		Ι	
1	Thursday, 10 March 2022	1,	be an acceptable way to address that. So thank you for
2	(10.00 am)	2	raising it.
3	THE CHAIR: Mr Sharland, I understand you have an	3	MR SHARLAND: Thank you very much, chair.
4	application?	4	MS MOORE: Thank you, chair. We can call Ms Churcher now.
5	Application by MR SHARLAND	5	MS KAREN DEBRA CHURCHER (sworn)
6	MR SHARLAND: Good morning, chair. I wanted to raise an	6	THE CHAIR: Good morning, Ms Churcher. Just to say,
7	issue in relation to the first witness, Ms Churcher. As	7	I understand there are some documents that you have only
8	I believe you are aware, a new version of the evidence	8	had recent access to, so I would just ask that you
9	proposal topics list was sent to my instructing	9	answer any questions that Ms Moore puts to you just to
10	solicitor at 6.55 pm yesterday. Ms Churcher didn't see	10	the best of your ability and explain if there are
11	that last night. She has not had an opportunity to	11	questions you are not able to answer without further
12	consider the new documents. I think there are seven new	12	information, if you could explain that.
13	documents, and we do have very significant concerns	13	Ms Moore, thank you.
14	about the fairness of expecting her to be able to	14	Examination by MS MOORE
15	address those new documents without any opportunity to	15	MS MOORE: Thank you. Good morning, Ms Churcher. Could you
16	consider them and also to consider other possible	16	confirm your full name for us.
17	documents that may be relevant.	17	A. Karen Debra Churcher.
18	The vast majority of other witnesses have had	18	Q. You should have a bundle of documents, a folder, there
19	a proper opportunity to consider documents before they	19	in front of you. I may refer you to those and I may
20	give evidence. I'm not seeking to criticise counsel to	20	
21	•		show documents on the screen which might be a bit easier
22	the inquiry in any way. I understand there is a huge	21	to see. At tab 1 of that folder, you have your first
	amount to do, and part of the reason why this was so	22	witness statement which you made to the inquiry, and
23	late is Ms Churcher's witness statement wasn't finalised	23	which is dated 1 November 2021. That will be adduced in
24	until last Friday. But we do have real concerns about	24	full, please. The reference for that is <dwf000003>.</dwf000003>
25	the fairness. Ms Churcher will do her best, but it may	25	We also have your second statement, which is behind
	Page 1		Page 3
1	well be that, in relation to most of these documents,	1	tab 2, and that's dated 4 March 2022. Again, that will
2	she's not in a position to give a particularly helpful	2	be adduced in full, and the reference is <dwf000022>.</dwf000022>
3	answer, and what we would suggest is, if she's not able	3	The reason I'm saying they're adduced, Ms Churcher, is
4	to do so today, she does so by a supplementary witness	4	it means we don't have to go over everything that's in
5	statement, which has been what has been suggested to	5	your statement. That's already your evidence to the
6	a number of the other witnesses, because she does have	6	inquiry. We will just focus on some of the key issues
7	to have a fair opportunity to consider the documents put	7	that the inquiry wants to hear from you about.
8	to her and also other relevant documents which she has	8	You're a Registered Mental Health Nurse?
9	not had a chance to look at.	9	A. Yes.
10	I'm not actually applying to ask you to make any		
11	decision. I just wanted to raise this and explain what	10	Q. You qualified in that profession in 1998, I believe five years after having already qualified as a learning
		11	
12	I think is the best way forward.	12	disability nurse?
13	THE CHAIR: Thank you. I appreciate it, Mr Sharland. As	13	A. Yes.
14	you say, obviously, we are working at pace and my	14	Q. Between 1998 and 2014, you worked in a medium security
15	understanding is many of these documents are actually in	15	forensic unit?
16	relation to rule 10 applications that have been made by	16	A. It was low and medium secure.
17	core participants so, obviously, the timeframes are such	17	Q. Then you moved to work briefly for Boots before,
18	that we are in the position that we are in. But I do	18	in April 2016, starting to work at Brook House?
