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- G Home Office computer CID records relating to D87
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21 September 2017

Dear **D87**

I am writing in response to your complaint regarding allegations of gross misconduct and gross medical negligence against staff at Brook House Immigration Removal Centre (IRC) during two separate incidents on 30 June 2017.

I was sorry to learn of your concerns and would like to assure you that the Home Office is committed to providing a courteous and professional service and any complaint about the way in which officers, or other staff, carry out their duties is viewed most seriously and independently investigated.

Your correspondence was passed to the Professional Standards Unit (PSU) which has responsibility for the investigation of allegations of misconduct or inefficiency against members of the Home Office or those acting on behalf of the Home Office, across the United Kingdom.

Since the matters you raised included allegations of a potential criminal nature, the matter was reported to Sussex Police for investigation. The police recorded your complaint under reference number 471701367 and subsequently informed the Home Office that due to the PSU investigation, no matters raised required police investigation.

I can inform you that the investigation of your complaint regarding your alleged treatment during two separate incidents on 30 June 2017, whilst detained at Brook House IRC has now been concluded. Your complaint is essentially that you were assaulted on two separate occasions by two different teams of officers and you suffered injuries as a result.

You were 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 I 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 the Deputy Director, Duty Director and one of the Detainee Custody Managers (known to you as Ben), in order for me to provide you with a full response. In addition medical records were obtained and examined.

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 are very different to your own view of what took place. However, after considering all of your concerns and based on the balance of probability, I have found that all members of staff acted in a professional manner and followed Home Office procedures and guidelines.

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

### **Allegation 1**

You alleged that on 30 June 2017 at approximately 17:20 hours you were attacked by a group of officers in your cell, which resulted in injuries.

### **Review**

At your interview with the PSU you explained that around 17:20 hours your door was opened and you assumed that it was for dinner; you were on the phone talking to a member of your family. When you turned to the direction of the door you noticed two DCM's, known to you as Ben and Dean. You said they told you that you were going back to the CSU because you had made threats to staff; you questioned when and to whom you had made threats. You said they were quite inconclusive and they were not going to tell you anything, bar that you had made threats to staff.

You said you were a bit reluctant to comply right away because it was becoming very annoying. You said they had ignored your question for them to explain what threats you had made and to whom; and you had not long since left the CSU to progress to Eden Wing, and then they were asking you to go back. You said you had not committed any violent offence, and were very sure that you had not made any direct threats to staff.

You said they were saying you had to go with them; and they said they had a team. You said they had already geared up some members of staff waiting on the side to attack, where they had assumed you were not going to comply.

You said you stood up and sat on the table and Dean commanded the same officers that you were in the office with earlier (known to you as Sean and Aaron, and a couple of other officers) to run up to you without warning, and that was the first

attack. You said as they ran up to you, you had your hands in front of you to protect yourself from the shield. You said you were saying *'What are you doing? What are you doing?'* You said you persistently kept asking the same question; as well as asking why they were doing it. You said they kept ruffling you, trying to grab you; trying to put you on the ground.

You described that you were six foot four and weighed about 20 stone. You said you were quite strong and heavy; so it would not have been easy for them to try to take you. You said with slight resistance, you kept repeatedly asking them what they were doing. You said you were still compliant, walking towards the door, out of your room. You said as you walked out the door, they managed to grab your two hands in a lock position. You asked them to leave you alone; and again asked why they were doing that to you.

You said they struggled with each other; they were trying to forcefully move you literally from Eden Wing to the CSU.

You said all you kept asking was *'Why are you doing this? What are you doing? Just leave me alone!'* You said they kept restraining you; and there was no need for it. You said two officers were holding you and you all fell to the floor together, and you were on your back. You said another officer grabbed your head and pinned it onto the floor.

You said they managed to stand you up and as you stood up you were walking with them, quietly, to the CSU, but as you were walking you 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?'*

You said you were walking with them; there had not been any fight or any resistance, as such. You said you walked into the CSU room that was allocated to you; and to show them that you were compliant, as soon as you walked in there, two of the officers, including the third one which was Sean, who you genuinely had a good rapport with, was still stood there saying [D87] *'calm down, calm down'*. You said you said to them *'I can't believe you guys are being like this. Why are you doing this Sean?'* You said you sat there and when they walked out of the room, you did not run after them; you did not attack no-one. You said once the door was shut, you sat in the room quietly, pacing around, a bit pissed off. You said you were volatile, as understandably you were very upset.

