remove themselves from the room in a safe manner, and then [D87] made some significant threats towards him and DCM Yates (the camera operator) after the incident. He asked if anyone had any injuries, and all staff individually said they had no injuries at present. He said as it stood [D87] was on constant supervision; and he ended the briefing at 20:19 hours.
- 7.89 At 20:20 hours DCM Robinson recorded that he wanted to confirm that Healthcare were present throughout, and they stated there were no medical concerns regarding [D87]. A female nurse reiterated that saying [D87] was very unpredictable, but no medical issues at present. DCM Robinson thanked the staff for their good work.
- 7.90 **Conclusion**
- 7.91 [D87] alleged that he was so frustrated when in the CSU that he said he was going to take his own life because he was denied food, water and extras.
- 7.92 To put that into perspective; Sara Edwards advised that [D87] had eaten at lunchtime that day; and his next meal would have been due at about 17:30 hours. As that was the time that the first incident took place, it was unlikely that [D87] would have been served his evening meal beforehand. She said [D87] would not at that point have been offered food and water, as they would have presumed that he was going to be given his evening meal once relocated into the CSU. However, as a result of [D87]'s actions that followed, from relocation to them going in the second time, his behaviour was escalating as opposed to deescalating. Therefore the risk to staff would be significant in view of [D87]'s violence and his threats to hostage take; so it would not have been deemed safe for the staff to have entered his room for that purpose, during that time period; they would have only entered for preservation of life, which is what subsequently happened.
- 7.93 It should be noted that the first record on [D87]'s Record of Actions and Observations of him motioning that he required a drink was at 20:30 hours, and then at 20:35 hours he was kicking his door and motioning that he wanted food and water. Both of these were after the second incident had occurred; and therefore, there is no corroboration that this was the reason that [D87] chose to pretend he was taking his own life. [D87] also told Mrs Shipp at his interview that he had never intended to kill himself; he was just saying it for attention; he thought that by placing something around his neck, that would force them to open the door and give him attention. He thought they would ask

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what he needed and he would tell them he wanted food and water.

- 7.94 It can also not be ignored that three officers were injured during the first incident, and one officer during the second (the latter not through any actions of [D87], and not reported until after the incident). Had [D87] have requested food and water then negotiations would have taken place as to how he would receive food and water, taking account of the safety of staff.
- 7.95 The details of this incident are clear from the evidence outlined above, provided by the officers involved and supported by the camera footage.
- 7.96 [D87] said that the Healthcare were informed that he was trying to take his own life; and in assumption that was the case it took one and a half hours for the door to open, with about 13 officers geared up running towards him, when he was supposed to be dead. He alleged that they had four or five shields, he was hit with a shield, and that they subsequently beat him and attacked him with the shields from all over the place.
- 7.97 Duty Director Sara Edwards confirmed that upon relocation to the CSU [D87] [D87] had blocked his spy hole and put his mattress up against the window that you could observe through from the outside; and he was saying that he had torn a t-shirt up and put it around his neck. Sara Edwards said they could just see through the gap between the mattress and the window that there was a piece of cloth that appeared to be around [D87]'s neck. She said for a considerable amount of time [D87] was shouting, swearing and feeling quite aggrieved about everything that had gone on, and he was directing his behaviour towards the Managers.
- 7.98 Sara Edwards explained that due to [D87]'s threats to hurt himself, they were required to get another team together, in full PPE, to enter his room. She explained that all the time that [D87] was shouting, screaming and making threats, it was not deemed necessary to enter his room, plus they had eyes on him through the gap in the window.
- 7.99 The Record of Actions and Observations records that [D87] went quiet from 18:47 hours, however he was under constant observation and movements consistent with breathing were recorded every few minutes. At 19:40 hours [D87] [D87] changed position, from sitting on the desk to lying on the desk, and although he was still noted as breathing, at 19:45 hours the opportunity was taken for the team to enter [D87]'s room. It should be noted that during the intermittent period the staff involved genuinely believed that [D87]'s intention by his actions was to get staff to enter his room, so that he could cause injury to them.
- 7.100 [D87] alleged he was silent for a 'good hour' and whilst that may have been the case Mrs Shipp was satisfied that the events occurred as documented and that once [D87] was lay down, and therefore in a position less likely to react quickly to them entering his room, the Management took the opportunity to enter the room and remove the ligature and any other items of concern.

