

<p>1 <b>I took.</b></p> <p>2 Q. But what you did do was threaten, I suggest, to "put him</p> <p>3 to fucking sleep?"</p> <p>4 <b>A. Yes, to gain compliance. We can say this all day long:</b></p> <p>5 <b>to gain compliance.</b></p> <p>6 MR ALTMAN: But we are not going to, so don't worry,</p> <p>7 Mr Paschali.</p> <p>8 Chair, it's just gone 1.00 pm. Can I suggest that's</p> <p>9 a good time, unless you have any questions you want to</p> <p>10 ask at this juncture?</p> <p>11 THE CHAIR: No, I don't. Let's break for lunch.</p> <p>12 MR ALTMAN: Break for lunch until 2.00 pm. Thank you.</p> <p>13 (1.03 pm)</p> <p>14 (The short adjournment)</p> <p>15 (2.00 pm)</p> <p>16 MR ALTMAN: Mr Paschali, let's go back to that interview,</p> <p>17 please, the police interview, &lt;CPS000019&gt; at page 3.</p> <p>18 In that entry, which we find fifth down:</p> <p>19 "So it would have been better for me to not brace</p> <p>20 his neck?"</p> <p>21 That's the question you are asking the officer:</p> <p>22 "Let the what was in his mouth get stuck in his</p> <p>23 throat and the kid dies. I saved his life twice that</p> <p>24 day. I cut him down. We removed ligatures from his</p> <p>25 neck and we retrieved the phone battery that was stuck</p> <p style="text-align: center;">Page 97</p>	<p>1 to this. The first stage -- if you want, I can show you</p> <p>2 the use of force form that Mr Loughton completed -- was</p> <p>3 Mr Loughton had been alerted by Clayton Fraser, who was</p> <p>4 on constant observations, to the fact that D1527 was in</p> <p>5 the toilet area. When he went in, he found that he had</p> <p>6 a T-shirt around his neck and he removed it with a fish</p> <p>7 knife. That was incident 1.</p> <p>8 Incident 2 was, after that had calmed down, he has</p> <p>9 a phone battery and he sticks that in his mouth. When</p> <p>10 that is over, incident 3 -- and that's the only incident</p> <p>11 that you became involved in on that occasion -- was when</p> <p>12 Callum Tulley, who had been asked by Nathan Ring to</p> <p>13 watch him for a few moments, finds him</p> <p>14 self-strangling with his hands, not with a ligature.</p> <p>15 Unless we have all missed it, there is no ligature</p> <p>16 in the third instance in which you became involved. So</p> <p>17 I'm struggling to understand what you told us a little</p> <p>18 earlier.</p> <p>19 <b>A. There was a ligature.</b></p> <p>20 Q. What happened to it?</p> <p>21 <b>A. I don't know. I can't remember.</b></p> <p>22 Q. What kind of ligature was it?</p> <p>23 <b>A. I believe it was maybe an item of clothing or something</b></p> <p>24 <b>like that, but I'm not sure.</b></p> <p>25 Q. So we understand what you are saying, before we see what</p> <p style="text-align: center;">Page 99</p>
<p>1 in his mouth. He was trying to get it stuck in his</p> <p>2 throat. Everyone's forgotten about that."</p> <p>3 Can we just flip over to page 8. We will see your</p> <p>4 answer, the second answer in:</p> <p>5 "But these guys are at level 10. You can't go in,</p> <p>6 'Please, Sir, stop doing that' because it ain't going to</p> <p>7 get you nowhere. You need to go in at level 11 and then</p> <p>8 me personally, and the way we're taught, you de-escalate</p> <p>9 and you bring it straight down as soon as you can, which</p> <p>10 I did. And there might be some discrepancies with what</p> <p>11 I am about to say next but he had no injuries. I did</p> <p>12 not hurt him. I'm getting a compliance. I was in full</p> <p>13 control and I saved his life twice that day. And he</p> <p>14 thanked me for it and apologised to me which was</p> <p>15 supposed to be on camera and I'd like to try and get</p> <p>16 that please."</p> <p>17 So we understand what you are saying, how did you</p> <p>18 save his life twice that day, Mr Paschali? When did you</p> <p>19 save his life the first time?</p> <p>20 <b>A. Well, I stopped him from swallowing what was in his</b></p> <p>21 <b>mouth.</b></p> <p>22 Q. Yes, that's the second time. What was the first?</p> <p>23 <b>A. And I cut the ligature from his neck.</b></p> <p>24 Q. I see. I'm slightly puzzled by what you tell us about</p> <p>25 there being a ligature because there were three stages</p> <p style="text-align: center;">Page 98</p>	<p>1 you did leaning over him, are you saying you cut it from</p> <p>2 his neck?