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Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding the complaint allegation by D668 that between 29 June and 27 September 2017 Brook House Immigration Removal Centre (IRC) staff were rude and ignored his complaints regarding other detainees and the toilet facilities are inadequate and lacked privacy.

IMG Ref: 17/1555/1557/21

Investigating Officer: Helen Wilkinson

OFFICIAL - SENSITIVE

they can go to the Welfare Office or Residential DCM office, who will allow them to print off the information they require. However this would not be available for general browsing or catching up on their e-mails as this would take up Welfare/Residential DCM full time .

6.12 Toilets and Lock Up in Brook House IRC

- 6.12.1 All rooms have a retro-fit toilet, which is shielded for privacy by a curved wall and a sheet of velcroed material across the doorway. G4S acknowledged that some curtains were previously missing which would mean the user could be seen, however all curtains have recently been replaced during a refurbishment of the rooms.
- 6.12.2 During the review of detainee complaints for April, May and June 2017, only one formal complaint about sharing a room with two other detainees was identified and there were two complaints about the toilet. Staff acknowledged that some detainees do not like sharing a room with two others, while others like to share with two friends. However good the ventilation, and it was reported as poor by detainees, it was likely that sharing a room with 2 detainees with a toilet in the room would cause a level of discomfort.

7. **CONSIDERATION OF EVIDENCE AND CONCLUSIONS**

7.1 **Allegation 1: that on 29 June 2017, prior to leaving his room, DCM Tomsett was rude to Mr [D668] saying "pack your stuff and get out!" Mr [D668] was later mocked by G4S officers when he returned to Brook House IRC reception following a failed removal.**

- 7.1.1 Whilst DCM Tomsett could not recall this incident, the roster showed that he had been a wing officer on the Induction Wing (B Wing) on 29 June 2017. He said that Mr [D668] would have remained on B Wing in readiness for his removal. So, both were on B Wing at the time of the alleged incident.
- 7.1.2 Mr [D668] said himself that he had been told to pack his belongings at 08:00 hrs by a DCO and had remained in his room. He had then been told a second time by DCM Tomsett at 10:00 hrs and when he had asked for more time had been told *"get your stuff and get out there."*
- 7.1.3 Given the IS.91 showed that Tascor had collected Mr [D668] from Brook House IRC at 10:30 hrs for his 16:15 hrs flight to Cote D'Ivoire, it is reasonable to assume that he needed to be in the discharge area rather than his room. Mr [D668] asking DCM Tomsett to wait a minute given the timescales could have escalated the situation to the point that DCM Tomsett felt he had to be direct to encourage compliance.
- 7.1.4 However, the fact is Mr [D668] said that this happened and he had felt *"shocked"* about the manner in which he had been spoken to. DCM Tomsett could not recall this incident. There were no witnesses. Given there was another incident between the pair on the Visits corridor, this will be **held in the balance** and considered alongside the other complaint.

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

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

- 7.4.4 Mr [D668] was adamant that the officer who had 'frisked him extremely aggressively' had been DCM Tomsett. He said that *"everyone knew Darren Tomsett was a racist."* Checks with DEPMU about complaints they had registered (since September 2017) for DCM Tomsett showed that there had been one of excessive use of force but this had been unsubstantiated in a PSU investigation. HRM Fernandes said that there had been no misconduct investigations for DCM Tomsett.
- 7.4.5 There had been a detainee complaint in June 2017 alleging DCM Tomsett was aggressive and discriminated against Black African and Afro-Caribbean's. It was referred back to Brook House IRC by PSU as it had not met the threshold. RRDM Edwards investigated fully, speaking to the available detainees, DCM Tomsett and reviewing documents, of which there were none. He concluded there was insufficient evidence of such behaviour. The other six detainee complaints were of a similar nature, 'not friendly...aggressive...racist...unfair' and G4S investigated and found these unsubstantiated. As part of these investigations, PSU investigated a homophobic comment allegation and found this unsubstantiated.
- 7.4.6 DCM Tomsett said that he had been accused of being a racist a number of times but had been told that was because he was doing his job. He said he had never been racist and sometimes detainees called officers racist because they did not like the answer the officer had given them. He said racist was a *"loose term that is thrown around in there by detainees against staff."*
- 7.4.7 Indeed, a few of the officers interviewed across the centre were asked to comment on whether they had seen any verbal or racist abuse by officers towards detainees. They mirrored the sentiment and said the Panorama programme had heightened the use of the word and the threats by detainees towards officers that the detainees would say officers were racist both to get their own way but also to raise false complaints.
- 7.4.8 Nurse Sihlali said the same. She said *"detainees did not know the meaning of the word racist."* Last week she had seen a detainee and his first words to her had been *"you fucking big fat black bitch."* She froze. He said *"you don't know what you are fucking doing."* Two detainees had been stood at the door and she had told this one to get out. These detainees had said that they would have beat this detainee up if he had laid a hand on her. The abuse and spitting was at the officers and not by officers to the detainees. Nurse Sihlali was [Sensitive/irrelevant] and being abused for the colour of your skin is not nice. She said she has been called racist several times by detainees. She said *"they use the word for effect. If staff say no then the detainee calls them racist. This word is used to get what they want. Young officers would often give what the person wanted so they are not called racist."*
- 7.4.9 I considered what Mr [D668] had said about the way DCM Tomsett had spoken to him on 29 June 2017 and whilst DCM Tomsett's comment had been a direct instruction, I did not find that this had been racist as claimed. On the evidence and to a balance of probabilities, I find that DCM Tomsett was neither rude nor racist when he had told Mr [D668] to *"pack your stuff and get out!"* The allegation that he was (paragraph 2.1.1) and the findings at paragraphs 7.1.1-7.1.4 that were held in the balance are now **unsubstantiated**.