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- 3.7. Where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes, the Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may arrange for the detained person's removal from association accordingly.
- 3.8. Where a detained person has been removed from association he shall be given written reasons for such removal within 2 hours of that removal.
- 3.9. The manager may arrange at his discretion for such a detained person as aforesaid to resume association with other detained persons, and shall do so if in any case the medical practitioner so advises on medical grounds.
- 3.10. Rule 41-Use of Force states:
- 3.11. 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 necessary, no more force than is necessary shall be used.
- 3.12. No officer shall act deliberately in a manner calculated to provoke a detained person.
- 3.13. 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.
- 3.14. The duties of Officers of Detention Centres:
- 3.15. It shall be the duty of every officer to conform to these Rules and the rules and regulations of the detention centre, to assist and support the manager in their maintenance and to obey his lawful instructions.
- 3.16. An officer shall inform the manager and the Secretary of State promptly of any abuse or impropriety which comes to his knowledge.
- 3.17. Detainee custody officers exercising custodial functions shall pay special attention to their duty under paragraph 2(3)(d) of Schedule 11 to the Immigration and Asylum Act 1999 to attend to the well-being of detained persons.
- 3.18. Detainee custody officers shall notify the health care team of any concern they have about the physical or mental health of a detainee.
- 3.19. **DSO 06/2008 Assessment Care in Detention and Teamwork (ACDT)**
- 3.20. This DSO provides instruction and guidance for identifying detainees at risk of self-harm and/or suicide; and the subsequent care and support for such detainees, and equally for the staff who care for them. The policy states inter

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- 5.3. The Panorama programme was considered by Sussex Police to identify any criminal actions by the officers. They have an ongoing criminal investigation into the actions of DCO Paschali against [D1527]
- 5.4. DCO Paschali and DCO Tulley left G4S' employment before the programme was broadcast. They were not invited to participate in this investigation on the request of Sussex Police who have an ongoing criminal investigation into the actions of DCO Paschali.
- 5.5. DCM Nathan Ring, DCO Kelvin Sanders, were instantly dismissed from G4S following the allegations made by the Panorama programme. DCO Francis and DCO Fraser were subjected to G4S misconduct investigations and were subsequently dismissed. All these ex-officers were invited to take part in this investigation; only DCO Sanders responded and agreed to contribute. The G4S misconduct interviews given by DCO Sanders, DCO Francis, Nurse Buss and other G4S employees have been considered during this investigation.
- 5.6. On 21 September 2017, Duncan Lewis solicitors wrote to GLD to request an investigation into the treatment of [D1527] as shown on the Panorama Undercover: Britain's immigration Secrets.
- 5.7. On 17 November 2017 the Professional Standards Unit were commissioned to investigate the complaint and Julie Galvin was assigned as the Investigating Officer
- 5.8. On 5 December 2017 the Investigating Officer met Sussex Police officers and it was confirmed that the Investigating Officer should not interview [D1527] or DCO Tulley as they were witnesses in an ongoing criminal investigation, nor DCO Paschali as he was subject to an ongoing criminal investigation. The Investigating officer was able to obtain written evidence from [D1527]
- 5.9. On 7 December 2017 the Investigating Officer wrote to Duncan Lewis Solicitors to request that [D1527] submitted any further written information he would like to be considered.
- 5.10. On 22 December 2017 Duncan Lewis Solicitor's wrote to the Investigating Officer setting out further concerns and areas for investigation.
- 5.11. On 25 January 2018, DCM Steven Loughton was interviewed at Brook House IRC.
- 5.12. On 30 January 2018 the Investigating Officer interviewed Mr Kelvin Sanders at Gatwick Police Station.
- 5.13. On 12 February 2018 G4S confirmed DCO Aaron Stokes resigned from G4S' employment in August 2017. He was the officer who was present when DCO Sanders alleged officers discussed the use of force and it was DCO Stokes who made the comment that if the officer turned around, hopefully [D1527] would be swinging. DCO Stokes was not invited to respond to the allegations during this investigation.

7.45. **Conclusion**

7.46. DCO Paschali's did not acknowledge that his actions were wrong and his account of events was shown to be untruthful; therefore, there was no credibility to his explanations.

7.47. DCO Paschali threatened to 'put [D1527] to sleep' while he used non approved restraint techniques on [D1527] and appeared to dig his fingers into [D1527] neck while [D1527] struggled to breath, while he was held by two other officers. This was not in accordance with any Home Office policy of procedure. Therefore, on balance, the allegation that DCO Paschali assaulted and threatened [D1527] was substantiated. There is an ongoing police investigation to consider whether his actions were criminal.