</p> <p>3 <b>A. I can't remember exactly when I cut it from his neck.</b></p> <p>4 Q. Yes.</p> <p>5 <b>A. But if you look at Charlie Francis's statement --</b></p> <p>6 <b>I don't know if it's to the police or the Home Office --</b></p> <p>7 <b>he mentions that I took the fish knife from his belt as</b></p> <p>8 <b>well to cut the ligature.</b></p> <p>9 Q. Right. So that's Charlie Francis. Forget him for the</p> <p>10 moment. Let's just examine what you are telling us.</p> <p>11 <b>A. I'm just trying to back up what I'm saying.</b></p> <p>12 Q. No, no, I get that, and we will look at that. What I am</p> <p>13 asking you is, you have a clear recollection of removing</p> <p>14 a ligature from his neck?</p> <p>15 <b>A. Around his neck.</b></p> <p>16 Q. How did you remove it?</p> <p>17 <b>A. With Charlie Francis's fish knife.</b></p> <p>18 Q. Charlie Francis's fish knife. And what became of</p> <p>19 the ligature?</p> <p>20 <b>A. I would have just thrown it to the side. I can't</b></p> <p>21 <b>remember.</b></p> <p>22 Q. As I have understood the evidence -- maybe it is me,</p> <p>23 Mr Paschali -- Callum Tulley found him in the toilet</p> <p>24 area self-strangling with his hands, and he and</p> <p>25 Clayton Fraser pulled him out from the toilet area and</p> <p style="text-align: center;">Page 100</p>

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<p>1 calming down that led you to put your hand on your thigh</p> <p>2 when all the time I thought you were bracing his neck in</p> <p>3 order to stop him swallowing a battery?</p> <p>4 <b>A. I was.</b></p> <p>5 Q. Why did you do that? Why did you release your grip?</p> <p>6 <b>A. Obviously, he's calmed down, number one. I am not</b></p> <p>7 <b>certain that this footage is in its entirety. This was</b></p> <p>8 <b>supplied to you by the BBC, was it?</b></p> <p>9 Q. Well, yes.</p> <p>10 <b>A. Because I'm certain that, before this point, I checked</b></p> <p>11 <b>with everybody in the room to make sure that they were</b></p> <p>12 <b>okay.</b></p> <p>13 Q. How did you do that?</p> <p>14 <b>A. Verbally. I said to Callum, "Are you okay?" I said to</b></p> <p>15 <b>Charlie Francis "Are you okay" and I asked the detainee</b></p> <p>16 <b>if he was okay, I said everybody was okay. I believe</b></p> <p>17 <b>I said that in relation to Callum's reaction but that is</b></p> <p>18 <b>not shown.</b></p> <p>19 Q. What you're suggesting, Mr Paschali, if your reaction is</p> <p>20 accurate --</p> <p>21 <b>A. I'm pretty sure I checked with everyone to see they were</b></p> <p>22 <b>okay.</b></p> <p>23 Q. If that is right, the BBC has doctored this video, this</p> <p>24 footage?</p> <p>25 <b>A. I believe so.</b></p> <p style="text-align: center;">Page 117</p>	<p>1 at all, wish we could see at what point the battery came</p> <p>2 out of his mouth because I don't recall at what point</p> <p>3 that was."</p> <p>4 When did the battery come out of his mouth,</p> <p>5 Mr Paschali?</p> <p>6 <b>A. I can't remember. I agree with what you've just read</b></p> <p>7 <b>out completely.</b></p> <p>8 Q. You?</p> <p>9 <b>A. I agree with what you've just read out completely.</b></p> <p>10 <b>I can't remember.</b></p> <p>11 Q. Well, they're your words?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. We never see a battery come out of his mouth do, we?</p> <p>14 <b>A. Not on this footage, no.</b></p> <p>15 Q. You're saying you saw a battery come out of his mouth?</p> <p>16 <b>A. I don't know at what point the battery came out of his</b></p> <p>17 <b>mouth.</b></p> <p>18 Q. You're saying you saw a battery --</p> <p>19 <b>A. I believe so. I believe he had something in his mouth.</b></p> <p>20 Q. In eight seconds on the footage we will see Tulley and</p> <p>21 you telling him to relax, and then, at 23 seconds past,</p> <p>22 we will see him screaming loudly when you return your</p> <p>23 hands to his throat and it is then that you utter the</p> <p>24 words. You can see what the subtitling is and you will</p> <p>25 tell us, Mr Paschali, whether you agree that what you</p> <p style="text-align: center;">Page 119</p>