Dean recorded during the briefing he gave to staff on 30 June 2017 at 17:25 hours that earlier on that day you had made significant threats towards Home Office, G4S and Chaplaincy staff. He said that the Duty Director had requested that you 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 your record and your history was as follows; that you arrived at Brook House IRC on 22 March 2017; you were previously arrested for threats to kill and criminal damage. He said you had previously smashed furniture in their Healthcare Department and had been abusive and threatening towards staff. You had threatened to take a member of staff hostage only a few days ago, and you were taken to the CSU, and then again you

had made several threats that morning towards Home Office, G4S and Chaplaincy staff.

Dean said that the plan of entry would be facilitated by himself; the team would gain control of you as quickly and safely as possible; once under control if necessary hand cuffs would be applied; and you 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 (three officers, including Sean, and two support officers, including Aaron); a third DCM (referred to as DCM 3) was also present in his capacity as a Control and Restraint Instructor. There were also two members of staff present from Healthcare.

The camera footage of the incident lasted 10:21 minutes; and has been summarised below, to detail what happened.

The recording began with Dean opening the cell door and entering your room; he said 'Hello [D87]'. You were lying on your bed using your phone, so you tell the person you will call them back, and sit up and place your legs on to the floor. Dean tells you that he said he would go back and speak to you and he has spoken to the Director and due to some remarks that were made earlier on that day, the Director has assessed that you have to go back down to the CSU. You said 'Sorry?' Dean said again that due to the remarks you had made that morning...

You interrupted and questioned which remarks; Dean said that you had said if you were not given some answers you were going to hurt people. You said '*What are you talking about*' and appeared confused. Dean said he would explain it all to you when you were back in the CSU. You questioned again what remarks you had made and when you had made them; and Dean told you that it was earlier on that morning and again that he would discuss it in detail when you were back down to the CSU. He told you that he had told you that he would come back and speak to you and that is what he was now doing; he said the boss had requested you be moved back down to the CSU. When questioned again he told you that a report had been submitted with the remarks you had made and that was the reason for your move to the CSU.

Dean said he needed you to pack up your stuff and go down to the CSU. You said '*To go where?*' Dean repeated down into the CSU. You asked him what he was talking about; and Dean said again that he needed you to pack your stuff and you needed to go down there; he told you that was where you needed to go, down to the CSU where you were two days ago. You said '*I am not going down there; you need to leave me here*'. Dean told you that that could not happen he was afraid; and you said again you were not going anywhere. Dean explained he had a team of officers with him and if you refused to walk down with him, they would have to take you down there. (During this time you had started to put on your socks).

Dean said again that he needed you to agree to walk with him, and in response you said you were not going with him. Dean asked someone to just get behind him and then asked you if there was anything he could say or do that would make you walk out of there with him to the Segregation Unit. You mumbled something. Dean asked if you were going to walk out with him compliantly down into the room, and you said

'Yes, okay'. Dean said 'Thank you'. (During this time you had put on your socks, followed by your trainers).

Dean explained to you that the officers would be closely following you down, and you would be searched and then placed into the room, and they would go from there. Dean said to the team 'So guys, nice and tight as we walk down'; and he explained in what positions he wanted them to walk. (You were still tying your shoelaces, very slowly). You looked up and said 'Have you come to fight me?' Dean said 'No one wants to fight anybody'. You questioned what he had brought a team for. Dean explained that it was in the event that you had not agreed to go with him. You said you had not said anything.

Dean explained that as he had already told you, once you were in the CSU you would get to speak to the Duty Director and then the Home Office the next morning, who could answer any questions you had. You continued to protest your innocence, in saying that you had not said anything, and you asked who had said you had. Dean said he did not know who it was; but that they needed to get you down there. You continued to talk over him, and continued to question why you needed to go to the CSU. Dean said it was for the reasons he had explained. You again questioned why they had come to fight you. Dean said that no one wanted to fight you. You questioned why they had brought a team, and Dean said it was because that was what they do. He told you he needed you to walk out of the room and walk to the CSU with him.