19	absolutely take your point and my expectation is just	19	A. Yes.
20	that the witness answers to the best of her ability.	20	Q. So during the relevant period so when we say that, we
21	Where she's not able to answer because she hasn't had	21	mean April to August 2017 you were working at
22	time to consider the documents and feels that she needs	22	Brook House as a Registered Mental Health Nurse?
23	access to additional information, that, of course, is	23	A. Yes.
24	reasonable, and, as you suggest, I think making	24	Q. Was Sandra Calver your line manager?
25	a supplementary witness statement at a later point would	25	A. Yes.
	Page 2		Page 4

1 (Pages 1 to 4)

they started. Q. Talking about sert of being selected a lot, and you say that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't that it was a kind of unvirinter rule that you couldn't was it in the your couldn't rule that that you couldn't rule that you couldn't rule to be involved. A Not off the top of rule had, no. 12 A. Not off the top of rule had, no. 13 O. Was it something — you know, went if it was an unswinter rule that you couldn't relate to be involved. 14 I unwirtion rule that you couldn't relate to be involved. 15 I was dirt was a length of the lost provided the following that the rule rule rule rule rule rule rule rul	1	in time to join their use of force training, so whenever	1	detainees that wanted a reaction, I would say, from
that it was a kind of unwritten rule that you couldn't refuse to be involved in use of force if selected. A. (Witness nods). Q. Do you remember who told you that or was it— 10 a couple of times by longer-serving a couple of times by longer-serving at II. I wouldn't say ranaagement, but longer-serving — 11 Q. Like who? Do you emmember? 12 A. Not off the top of my fread, no. 13 Q. Was it seemsthing — you know, even if it was an unwritten rule that you couldn't refuse to be involved, the remember of the work, for example? 14 I wouldn't say I enjoyed C&R, but I did it because the was offered—it was part of the job. I enjoyed the job. 15 I vouldn't say I enjoyed C&R, but I did it because 22 I felt I was good at it. 16 Q. Did you over use — you tall about yourself as a big ago, you over use — you tall about yourself as a big ago, you over use — you tall about yourself as a big ago. Do you feel like you over used that to intimidate 24 guy. Do you feel like you over used that to intimidate 25 detaines it all? Page 125 A. Not intentionally, no. Q. Did you over use — you tall about yourself as a big ago, you remember, were you trained in MMPR or was if just control and restraint, ye. A. Hit was, it wasn't me that was trying to do that, put a couple of detained people after a protest that day. 11 of force against a couple of people who we know as D223 and D2497. This is in April 2017. Bis was a day, on 14 A April, where you're coorded as using force on in it is down the incoming one of the section with this distance in the incident. To summarise what you say that, you know, it seems that they are protesting, released to be involved. 12 you cover use, you know, 'This is a long to go protest about their, but the protesting and the released to the job. I enjoyed the job. 13 April while you're force the job. I enjoyed the job. 14 April while you was just the polye of people who we have had a few witnesses asked about this. Do you cremember, were you trained in MMPR or was if just control and restraint, ye. 1	2	they started.	2	officers.