<p>1 Q. So that's what you're suggesting?</p> <p>2 <b>A. I believe it's edited in some way.</b></p> <p>3 Q. Edited?</p> <p>4 <b>A. Or doctored, whatever you want to call it.</b></p> <p>5 Q. If it's not been edited, then what you have just told us</p> <p>6 is wrong?</p> <p>7 <b>A. I'm certain that I said those words.</b></p> <p>8 Q. I'm more interested in why you put your hand on your</p> <p>9 left thigh if all you were doing was to brace his neck</p> <p>10 to stop him from swallowing the battery and to gain</p> <p>11 compliance and gain control when suddenly he calms down</p> <p>12 but he's still got the battery in his mouth according to</p> <p>13 you, so why do you take your hand from his neck?</p> <p>14 <b>A. I can't remember the exact sequence. For whatever</b></p> <p>15 <b>reason, I would have felt it was safe for me to remove</b></p> <p>16 <b>my hand.</b></p> <p>17 Q. In your police interview -- I'm not going to come out of</p> <p>18 the video now, but, for the record, it was &lt;CPS000019&gt;</p> <p>19 at page 16. One of the things you say, when you were</p> <p>20 asked whether you applied pressure to his neck, is:</p> <p>21 "No, I definitely made very sure. My intention was</p> <p>22 to brace his neck. I mean, also, if you watch it in its</p> <p>23 entirety, the whole thing, you know, he's hollering and</p> <p>24 screaming quite a lot. If I'm choking him, air wouldn't</p> <p>25 have been able to pass through and any sound coming out</p> <p style="text-align: center;">Page 118</p>	<p>1 said is, "You fucking piece of shit, because I'm going</p> <p>2 to put you to fucking sleep". So we will play that,</p> <p>3 please.</p> <p>4 (Video played)</p> <p>5 MR ALTMAN: No doubt about the words, is there, Mr Paschali.</p> <p>6 <b>A. Yes, I agree.</b></p> <p>7 Q. There really hasn't ever been any doubt about the words</p> <p>8 you used, has there, Mr Paschali?</p> <p>9 <b>A. No, that's not true.</b></p> <p>10 Q. That's not true?</p> <p>11 <b>A. No, I've explained that in quite length this morning.</b></p> <p>12 Q. You've certainly explained it. Why have you returned</p> <p>13 your hands to his throat?</p> <p>14 <b>A. Because I must have thought that he was in danger.</b></p> <p>15 <b>Maybe I see something -- I saw -- at that point, I saw</b></p> <p>16 <b>something in his mouth. I can't recall. You're</b></p> <p>17 <b>attempting to show that basically I'm the only person</b></p> <p>18 <b>that felt there was something in his mouth. In this</b></p> <p>19 <b>incident, at 8.44, Charlie Francis states "Has he</b></p> <p>20 <b>swallowed the battery?" so it obviously wasn't only me</b></p> <p>21 <b>that thought there was a battery in his mouth or</b></p> <p>22 <b>something in his mouth.</b></p> <p>23 Q. I'm not trying to show anything. I'm asking you --</p> <p>24 <b>A. Okay, well, I'm just telling you that, also, at</b></p> <p>25 <b>8 seconds 44, Charlie Francis says, "Has he swallowed</b></p> <p style="text-align: center;">Page 120</p>

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<p>1 it?"</p> <p>2 <b>A. Well, I said "as it stands".</b></p> <p>3 Q. Because, as it stands, Mr Paschali, there is no use of</p> <p>4 force report, is there?</p> <p>5 <b>A. For the other staff, no, there isn't. I carried out --</b></p> <p>6 Q. Or for you?</p> <p>7 <b>A. Yeah, I know. I carried out a use of force report and</b></p> <p>8 <b>I left it on the desk.</b></p> <p>9 Q. The desk of where?</p> <p>10 <b>A. E wing office. Yeah, I believe so, in the pigeonhole.</b></p> <p>11 Q. Well, you actually said two things, and, if needs be, we</p> <p>12 can go to it. At one stage, you were telling the PSU</p> <p>13 you left it on a desk; at another stage, you said you</p> <p>14 left it in a pigeonhole. And I think you told the</p> <p>15 police you left it in a pigeonhole?</p> <p>16 <b>A. The pigeonhole -- what I mean by a "pigeonhole" is that</b></p> <p>17 <b>there is a tray on the desk that we call "the</b></p> <p>18 <b>pigeonhole" and you put the pieces of paperwork in that</b></p> <p>19 <b>tray.</b></p> <p>20 Q. What did that use of force form say?</p> <p>21 <b>A. I can't remember now, but it would have been describing</b></p> <p>22 <b>the incident and my actions. That's what we normally do</b></p> <p>23 <b>with a use of force.</b></p> <p>24 Q. We have seen lots of them. What do you think it said</p> <p>25 about your neck brace?