Dean asked you if you were going to walk out of the room with him quietly or would the officers have to come in for you. As he said that you began to stand and said 'Do you want to fight with me'. You were now stood up in an aggressive stance and telling them to come and fight with you. Dean said no. You repeated 'Come and fight with me' as you gestured with your hands, and walked towards Dean in the doorway. Dean tells you that the officers will have to come in for you, and you stand with your arms crossed and say 'Come and fight with me, come and fight me'. Again Dean asks you if there is anything he can say or do that will make you walk out of the room. You question what he means by that in repeating the question, and Dean tells you it is your last chance. He again asks if you are going to walk out of the room or do the officers have to go in and take you. You are still questioning why, so Dean says 'Okay guys', and the team enter the room.

The three officers, in full Personal Protection Equipment (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 you but you are just batting them away whilst saying 'Why are you trying to fight me?'. There are three officers, one stood in front of you and one either side trying to get a hold of your arms. Dean says 'Guys take control of him'. You are resisting and saying 'Don't fight with me, leave me alone'. There is a fourth officer in PPE stood just behind the team with you. You are repeatedly telling them not to fight you and to leave you alone. The team are trying to communicate with you but you just keep repeating 'Why are you fighting me'. The officers are not fighting you, they just appear to be stood trying to keep hold of your arms, which you are making difficult. Dean says [D87], just listen to the officers and walk out of the room with them'.

You continue to question why they are fighting you, and why they have brought in a team. One of the officers is trying to explain to you, and you keep saying '*Just leave me alone*'. Dean tells the team to keep hold of you (in a calm voice). The team try to move you forward towards the door, and Dean tells you that the officers are going to keep hold of you. You are very resistant with the three officers, and one of them appears to fall over. Someone is shouting for them to get your head down, and at that point you jump up onto your bed, and the officer stood with your left arm stands on the bed with you. There are now two male voices asking the team to take your head down; and Dean asks another DCO on standby if he needs to get involved.

You can be seen holding off the officer on your left, who appears still to be stood on the bed, whilst you are now back on the ground. You then jump back up on to the bed, whilst the officers are struggling with you, and Dean tells them all to get on the floor. With the strength of you then they all fall to the right of the bed and you have broken free and are pushing them away as you move backwards towards the door.

You are blocked from leaving the room by another officer and then there is a struggle as several of the team and you fall to the floor, outside the door. DCM 3 has safely taken control of your head and can clearly be seen with his right hand on your forehead. There is an officer lay either side of you attempting to take control of your arms, and at least one officer controlling your legs. You are asking why they are fighting you, and stating that they came there to fight with you. DCM 3 tells you that all you had to do was walk down to the CSU; he is telling you to relax and then they will walk you down to the CSU. You are still asking why they are fighting you; and asking them to leave you alone. At this point you are under control, as no-one is moving (04:39 minutes into the recording).

Whilst lay on the floor you say something about your Human Rights. The two DCMs appear to be discussing the next move. Dean asks if everyone is alright individually. There is another DCM present who has his handcuffs in his hand. He asks you if you are willing to walk down to the CSU. You tell him what they are doing is illegal, and that they were trying to kill you, to murder you. You say you have not made any threats. DCM 3 tells you that you can have a conversation about that once they get you down to the CSU. DCM 3 tries to reason with you do not appear to be listening; you are just asking them to leave you alone.

DCM 3 tells you to let the officers do what they need to in order to get down into the CSU and then you can talk. He asks you if you are happy to be stood up and you say you are, saying '*Let's go, let's go*'. You continue to ask them to leave you alone, whilst DCM 3 repeatedly asks you to relax your arms. The officer on your right arm asks you not to fight him and you respond with '*Leave me alone then*'. The officer on your right appears to be trying to lock off your arm but you must be resisting. You are telling DCM 3 they need to leave you alone and you will not do anything. DCM 3 tells you it is because of what you had done already that they have to stand you up in hold and they cannot just let you go. You question what you have done already. DCM 3 tells you that you have fought the officers; and in response you say they attacked you. DCM 3 tells you that you had the opportunity to walk with them. You just keep repeating '*Did you attack me, did you attack me*'.