5 refuse to be involved in use of force if selected. 6 A. (Witness nods). 7 Q. Do you member who told you that or was it — 8 A. It was, just a word of mouth. It had been mentioned 9 a couple of times by longer serving staff. I wouldn't 10 say management, but longer-serving — 11 Q. Like who? Do you remember? 12 A. Not of the top of any head, no. 13 Q. Was it sensething—you know, even if it was an immediate and interest in the sense of the top of any head, no. 14 amovitine nucle that you couldn't educe to he involved, in the interest of the your day head, no. 15 did you ever say, you know, "This is getting a bit much. 16 Pve does two uses of force today" or "I've done five in this week," for example? 18 A. I never refused a C&B. Von lowe that I questioned not, 2 in the season of the two limits of the pool and hout later, but I never refused a late will be spoken a hout later, but I never refused a late will be spoken a hout later, but I never refused a late will be spoken a hout later, but I never refused a late of the your ever men —you talk about youneff as a big 20. Do you feel like you ever men—you talk about youneff as a big 21. If will wag good at it. 20 Q. Did you ever get the feeling that it was having that a effect, even if you werent does the season of the young the feeling that it was having that a effect, even if you werent doing that intentionally? 4 A. If it was, it wasn't me that was trying to do that, put that on anyhody. 5 Q. Just one question, because we have had a few witnesses asked about this. Do you remember, were you trained in MMPR or was it just centred and restraint? 5 Q. Just one question, because we have had a few witnesses asked about this. Do you remember, were you trained in the courty and for evening look-up. You say that you recomb developed propels after a protest that day. 16 Q. You describe, it as "mass disorder." What do you men by that? 17 Q. Do you remember, were you trained in the protest. Do you remember, were you shad is a use of the protest. Do you remember, were protest	3	Q. Talking about sort of being selected a lot, and you say	3	Q. Did you consider that detained people had a right to
A. (Witness node). A. (Witness node). A. It was just a word of mouth. It had been mentioned a couple of times by longer-serving staff. I wouldn't asy management, but longer-serving staff. I wouldn't part of the top of my head, no. A. Not off the top of my head, no. Q. So, I mean, this situation, where there's a group of people, and I understand that you say that, you know, if a defained people with the process of the struction of the struction of the top of my head, no. The does not sues of force today's or 'I've done five this west', for example? A. Intervent of the pool of the pool of people, who we know as by a solution of the pool of people who we know as by an account of the pool of people who we know as by a solution of the pool of people who we know as by a solution of the pool of people who we know as by an account of the pool of people who we know as by a solution of the pool of people who we know as by a solution of the pool of people who we know as by a solution of the pool of people who we know as by a pool of declained people after a protest that day. A. Not intentionally, no. A. Not intentionally, no. Q. Did you ever used that intentionally? A. I rit was, it was, it was it meet that was trying to do that, put that a couple of feeling that it was having that of force against a couple of people who we know as D523 and D2497. This is in April 2017. This was a day, on the pool of people who we know as D523 and D2497. This is in April 2017. This was a day, on the pool of people who we know as D523 and D2497. This is in April 2017. This was a day, on the pool of declained people after a protest that day. A. I remember the protest, yes. Q. Do you remember, were you trained in the protest Do you remember now? A. I remember the protest, yes. Q. Do you remember what it was about? A. I remember the protest, yes. Q. Do you remember who it was about? A. I remember the protest, yes. Q. You describe it as 'mass disorder'. What do you mean by that? A. I remember the protest, yes. Q. What is de	4	that it was a kind of unwritten rule that you couldn't	4	protest about their conditions at Brook House?
about using force on someone that's protesting, about the fact that they are protesting? A. It was just a word of month. It had been mentioned a country of thise by longer serving staff. I wouldn't say management, but longer-serving.— 10. Q. Like who? Do you remember? 11. Q. Like who? Do you remember? 12. A. Not off the top of my head, no. 13. Q. Was it something.—you know, creat if was an it amovitant much tay you couldn't refuse to be involved, it is a simple staff. The staff is involved, it is did you ever say, you know, "This is getting a bit much. 16. Pve done two uses of force today" or "Tve done five this week", for example," for example, "Tve done five this week", for example," for example, "Tve done five refused—it was part of the jab. 17. It wouldn't say I enjoyed C&R, but I did it because the trial be spoken about later, but I never grow refused—it was part of the jab. 18. A. I never refused a C&R. You know that I questioned one, because that will be spoken about later, but I never grow refused—it was part of the jab. 19. I wouldn't say I enjoyed C&R, but I did it because the pay. Do you feel like you ever use—out that in intimidate gay. Do you feel like you ever use that to intimidate gay. Do you feel like you ever use that the intimidate gay. Do you feel like you ever use that it was having that effect, even if you weren't doing that intentionally? 12. A. Not intentionally, no. 13. Q. Did you ever get the feeling that it was having that effect, even if you weren't doing that intentionally? 14. A. If it was, it wasn't me that was trying to do that, put that on any body. 15. Q. Did you ever get the feeling that it was having that effect, even if you weren't doing that intentionally? 16. Q. Just one question, because we have had a few witnesses a sked about this. Do you remember, were you trained in that then pushing him again after he approached you in an aggressive manner, is that right? 17. A. Jour temptory to the push and grow the push of the push and grow produced by pushing him ha	5	refuse to be involved in use of force if selected.	5	A. I haven't got any issue with people protesting.