7.48. DCO Tulley and DCO Francis were aware of the actions of DCO Paschali as they happened. They did not intervene and assist [D1527] even though they both later stated DCO Paschali's actions were life threatening. These officers also failed to comply with their obligations under Detention Centre Rules to report the abuse to their managers and the Home Office.

7.49. **Allegation**

7.50. **To investigate allegations Officer Yan Paschali directed the nurse not to write up the incident and officers talking about the incident in a derogatory fashion afterwards.**

7.51. **Review**

7.52. Panorama showed footage following this use of force of DCO Tulley following DCO Paschali into an office.

DCO Tulley -yeah sorry Yan mate you know what I'm like with C&R,
DCO Paschali- No, no listen that was proper C&R really, don't worry about it...as it stands no use of force. That's your answer as it stands.
DCO Tulley - No use of force?
DCO Paschali - just hold fire.

7.53. This conversation suggested that DCO Tulley had asked DCO Paschali if they were to write Use Of Force Reports although such a conversation was not broadcast. However DCO Paschali's response appeared to encourage DCO Tulley not to complete a Use Of Force Report. The decision on whether a report was required by the officers was not DCO Paschali's and each officer who used force was responsible for their own report. As the initial intervening officer DCO Tulley should have written an Incident Report and immediately reported the incident and passed his report to the duty manager, Oscar 1. Therefore DCO Paschali is not solely responsible for the lack of documentation.

7.54. Panorama next showed Nurse Buss talking DCO Tulley:

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Nurse Buss-*Are they putting that down as a restraint?*

DCO Tulley -*I think as it stands, according to what Yan has just told me, they are just going to leave it.*

Nurse Buss -*T-shirt around his neck angry and upset, battery in his mouth, attempted to self strangle in the toilet. Continued observations due to demeanour. Yeah that's all I can say isn't it.*

DCO Tulley then stated on camera that Nurse Buss was reading from her notes and did not mention the restraint even though she had been in the room when it happened.

- 7.55. The ACDT on-going records showed an entry at 19:40 hours written by Nurse Buss '*[D1527] had a T-shirt around his neck and was angry and upset had a mobile phone battery in his mouth attempted to self strangle in the toilet . Usual observations only due to demeanour*'. The exact comment she read out on Panorama. However, it was DCO Tulley who was shown advising Nurse Buss that the officers were '*going to leave it*' not DCO Paschali.
- 7.56. Healthcare staff must complete form F213 when they attend an incident and this form was completed by nurse M Makum on behalf of Nurse Buss. It stated '*detainee had placed a ligature around his neck, removed by staff. After that he went to toilet and attempted to self strangle- hands removed from his neck. Slight redness noted on his neck*'. On Panorama DCO Tulley stated that *[D1527]* *[D1527]* was attempting to strangle himself with his own hands just before he was restrained by DCO Paschali and therefore this second comment on the F213 appeared to refer to this incident. Therefore the incident was documented by healthcare on both on the F213 and in the ACDT on-going records, but there was no reference to the use of force by the DCOs and the wording was vague so that it was not possible for anyone to determine the severity of these incidents.
- 7.57. Detention Centre Rules 41 states that following the use of force the 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.
- 7.58. G4S have a flow chart for officers setting out what reports are required following an incident which leads to the use of force against a detainee. This states the first intervening officer must write an Incident Report and every officer who witnessed the incident must write a witness statement. If force was used then the all officers using force are required to complete an Annex A Use of Force Report.
- 7.59. CCTV and Panorama showed that DCO Tulley was the intervening officer and he should have completed an Incident Report and a Use of Force Report. DCO Francis, DCO Paschali and DCO Fraser should have completed an Annex A, Use of Force Reports. DCO Paschali stated in his evidence that he did not discuss the writing reports with anyone other than DCO Tulley who kept asking him whether to write a report. DCO Paschali maintained that he did complete an Incident Report, which he left in the E Wing office and he believed DCO Tulley then disposed of it. However DCO Paschali's evidence was not considered a

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truthful account of what happened and no Incident Reports or Use Of Force report written by DCO Paschali or any other officer was identified.