During that conversation the officer on your left has managed to get his lock on and has turned himself around, like the officer on your right, into a kneeling position. You say they are trying to kill you. DCM 3 tells you they are not, they are just trying to get you safely to the CSU. You just keep saying that they are trying to kill you and murder you. As the officer on your right is trying to get your arm behind you into a final lock, you say again that they are trying to kill you, and say that you have blood pressure. DCM 3 is trying to explain what they are trying to do; and you say you will go with them if they stop using the force. DCM 3 said they are not using any force. You say you are good and you will go with them. You continue to shout that they are going to kill you.

DCM 3 asks you to listen to him, and he is telling you to relax. The officers appear to be trying to get you ready to stand up, but you are shouting and telling them to leave you alone. DCM 3 is still trying to get you to listen to him. (07:36 minutes into the recording) DCM 3 and the two arm officers sit you up, with DCM 3 saying 'Sit up D87, sit up'. You appear to comply, as you do sit up, albeit you are still telling them to leave you alone; and to stop being forceful. The officers are clearly trying to place your arms behind your back, ready to stand you up, but you must still be resisting them. You repeatedly tell them to leave you alone.

DCM 3 tells you they need to have a secure hold to be able to stand you up. You then say *'Let's go, let's go, come on, let's go'*. DCM 3 tells you to put your feet flat on the floor, so that they can help you stand up. You appear to be getting agitated with them because you just want to go, but they will not go until you are in the correct position. The other DCM who is now stood behind you tells you that they need to stand you up. You say *'I'm going to stand up'*, and as you say that you stand up, aided by the officers.

The team proceed to walk with you, with an officer walking either side of you, with you in hold. There is a third officer walking closely behind, and one of the DCM's in front. You are being very vocal throughout the few seconds walk from outside your room to the door of the CSU. You shout at DCM 3, questioning why he would bring people to fight you etc.

The officers appear to be struggling containing a tight hold of you, and just as you all approach the CSU doorway you are told to keep walking. As you enter into the CSU and walk a few paces forward, you veer quickly to the right, appearing to shove the officer on your right against the wall. You are saying *'You don't have to do that, you don't have to do that; you don't have to use force'*. You appear to be very angry with the team; you are shouting at the officer on your left telling him that they did not have to use force, and they did not have to attack you.

Another officer in full PPE steps forward and tries to encourage you to walk over towards the room you are being placed in. You are not really listening, and are talking aggressively at one of the officers/DCMs off camera and questioning why they had to attack you. You say *'You're a prick. You are a fucking idiot'*. You are saying this whilst walking forward, as though you are walking towards the person you are talking to. The officers are walking with you, still one on each arm, and one behind, and one in front. You say *'If I ever see you out of here. You are a fucking idiot'*.

You appear to try and get free and you move quickly to the right again; and the officers move with you. The officer in front takes a hold of your head and you are bent into the figure of four, and walked quickly into the cell. You are being resistant and asking them to leave you alone. You are walked into the room surrounded by the four officers. Dean asks for a full relocation.

One of the officers is trying to calm you down; and you are saying '*Sean if it wasn't you Bruv. Why are you attacking me*'. That officer is following you into the room, and appears to be trying to reason with you. You sit down on the table, and someone shouts for Sean and Aaron to come out of the room now. Aaron turns to walk towards the door, but Sean is still stood in front of you. Aaron is told to wait by the door, whilst someone shouts Sean's name. Aaron says [D87] *I want you to stay where you are Sir*'; and as he says that Sean is backing out of the room, still facing you. All officers are now out of the room, and the door to Room 4 is shut.

## **Conclusion**

From the evidence gathered, the decision was made to move you back to the CSU on 30 June 2017 for the threats you had made to harm staff earlier that day, and because your behavior had become more of a concern. This was confirmed by the Deputy Director at interview. Although you dispute you had made the threats and have provided your 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 your allegations of assault against the officers that were involved in the move, and not at the reasons behind the actual move.

It should also be noted that you believed that the person behind all that had happened to you was Michelle Brown, Head of Security Gatwick IRCs. You had submitted three separate complaints about Michelle Brown, which had been responded to locally by the Deputy Director. Whilst you were on Rule 40 and on a continuous watch, you continued to make threats towards staff in the Centre. The Deputy Director found that Michelle Brown's actions were not in any way to victimize you, but were as a result of your own behavior, which you had displayed whilst at Brook House IRC, which was inappropriate. Your complaints were not upheld; the Deputy Director found that your behaviour over a period of time had escalated to an unacceptable level and you had been advised of that by your Wing Manager, but you continued to make threats to take a hostage.