the fact that they are protesting? a couple of times by longer-serving staft. I wouldn't say management, but longer-serving staft. I wouldn't Q. Like who? Do you remember? A. Not off the top of ny head, no. 10. Q. Was it something — you know, even if it was an 11. I unwer trained and the strength of the pool of ny head, no. 12. A. Not off the top of ny head, no. 13. defautises protesting, refusing to go in for lock-up, as 14. I unwer refused a C&R. You know that I questioned one, 15. I wouldn't say I enjoyed C&R, but I did it because 16. I wouldn't say I enjoyed C&R, but I did it because 17. I felt I was good at it. 28. Q. Did you ever use — you talk about yourself as a big 29. guy, Do you feel like you ever used that to intimidate 20. Did you ever use — you talk about yourself as a big 21. G. Did you ever used the feeling that it was having that 32. G. Did you ever use of the feeling that it was having that 33. effect, even if you weren't doing that intentionally? 44. A. Hit was, it wasn't me that was trying to do that, put 45. A. Jator control and restraint? 56. Q. Just one question, because we have had a few wimesses 57. assled about this. Do you remember, were you trained in 88. MMPR or was if just control and restraint? 59. Q. So the first incident I want to ask you about is a use 10. Q. So you remember, were you trained in 11. did hit is described, at one point, as large group 12. of force against a couple of people who we know as aboy. On 13. I didn't is described, at one point, as large group 14. Group or the ment of the point, as large group 15. of detainess who decided they wouldn't come in from the 26. O. Do you remember what it was about? 27. A. Town that the fact that they say poke to DoD or Tella, and 28. the fact that they are protesting the fact, and it is 29. defaults about you restrict the point is a large group 19. A. I stere the sea of the fact in the fact in the fact with the fact that they are protesting. The decidence of well a managing ander he approach	6	A. (Witness nods).	6	Q. Was there any particular considerations when thinking
a couple of times by longer-serving staff. I wouldn't say management, but longer-serving — 10 Q. Eac, howle Dry you remember? 11 Q. Eac, wheel Dry you remember and the struction. 12 Q. So, I mean, this situation, where there's a group of escalated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees protesting, refusing to go in for lock-up, as the sexulated, but the initial thing is a group of detainees of force coming to sex should be a bit carried and the sexulated, but the initial thing is a group of detainees of force on a first management of the sexulated, but the initial thing is a group of detainees of force on an initial thing is a group of detainees on the sexulated, but the initial thing is a group of detainees of force on an initial thing is a group of detainees of force on an initial thing is a group of detainees on the sexulated, but the initial thing is a group of the detainees on the sexulated, but the initial thing is a group of the detainees on the s	7	Q. Do you remember who told you that or was it	7	about using force on someone that's protesting, about
10 Q. So, I mean, this situation, where there's a group of people, and I understand that you say that, you know, it especially a people, and I understand that you say that, you know, it especially a people, and I understand that you say that, you know, it especially a people and I understand that you say that, you know, it especially a people and I understand that you say that, you know, it especially a people and I understand that you are you that you couldn't crise to be involved. 10 Q. Was it something you know, even if it was an unwritten rule that you couldn't crise to be involved. 11 default you cover say, you know, 'This is getting a bit much. 12 I wouldn't say I enjoyed C&R. You know that I questioned one, because that will be spoken about later, but I never refused a C&R. You know that I questioned one, because that will be spoken about later, but I never refused i it was part of the job. I enjoyed the job. 12 I wouldn't say I enjoyed C&R, but I did it because I felt I was good at it. 23 Q. Did you ever use you talk about yourself as a big guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever used that to inlimidate guy. Do you feel file you ever guy. Do you feel file you ever guy. Trained to guy. Do you feel file you ever guy. Trained to guy. Do you feel fil	8	A. It was just a word of mouth. It had been mentioned	8	the fact that they are protesting?