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- 7.101 With regards to [§ 87(2)(b)] alleging that four or five shields were used by the 13 officers running up to him, that he was hit with a shield, and he subsequently said that the officers beat him and attacked him with the shields from all over the place. The camera footage is very clear; and from the evidence gathered the officers had been instructed to enter the room, using the one shield to prevent [§ 87(2)(b)] from moving; the primary concern was to remove the ligature from around [§ 87(2)(b)]'s neck that he had threatened to kill himself with. They then gathered up anything else in the room that they perceived [§ 87(2)(b)] could potentially use as another object to hurt himself with, and then they left the room.
- 7.102 The audio camera evidence confirms that it is the staff who provide a true account of what occurred. It demonstrated that once the door was opened by DCM Robinson, three officers in full PPE initially entered the room at pace, with the front officer holding the shield to secure [§ 87(2)(b)], and then a fourth officer followed, to remove some bedding, followed by DCM Robinson, who spoke to [§ 87(2)(b)]. Once the ligature was safely removed a fifth officer in PPE entered (to check the toilet area), closely followed by the male Healthcare nurse. It was only when [§ 87(2)(b)] sat up that a sixth officer in PPE entered the room, five surrounding [§ 87(2)(b)] and the sixth removed his shoes, at which point [§ 87(2)(b)] started to push back against the officers and the shield, and the three officers in front of [§ 87(2)(b)] were each supported by one of their colleagues to reinforce the barrier.
- 7.103 The officers were in [§ 87(2)(b)]'s room for just under six minutes. During that time there was no evidence obtained to support that [§ 87(2)(b)] was treated inappropriately by the officers; at no point was [§ 87(2)(b)] hit or attacked by either a shield or the officers involved in the incident. The written Use of Force reports completed by all officers involved, backed up by the camera footage, provided sufficient evidence that the force used was necessary and reasonable to secure [§ 87(2)(b)] whilst the ligature was removed from around his neck, and to ensure that [§ 87(2)(b)] had no articles in his room that could be used for further self harm attempts, whether genuine or not. Proportionate force was used in terms of the level of resistance and non compliance [§ 87(2)(b)] was demonstrating, once he tried to push back against the officers. The force was used only as long as it was necessary to make the room safe; and as soon as that was completed staff released their holds on [§ 87(2)(b)], one by one, and exited the room as quickly as possible.
- 7.104 With regards to injuries sustained as a result of the Incident 2, [§ 87(2)(b)] said his face was injured because they banged him with the shield on his face. He said his whole body was hurt; his head, his shoulders, his neck, his legs. He said he was offered no medical attention. [§ 87(2)(b)] alleged that he was not seen by a doctor or a nurse, amounting to gross negligence.
- 7.105 As is evident from the details obtained during this investigation, Healthcare staff were in attendance throughout both incidents, and reported no injuries sustained. For Incident 2 no medical evidence was received to substantiate [§ 87(2)(b)]'s allegations. Healthcare Nurse Wells was present throughout the incident and she reported that [§ 87(2)(b)] did not sustain any injuries. She noted

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on the Report of Injury to Detainee form that the time of the examination was 20:05 hours; she reported no physical marks were caused by any officers, and that [D87] was still very unpredictable at that present time.

- 7.106 As noted for Incident 1 officers are permitted to use force when dealing with disruptive or non-compliant detainees and they are trained in the use of approved control and restraint techniques. However, during this incident the force used was very minimal, in that the officers just secured [D87] back using the shield, and the weight of their own bodies, which would have been highly unlikely to have resulted in any injury to [D87].
- 7.107 **Based on the examination of all the evidence, on the balance of probability it is found that this part of [D87]'s complaint is unsubstantiated.**
- 7.108 It should be noted that following this second incident, once everyone had exited [D87]'s room, [D87] continued to be observed by DCM Dance-Jones through the external window. She reported that [D87] proceeded to direct his anger and aggression towards her, and during that time he repeatedly exposed his genitalia at her, and his bottom on two occasions. In addition [D87] used hand signs to stimulate he would track her down and shoot her in the head.
- 7.109 [D87] denies the above allegations, however, this investigation is satisfied on the balance of probability that [D87] did act in the alleged manner towards DCM Dance-Jones, as she would have no reason to not report the events as they occurred.

8. RECOMMENDATIONS

- 8.1 [D87]'s complaints have been unsubstantiated. No discipline offence has been committed by any officer involved in this incident, and no changes in policy or practise would help to prevent a recurrence of this particular type of incident. However, the PSU has identified one recommendation as follows.
- 8.2 **Contractor – Local – Conduct**
- 8.3 All the officers involved in the two incidents should be commended for their dealings with [D87] and recognised for their efforts during two particularly challenging and protracted incidents. It is evident from all the information obtained that [D87] could be a difficult gentleman to deal with; and he was clearly a strong individual. In the circumstances all the officers remained professional and polite with [D87], and treated him with respect, despite the manner in which he spoke to them.

9. LIST OF ANNEXES

- Ai [D87]'s undated Detention Services DCF 9 Complaint form

OFFICIAL - SENSITIVE

OFFICIAL – SENSITIVE

- Aii [D87]'s PSU interview summary from 11 July 2017
- Bi G4S Incident Report – Ref No. 472/17 (Incident 1)
- Bii G4S Use of Force – DCF 2 DC Rule 41 (Incident 1)
- Biii G4S Care and Separation – DCF 1 DC Rule 40 (Incident 1)
- Biv G4S Temporary Confinement – DCF 3 DC Rule 42 (Incident 1)
- Bv G4S Care and Separation – DCF 1 DC Rule 40 (Incident 2)
- Bvi G4S Incident Report – Ref No. 471/17 (Incident 2)
- Bvii G4S Use of Force – DCF 2 DC Rule 41 (Incident 2)
- Bviii G4S Annex A Use of Force reports (Incident 2)
- Bix G4S Eden Wing Initial Assessment completed 29 June 2017
- Bx G4S Removal from Association Initial Health Assessment dated 30 June 2017
- Bxi G4S Eden Wing Initial Assessment dated 3 July 2017; reviewed 7 July 2017 & 18 July 2017
- Bxii G4S Property Sheet and Room Clearance Certificate
- Bxiii G4S CCTV /Camera footage discs x 4 Re Incident 1 & 2
- C PSU summary of camera footage Re Incident 1 & 2
- Di G4S Additional Information from DCO Sayers
- Dii G4S Additional Information from DCO Stokes
- Ei Steve Skitt's PSU interview summary from 29 August 2017
- Eii Sara Edwards' PSU interview summary from 29 August 2017
- Eiii DCM Ben Shadbolt's PSU interview summary from 29 August 2017
- F [D87]'s Gatwick IRC Patient Record
- G Home Office computer CID records relating to [D87]
- H Steve Skitt reply letter to [D87], dated 26 July 2017

Name: Kim Shipp	Name: Steve Railton
Grade: HEO	Grade: SEO
Signed:	Signed:
Date:	Date:

OFFICIAL - SENSITIVE