By way of background you were removed from Rule 40 on the morning of the 29 June 2017 onto Eden Wing given a change in your behaviour. However, on 30 June 2017 a number of threats were made by you to staff within the Centre, and your behaviour became one of concern; for staff safety and for the security of the Centre, the decision was made by the Deputy Director and overseen by the Duty Director on the day to place you back on Rule 40, hence a planned intervention was put into place.

You questioned why the relocation took place when it did, when you had been 'chatting' and being friendly with the officers in the office all afternoon. The Duty Director 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 you and the officers concerned.

You also questioned why you were 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. The Deputy Director 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. You were given several opportunities to walk with the DCM, and you refused, which led to Dean authorizing the team in full PPE to enter the room.

At your interview with me, you accepted that you had refused to leave your room with Dean; and accepted that you had been resistant towards the officers. However, you subsequently said your reaction was for your own safety, to get away from the officers, from being attacked, and to try and walk out the room. You did not believe that you were aggressive in any way; you said you were being resistant, not aggressive. You said that had you have attacked them they would have known about it because you would have injured people.

What occurred is clear from the evidence outlined above. Dean remained very calm throughout the time he was speaking to you; he explained as fully as possible what was happening to you and to a degree why. You had initially reluctantly indicated that you would go with him, but once you saw the team you changed tact, began to question why again and became verbally aggressive in both your stance and your words. You were given nearly three minutes to leave your room of your own accord and you chose not to. Therefore Dean was fully justified in sending in the team when he did.

There was no evidence obtained to support that you were 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 approved control and restraint techniques were used on you as a result of your non compliance with instructions. Therefore no officer assaulted you as alleged.

One of the Detainee Custody Officers (DCOs) reported that he had been a DCO since July 2013, and that you were 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.

With regards to injuries sustained as a result of Incident 1, you said you had injured your knee from how you had dropped to the floor on your back. You explained that your knee felt sore and painful; you could walk around but you had been complaining for the last week and a half about it. You said you had bruises on your arms, and scrapes/grazes on your elbows on both arms because of the force used and from the clothes the officers wore.

No injuries were reported within your medical records; and when asked on the video recording if he had any concerns regarding you, the Healthcare nurse said that you were observed by Healthcare, you were fully mobile in your room, very intense, very aggressive, and still remained very agitated. He said you were observed from the hatch of the door with no injuries; you were fit and well; and still remained unpredictable in your behaviour.

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 minimize injury to those involved. However, injury cannot always be avoided if the detainee is determined in his resistance. If you did sustain any minor injuries, as alleged, it would have been due to your own resistance shown towards the officers and therefore any minor injuries you may have received were as a result of your own actions, and not down to any inappropriate use of force displayed by the officers. Had you have walked with Dean when requested, the officers would not have had to have intervened and restrained you.

It is concluded that you were not assaulted by the officers during your relocation from your cell on Eden Wing to the CSU. The force used by the officers was justified, proportionate and necessary; you were only subjected to recognised restraining techniques due to your non compliance with the initial instruction to walk, and your subsequent resistance shown towards the officers.

**Based on the examination of all the evidence, on the balance of probability it is found that this part of your complaint is unsubstantiated.**

In addition to the above you alleged that Sean and Aaron visited you later that same evening to apologise for the way you had been treated; and told you that they had been threatened with disciplinary action if they did not do it. You believed it spoke volumes that they had apologized; you also said they had tried to tell their Manager that you were a reasonable man.

Both officers provided their written response to this aspect; and whilst it is not in question that they did return to speak to you, it would appear that you may have taken out of context what they told you, and turned it around to claim they were apologising, and should not have treated you that way.

Aaron confirmed that he did return to speak to you, and that he told you 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 you. With regards to being threatened with disciplinary action, Aaron 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.

Aaron also said he did apologise to you as he did have a good rapport with you; and he confirmed that he had asked Dean if he could have spoken to you first, but he was advised that it was past that now due to security reasons.