Q. Like who? Do you remember? A. Not off the top of my head, no. Q. Was it seemsthing—you know, even if it was an unwritten rule that you couldn't refuse to be involved, did you ever say, you know, "This is getting a bit much. The very refused a C&R. You know that I questioned one, becker that will be spote about later, but I never refused a C&R. You know that I questioned one, becker that will be spote about later, but I never refused—it was part of the job. I enjoyed the job. I wouldn't say! tenjoyed C&R, but I did it because yellow the properties of the prop	9	a couple of times by longer-serving staff. I wouldn't	9	A. No. It depends on the situation.
2 A. Not off the top of my head, no. 3 Q. Was it something – you know, even if it was an 4 unwritten melt tarty our couldn't refuse to be involved, 5 did you ever say, you know, "This is getting a bit much. 6 Pre done two uses of force today' or "I've done five 7 this week", for example? 8 A. I never refused a C&R. You know that I questioned one, 8 because that will be spoken about later, but I never 9 refused – I was par of the job. I enjoyed the job. 21 I wouldn't say I enjoyed C&R, but I did it because 22 I felt I was good at it. 23 Q. Did you ever use – you talk about yourself as a big 24 gay. Do you feel like you ever used that to intimidate 25 detaines at all? 26 Q. Did you ever get the feeling that it was having that 27 effect, even if you weren't doing that intentionally? 28 A. I frit was, if wash' me that was trying to do that, put 8 that on anybody. 9 Q. So the first incident I want to ask you about is a use 9 A. Just control and restraint, yes. 10 Q. So the first incident I want to ask you about is a use 11 of force against a couple of people who we know as DS23 12 and D2497. This is in April 2017. This was a day, on 13 I dapfil, where you're recorded as using force on 14 April, where you're recorded as using force on 15 I think it is described, at one point, as a large group 16 of detainees who decided they wouldn't come in from the 29 coup of detainee pools after a protest that day. 19 think it is described, at one point, as a large group 10 of detainees who decided they wouldn't come in from the 20 coup or remember what it was about? 21 A. I from where the protest, yes. 22 Q. Do you remember what it was a banoar? 23 A. There was – initially, it started out as a paceeful 24 protest, if you want. But there was a large pocket of 25 prove that the protest is a "masse disorder." What do you mean by 16 the remember what it was a large proked of 17 A. There was – initially, it started out as a peaceful 28 prove that it is the protest that it was a banoar? 29 A. There was – initially, it started out as a	10	say management, but longer-serving	10	Q. So, I mean, this situation, where there's a group of
13 detainees profesting, refusing to go in for lock-up, as unwritten rule that you couldn't refuse to be involved, did you over say, you know, "This is gating a bit much. It is did you over say, you know, "This is gating a bit much. It is ware refused a C&R. You know that I questioned one, because that will be spoken about later, but I never refused – it was part of the job. I enjoyed t	11	Q. Like who? Do you remember?	11	people, and I understand that you say that, you know, it
unwritten rule that you couldn't refuse to be involved, did you ever say, you know, "This is gutting a bit much. Pve done two uses of force today" or "I've done five 11 this week", for example? 18 A. I never refused a C&R. You know that I questioned one, 12 the cause that will be spoken about later, but I never 12 refused—it was part of the job. I enjoyed the job. 12 I wouldn't say I enjoyed C&R, but I did it because 12 I felt I was good at it. 22 Q. Did you ever use—you talk about yourself as a big 24 guy. Do you feel file you ever used that to intimidate 25 detained set al?? 1 A. Not intentionally, no. 2 Q. Did you ever get the feeling that it was having that 25 detained set al? Page 125 1 A. Not intentionally, no. 2 Q. Did you ever get the feeling that it was having that 26 effect, even if you weren't doing that intentionally? 