- 7.60. DCO Fraser and DCO Francis were asked why they did not complete Use Of Force Reports during their interview with G4S. Neither officer provided a satisfactory answer, although they both agreed they should have. Both stated there was no collusion and they were not told by DCO Paschali not to complete the report. Immediately following the incident two managers, DCM Dix and DCM Yates came to [D1527] room to check his ACDT. Not one of the four DCOs informed them of the use of force that had just occurred, even though this usual procedure and it would be a natural reaction to talk about a stressful incident immediately afterwards as a reaction to the adrenalin and stress. Instead they all appeared to have remained silent and therefore it seemed more likely than not that there was some consensus that the event was not disclosed, although the motivation for each officer was not known.
- 7.61. Once an Incident Report is submitted the duty manager will ensure each officer completes a Use Of Force Report and the Duty Manager will notify the Home Office and other relevant authorities of the incident. The lack of an Incident Report and associated documentation meant that there was no G4S or Home Office oversight, no self-harm investigation and no immediate ACDT case review of [D1527] s risk as he was held in isolation on Rule 40 at the time.
- 7.62. **Conclusion**
- 7.63. There was evidence of the conversation between DCO Tulley and DCO Paschali in which DCO Paschali suggested to DCO Tulley that no use of force report was to be completed. The other officers deny there was any agreement not to write a Use Of Force Report, but it seemed more than a coincidence that DCO Francis and DCO Fraser would both decide in isolation not to write a Use Of Force Report against policy. All officers therefore failed to comply the Detention Centre Rules.
- 7.64. It was DCO Tulley, not DCO Paschali, who advised Nurse Buss not to refer to the restraint and he did not correct her or ask her to add include the restraint in her records when she read this to him. That is not to say that Nurse Buss had to oblige. She did record the two incidents of self-harm on 25 April 2017, although her records were vague and it appeared this was done with the intention not to raise attention to the restraint used on [D1527]
- 7.65. Therefore, it was considered, on the balance of probabilities, that there was collusion by the G4S staff not to record the events in accordance with policy and procedure, and therefore the allegation is substantiated.
- 7.66. **Allegation**
- 7.67. Following this incident there were further conversations between the officers which were derogatory.
- 7.68. Panorama showed DCO Paschali with officers in what appeared to be a staff

rest room

DCO Paschali- It difficult to explain, Callum had a taste and got a bit upset ,
DCO Tulley-I didn't get upset, (laughs)

DCO Paschali-I didn't say you cried, but the likes of us we don 't cringe at
breaking bones...

- 7.69. DCO Paschali suggested he did not care about hurting a detainee. CCTV did suggest that DCO Tulley was upset by DCO Paschali's use of force and Panorama showed DCO Tulley was very upset by what had happened. DCO Paschali and other officers discussed at various times during the Panorama programme the use of force and that they did not care about the detainees. This was not related to [D1527] but they did suggest that there was a culture issue with some officers, as alluded to by DCO Sanders.
- 7.70. On 4 May 2017 when [D1527] was shown on Panorama protesting on the netting DCO Tulley was with DCO Fraser. DCO Tulley asked DCO Fraser "What is the best way to deal with someone like that?" DCO Fraser responded "Like Yan did" and he laughed.
- 7.71. DCO Fraser stated that he did not see DCO Paschali's restraint of [D1527] on 25 April 2017 but his comment suggested otherwise. DCO Fraser explained that DCO Tulley had told him about what DCO Paschali did in subsequent conversations about the incident.
- 7.72. DCO Tulley instigated the comment and DCO Fraser stated that they had become easy in each other's company following the incident on 25 April 2017 due to DCO Tulley seeking him out for discussions. However DCO Fraser's response to DCO Tulley when he suggested that choking [D1527] was an appropriate response was unprofessional and it may be considered derogatory.
- 7.73. **Conclusion**
- 7.74. Officers comments made following the use of force appeared on balance, to be derogatory towards [D1527] and the allegation is substantiated.
- 7.75. **CONSIDERATION OF THE FURTHER ALLEGATIONS MADE BY [D1527]**
- 7.76. **Allegation**
- 7.77. [D1527] stated that on 4 May 2017 he was assaulted in his room by officers before he was moved to Rule 40.
- 7.78. **Review**
- 7.79. In evidence submitted by his solicitor, [D1527] explained to Dr Basu that on 4 May 2017 a canteen worker refused to give [D1527] a plate at mealtime as she claimed he had already eaten. When a plate was finally given to [D1527] he broke it, took a shard of the broken plastic and jumped onto the netting. He