</p> <p style="text-align: center;">Page 149</p>	<p>1 <b>A. I filled out a use of force report.</b></p> <p>2 Q. So, what, one with a red cover?</p> <p>3 <b>A. I can't remember.</b></p> <p>4 Q. And with an annex A where you make your statement and</p> <p>5 you set out your report setting out exactly what</p> <p>6 happened?</p> <p>7 <b>A. Yes. I can't remember the colour of the report.</b></p> <p>8 Q. You see, if there was such a report, Mr Paschali, it's</p> <p>9 never been found. You know that, don't you?</p> <p>10 <b>A. I'm fully aware of that, yes.</b></p> <p>11 Q. How is that possible?</p> <p>12 <b>A. Shall I just tell you exactly what I think?</b></p> <p>13 Q. You say exactly what --</p> <p>14 <b>A. I believe Callum Tulley took that report and got rid of</b></p> <p>15 <b>it.</b></p> <p>16 Q. It sounds a bit conspiratorial, doesn't it, Mr Paschali?</p> <p>17 <b>A. Well, it does, but the only person telling people not to</b></p> <p>18 <b>do a use of force report is Callum Tulley.</b></p> <p>19 Q. Really?</p> <p>20 <b>A. And that's referenced in a Home Office report.</b></p> <p>21 Q. We will come to something else in a minute. But these</p> <p>22 are your words, not his:</p> <p>23 "... as it stands, no use of force as it stands?</p> <p>24 <b>A. "As it stands". But the only person going around and</b></p> <p>25 <b>telling other staff not to do a report was</b></p> <p style="text-align: center;">Page 151</p>
<p>1 <b>A. It would have said that I was bracing his neck.</b></p> <p>2 Q. Did it also add, "I whispered in his ear, 'You fucking</p> <p>3 piece of shit, because I'm going to put you to fucking</p> <p>4 sleep'"?</p> <p>5 <b>A. I genuinely can't remember. In all honesty, I probably</b></p> <p>6 <b>wouldn't have put that in because, no, it isn't the</b></p> <p>7 <b>right thing to say or do, but I can't remember.</b></p> <p>8 Q. So somewhere there is a use of force, what, an annex A</p> <p>9 that you completed?</p> <p>10 <b>A. An incident report.</b></p> <p>11 Q. An internal report?</p> <p>12 <b>A. Incident report.</b></p> <p>13 Q. Incident report?</p> <p>14 <b>A. Use of force form, incident report.</b></p> <p>15 Q. Not the type of use of force report we just saw that was</p> <p>16 completed by Mr Loughton?</p> <p>17 <b>A. He's a manager, so I don't know if he would complete</b></p> <p>18 <b>a slightly different form to what we would do.</b></p> <p>19 Q. So somewhere on a desk you left behind an incident</p> <p>20 report, not a use of force report --</p> <p>21 <b>A. A use of force report and an incident report are the</b></p> <p>22 <b>same thing.</b></p> <p>23 Q. Well, they are not, because an incident report is headed</p> <p>24 "Incident Report" and a use of force report is what we</p> <p>25 just saw?</p> <p style="text-align: center;">Page 150</p>	<p>1 <b>Callum Tulley.</b></p> <p>2 Q. So you think that Callum Tulley has somehow found the</p> <p>3 report that you completed --</p> <p>4 <b>A. It's just there on the desk. That's how we used to</b></p> <p>5 <b>leave them.</b></p> <p>6 Q. Not in an envelope?</p> <p>7 <b>A. This is exactly -- I believe I've made this point</b></p> <p>8 <b>somewhere in my statement that there was no, again,</b></p> <p>9 <b>procedure, which there should have been, for such</b></p> <p>10 <b>documents to be put somewhere secure. I'm sure I've</b></p> <p>11 <b>made reference to this.</b></p> <p>12 Q. So, somehow, he --</p> <p>13 <b>A. It's not "somehow". Anyone could have walked in and</b></p> <p>14 <b>picked it up off the table.</b></p> <p>15 Q. And just got rid of it?</p> <p>16 <b>A. For his own interests, yes.</b></p> <p>17 Q. What would his interests be? Because here he was,</p> <p>18 undercover reporting for the BBC to show the abuse that</p> <p>19 was taking place at Brook House. What was his interest</p> <p>20 in making disappear a use of force form, report, that</p> <p>21 you had completed which you probably think was</p> <p>22 incomplete?</p> <p>23 <b>A. Sorry, where did I say it was incomplete?</b></p> <p>24 Q. Because you said you probably would have left out "you</p> <p>25 fucking piece of shit"?</p> <p style="text-align: center;">Page 152</p>

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