Sean also confirmed that he returned to speak to you following the incident. He said that he and you had a very good rapport; he said you were very respectful towards him. Sean wrote that during the relocation he was trying to calm you down, hoping that you would recognize his voice and stop fighting against the move. He wrote that when you did finally recognize him, you asked '*Why are you doing this?*'. Sean said his reply was '*I have to do it; it's my job and nothing personal*'. Sean 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 you upon his return to your room, when you continued to ask why he had been a part of it.

Sean confirmed that he did speak to the Manager about talking to you to see if he could get you to move on your own accord, due to your good rapport and mutual respect for one another. However, Sean was advised that the matter had been taken out of the DCM's hands and the decisions already made that they would form a control and restraint team to enter your room if you did not comply with the instructions given to you.

## **Allegation 2**

You alleged that on 30 June 2017 you were relocated to the CSU and tried to take your own life; it took one and a half hours for the door to be opened, with about 13 officers geared up running towards you, when you were supposed to be dead. You were not seen by a doctor or a nurse, amounting to gross negligence.

## **Review**

You said that after the first incident you were very upset and quiet, and you remembered saying nothing for a good while. You noticed that there was quite a few people outside your door; you did not know why. You said after about 15-20 minutes you put tissue on the flap to cover it, so that no one could look into your cell, as you did not see why they should; it was getting you more agitated.

You said after you had done that you noticed that some officers went outside the building to look in through your window, invading your privacy; you said you were looking at them watching you and getting more angry. You said that the right thing to have done was to have left you alone for a couple of hours, and when you had calmed down, they should have sent someone to see you.

You said that the person around the back was writing notes. You said the female officer stood there consistently for a good 30 minutes. You said you were getting very frustrated; and then you started asking if you could get some water and some food. You said you kept asking for it and everyone ignored you him. You said that this was about two and a half hours after the first incident.

You said he spoke to an officer called Michael, who you knew to be a negotiator. You asked the officer to bring you some food and water, and the officer told you that they could not open your door because of what had happened earlier. You said you were so frustrated at not being provided with any food and water that you actually started thinking that you were going to hurt yourself. You said you took the bed sheet that was in the room, and put it around your neck, just for attention. You said

you did it purely for attention, not to kill yourself, or hurt yourself, so that the door could open and you could get food. You said that was your protest. You said you thought if you put something around your neck, maybe that would force them to open the door and give you some attention; ask you what you needed, to give you food and water.

You said you were pretending that you were trying to strangle yourself, which the officer outside could see. You said when you had done that for a good 5-10 minutes, you went completely silent, without talking; and you were making the sounds as though you were hurting yourself, choking noises; so they could hear you. You said you went completely silent; in the pretence that you had hurt yourself. You said you just leaned towards the window, without moving, for a good one and a half hours. You said a couple of other officers appeared around the back, to see that there was no movement at all. You said that your eyes were opened slightly to see what was going on; you could see there were three or four people outside, looking at you. You said that you were not moving you just stayed in the same position, waiting for the door to open.

You 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?* You said it took them over an hour to open your door.

You said when that door opened you could not believe what happened. You said there were 13 heavy guys with helmets, and four or five shields, running up to you, with the command of someone who was behind the window, who could see that you were no threat to anybody because you were not moving. You said you questioned what they were doing and they still ran up to you, and hit you with the shield. You subsequently said that they beat you and attacked you with the shields from all over the place.

You said you put your hands around your head, as you were trying to defend your life. You said they were trying to take off your trainers; and they came in with a sharp cutter to cut what they thought was a ligament around your neck; but you had the bed sheet around your neck like a scarf. You said from outside they could see that it was around your neck like a scarf, not tight around your neck.

You said they took the bed sheets, the pillows, the mattress; you said they took anything that was material in the room. You said as they left, they all ran back, retreated one after the other. You said once they had all left the room you were very angry, very upset. You said you went to the side of the door and said '*You guys are so evil; I wish all off you die of cancer*'. You said you became very volatile; and was saying many things. You said they had left one person on your door, as you were on a constant watch because of you allegedly attempting to kill yourself; but as you still had the flap covered, the officer had to go around the window to observe your actions.