4 A. If it was, it wasn't me that was trying to do that, put that on anyhody. 4 A. Jist control and restraint, yes. 5 asked about this. Do you remember, were you trained in MMPR or was it just control and restraint? 5 A. Just control and restraint, yes. 6 Q. Q. Did you ever grooted as using force on a couple of detained people after a protest that day. 11 think it is described, at one point, as a large group of detained sew hole deided they wouldn't come in from the routyard for evening lock-up. You say that you recall the protest. Do you remember what it was about? 4 A. There was – initially, it started out as a peaceful 25 protest, if you want. But there was a large procket of 25 protects, if you want. But there was a large pocket of 25 protects of 25 pour reports here and we can see from the beginning of your statement there's no suggestion anywhere that you spoke to D2497 at all?	12	A. Not off the top of my head, no.	12	escalated, but the initial thing is, a group of
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16 Eve done two uses of force today" or "I've done five this week", for example? 17 A. I never refused a C&R. You know that I questioned one, because that will be spoken about later, but I never refused—it was part of the job. I enjoyed the job. 18 I wouldn't say I enjoyed C&R. but I did it because I felt I was part of the job. I enjoyed the job. 20 I felt I was good at it. 21 I wouldn't say I enjoyed C&R, but I did it because I felt I was good at it. 22 I felt I was good at it. 23 Q. Did you ever use—you talk about yourself as a big guy. Do you feel like you ever used that to intimidate detainees at all? 24 guy. Do you feel like you ever used that to intimidate detainees at all? 25 detainees at all? 26 Q. Did you ever get the feeling that it was having that 3 effect, even if you weren't doing that intentionally? 4 A. If it was, it wasn't me that was trying to do that, put that on anybody. 5 Q. Just one question, because we have had a few witnesses asked about this. Do you remember, were you trained in MMPR or was it just control and restraint? 5 A. Just control and restraint, yes. 6 Q. So the first incident I want to ask you about is a use of force against a couple of people who we know was D523 and D2497. This is in April 2017. This was a day, on 14 April, where you're recorded as using force on a couple of detainee who decided they wouldn't come in from the courtyard for evening lock-up. You say that you recall the protest. Do you remember what it was about? A. I themshow the protest, yes. Q. Do you remember what it was about? A. I fermether the protest, yes. Q. Do you remember what it was about? A. I don't. 20 Do you remember what it was about? A. I don't. 21 A. There was—initially, it started out as a peaceful protest, if you want. But there was a large procket of 25 gently force on anywhere that you spoke to D2497 at all?	14	unwritten rule that you couldn't refuse to be involved,	14	I understand. Is there any thought about, "Well, you
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32 (Pages 125 to 128)

1	A. We were speaking to everybody. There was no we	1	that wouldn't have been
2	weren't just standing there silently we were trying	2	A. I would assume it would have been used by whoever the
3	to work out what the issues were. Obviously, previous	3	manager was at the time. I didn't see who that was.
4	to this, or around the same time, there was a collapsed	4	Q. The supervising officer there is S Dix, but I think the
5	detainee as well, so we were dealing with that. We had	5	three of you that were involved were you, Derek Murphy
6	to speak to people then. So de-escalation isn't an	6	and Ben Shadbolt?
7	initial conversation and then an action; it's a wider	7	A. I haven't got an answer for why that isn't marked.
8	range. So I would have been talking to him the whole	8	Q. Do you remember, trying to think back to this situation,
9	time.	9	were people, including D2497, being moved to CSU to
10	Q. Did you always just tick that you'd done the verbal	10	punish them for their involvement in the protest?
11	reasoning?	11	A. The use of CSU, and even E wing, it wasn't a decision
12	A. I don't believe so. I believe I did speak to him.	12	that we made. We were instructed to take people there.
13	That's why it was ticked.	13	So whoever made that decision, it wasn't me.
14	Q. But you wouldn't have said that in your incident report?	14	Q. Would that have been your manager, Steve Dix?
15	A. No, obviously, I haven't put it in there, but	15	A. Manager or, if there was any SMT on site at the time,
16	Q. Do you think it's possible that you ticked it to make it	16	then it would have been one of them. But we never made
17	look better for yourself?	17	a decision to take somebody to CSU.
18	A. No.	18	Q. On the same day, you were involved in the use of force
19	Q. You then used force on this same individual shortly	19	arising from the same incident against someone we call
20	thereafter, on the same day. If we can go to	20	D523, and your report about this is set out at
21	<cjs005559>, please. You can see at the top it's the</cjs005559>	21	<cjs005614>. You can see D523 in the top. Then if we</cjs005614>
22	same individual, D2497. If we can go to page 9, please,	22	can go to page 15, where I think your report is, please.
23	this is your report again, and, to summarise what you	23	We can see this is your report in the same form we have
24	say on this occasion, it's that, essentially, you'd been	24	seen before, and, again, just to summarise, you say that
25	told that he needed to go to CSU after his involvement	25	you were asked to be part of a team involving along
	Page 129		Page 131
1	in the protest, and you had to use force because he	1	with DCO Shadbolt and DCO Murphy to collect D523 from
2	wasn't going to walk compliantly to CSU. You say that	2	his room on D wing. Force was necessary because D523
3	in the second-from-bottom paragraph there. Do you see	3	had to be relocated to E wing on rule 40 for his
4	that?	4	behaviour and he refused and wouldn't walk compliantly.
5	A. Yes.	5	Do you see that?
6	Q. Now, if we go back to page 2 on this document, please	6	A. Yeah, I can see it, yeah.
7	sorry, page 3 I think is the one I want. On this	7	Q. It's noted here by you that he was inciting detainees to
8	occasion, the box isn't ticked for verbal reasoning	8	continue the protest that had been started. That's the
9	used. Is that because you didn't use any verbal	9	final line in the paragraph that starts "On 14/4/2017".
10	reasoning in this case?	10	Do you remember on this occasion you have obviously
11	A. I couldn't give you an answer on that. I don't know why	111	noted that he was inciting detainees to continue the
12	that's not ticked or	12	protest. Was moving him to rule 40, to the CSU,
13	Q. Because you	13	a punishment for that, for inciting other detainees?
14	A. I'm assuming that, as neither are ticked, that it was	14	A. I don't remember this situation. I don't remember
15	just a miss. I just didn't do it. Not for any reason,	15	having to go to anyone's room that night to do that.
16	it just wasn't done. I missed it on the paperwork.	16	Because it was — if I remember rightly, it was the end
17	There's no reason why I'd tick one on the same day and	17	of our shift because they were refusing to bang up.
18	then not tick another.	18	Q. Presumably, you did, because
19	Q. Presumably, you would accept that, if you are moving	19	A. Well, obviously I did.
20	someone to CSU, that that's exactly the type of	20	Q. You just don't remember it?
21	situation where you only have to use force if you have	21	A. But I don't remember the situation.
22	already spoken to them and tried to get them to go?	22	Q. Do you remember D523? You've got the name there.
23	A. Yes.	23	A. No.
24	Q. So if verbal reasoning wasn't used, and I appreciate	24	Q. Do you have any recollection of whether you would have
25	it's not ticked and we don't know what happened, then	25	been aware of his mental health problems at the time of
23	25 255 dekee die we den't know what happened, their	-	seem areas of the montal health problems at the time of
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33 (Pages 129 to 132)