The DCM who was in charge of this second incident (referred to as DCM 4) recorded during the briefing he gave to staff on 30 June 2017 that the current situation was that you were moved to the CSU for making threats to members of staff. He said you caused significant harm to two members of staff that had just been

sent to hospital. He said you were now located in a CSU room where you had blocked your spy hole and had also tried to block the back window. He said they had two members of staff that still had visualization of you at the moment, but you had made significant threats to self harm. He said they believed you had tied a ligature around your neck, although you were sat with it on your neck, on the bench or on the desk at the back of the room. He said he had contacted the Duty Director and it had been decided that a planned intervention was the only course of action.

DCM 4 said that the plan was for entry to be facilitated by himself; due to your demeanor and behavior he was going to open the door and the team were going to go in and take control of you 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 you could cause harm to yourself with; they would then exit the room as safely and as quickly as possible.

DCM 4 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 your physical size and your ability earlier on to cause significant harm and damage to members of staff. DCM 4 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 you were under control the second team would go in and remove everything.

DCM 4 said that Healthcare had been informed of the planned intervention and had stated that there were no medical concerns. Two members of Healthcare staff introduced themselves and stated that they had no physical concerns; you were fit and well, but you were still unpredictable in your behavior.

DCM 4 said that as they had been advised that you were now lay on the bench (updated during the briefing), as they entered the room they would place the shield over you; and if you were to get up at any point, or not listen to any instructions, then they would initiate full control and restraint.

The recording of the actual incident lasted 05:59 minutes (the reports note the time was 19:45 hours). DCM 4 was facing Room 4 and asking you politely if you would mind taking the covering off the observation panel. There was no response. DCM 4 said that earlier on you had said that you had wanted to speak to him, and that now he was there to engage in conversation with you, but he needed you to take this (the covering) down, so that he could see that you were fit and well. He said that he was going to open the door. After a couple of seconds DCM 4 told you that he was concerned that you may have hurt yourself; he asked you to please confirm whether you were in their okay or not.

After another couple of seconds there was no response, so DCM 4 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 4, who was talking to you. You can be heard asking the officers what they are doing and why they are attacking you; and you telling them to leave you alone. DCM 4 tells you that no-one is

attacking you (calling you Sir throughout). He told you that he wanted you to lie still and listen to their instructions. He told you that you were not under attack; and he told the fourth officer to remove your shoes.

The three officers can clearly be seen standing over you (not moving), and you are shouting '*What are you doing*'. DCM 4 stepped forward to ask you to talk to him, whilst one of the three officers went around to your head area to try to remove the ligature from around your neck (he subsequently had to take off his gloves, which he handed to DCM 4, to enable him to cut the ligature away). You are asking them to just leave you alone, and go away; and asking what is wrong with them.

DCM 4 continues to talk calmly and politely to you, referring to you as '*Sir*'. He is trying to explain what they are doing, but you are shouting over him. Throughout this time you have remained lying down, with your knees bent, with the officers leaning over you, 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 your head, and DCM 4 has moved into his place to talk to you, who is still shouting over him. As you continue to shout DCM 4 and one of the officers in full PPE are passing items out of the room.

DCM 4 invites another officer in full PPE inside the room to check the toilet area. He continues to ask you to listen to him, but you continue to shout and raise your voice. The male Healthcare nurse has now entered the room, and is overseeing what the officers are doing. DCM 4 tries to explain to you what they are trying to do, but you make it very difficult for him to speak and be heard due to your constant talking back at him in a very loud voice. DCM 4 explains at your request why they are there, and you then shout for the camera, and DCM 4 tells you that it is inside the room.

At that point the camera is moved nearer, so that we can see your face; you are turned slightly towards DCM 4 whilst you are questioning what they are doing. DCM 4 says they are not attacking you; and you shout that they are manhandling you. You ask where they are moving you too, and DCM 4 tells you they are leaving you there. Then all of a sudden you try to sit up and all of the officers surrounding you appear to try and contain you from doing so. There are four officers in full PPE with a fifth one just entered the room. DCM 4 is telling you to calm down and listen to what he is trying to tell you. The officers appear to have the shield between them and you, now sitting up, and continually shouting at them in an aggressive manner.

You are very vocal; DCM 4 is telling you that they will be leaving the room, but that he needed assurances from you that you would not struggle against the staff as he released them from the room. DCM 4 proceeded to ask the officers to leave the room one at a time; but after the first one had left he noted that you still had your trainers on, so he told you that they needed them, due to them having laces on them. You are shouting again. You are shouting about them attacking you and telling them to leave the room. DCM 4 tells you again that he needs your shoes because he was concerned if the laces were left that you could hurt yourself with them.

DCM 4 moves himself round to be more in your vision; there are now six officers in the room in full PPE; five surrounding you and one stood to the right of DCM 4. It is that officer who bends down to remove your shoes; and whilst doing this you



become very loud and are clearly pushing back against the officers, as they all start to move. DCM 4 tells you again that all you needed to do was to let the officer take your trainers. You are still shouting and trying to push back against the officers and the shield. The officer stood in front of you tells you that they are just trying to help you, and you are telling them just to let you go. You continually tell them to stop attacking you (they are just stood in front of you with the one shield).

DCM 4 again tells you that they will retreat backwards, but they will use the shield continuously for their own protection. You say that you were not attacking anyone, which DCM 4 agrees with. He wants you to calm down and stop shouting at them. You continually tell them to go; and tell them to run several times; they all exit the room one at a time, with the shield officer last; you remained sat on the table, albeit shouting in a threatening manner, telling them to go and asking why. DCM 4 thanked the team once they had closed the door. The recording ended.

At 20:16 hours DCM 4 recorded the de-brief. He said that they had got information that you were lying 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 you. He said you went to sit up, so the staff prevented you from doing that. He said that in trying to get yourself sat up he could see that you could provide a lot of strength in pushing the staff backwards. He said they were able to remove the ligature from around your 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 you made some significant threats towards him and another DCM (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 you were on constant supervision; and he ended the briefing at 20:19 hours.

At 20:20 hours DCM 4 recorded that he wanted to confirm that Healthcare were present throughout, and they stated there were no medical concerns regarding you. A female nurse reiterated that saying you were very unpredictable, but no medical issues at present. DCM 4 thanked the staff for their good work.

## **Conclusion**

You alleged that you were so frustrated when in the CSU that you said you were going to take your own life because you were denied food, water and extras.

To put that into perspective; the Duty Director advised that you had eaten at lunchtime that day; and your 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 you would have been served your evening meal beforehand. She said you would not at that point have been offered food and water, as they would have presumed that you were going to be given your evening meal once relocated into the CSU. However, as a result of your actions that followed, from relocation to them going in the second time, your behaviour was escalating as opposed to deescalating. Therefore the risk to staff would be significant in view of your violence and your threats to hostage take; so it would not have been deemed safe for the staff to have entered your room

for that purpose, during that time period; they would have only entered for preservation of life, which is what subsequently happened.

It should be noted that the first record on your Record of Actions and Observations of you motioning that you required a drink was at 20:30 hours, and then at 20:35 hours you were kicking your door and motioning that you 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 you chose to pretend you were taking your own life. You also told me at your interview that you had never intended to kill yourself; you were just saying it for attention; you thought that by placing something around your neck, that would force them to open the door and give you attention. You thought they would ask what you needed and you would tell them you wanted food and water.

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 yours, and not reported until after the incident). Had you requested food and water then negotiations would have taken place as to how you would receive food and water, taking account of the safety of staff.

The details of this incident are clear from the evidence outlined above, provided by the officers involved and supported by the camera footage.

You said that the Healthcare were informed that you were trying to take your 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 you, when you were supposed to be dead. You alleged that they had four or five shields, you were hit with a shield, and that they subsequently beat you and attacked you with the shields from all over the place.

The Duty Director confirmed that upon relocation to the CSU you had blocked your spy hole and put your mattress up against the window that you could observe through from the outside; and you were saying that you had torn a t-shirt up and put it around your neck. She 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 your neck. She said for a considerable amount of time you were shouting, swearing and feeling quite aggrieved about everything that had gone on, and you were directing your behavior towards the Managers.

The Duty Director explained that due to your threats to hurt yourself, they were required to get another team together, in full PPE, to enter your room. She explained that all the time that you were shouting, screaming and making threats, it was not deemed necessary to enter your room, plus they had eyes on you through the gap in the window.

The Record of Actions and Observations records that you went quiet from 18:47 hours, however you were under constant observation and movements consistent with breathing were recorded every few minutes. At 19:40 hours you changed position, from sitting on the desk to lying on the desk, and although you were still noted as breathing, at 19:45 hours the opportunity was taken for the team to enter

your room. It should be noted that during the intermittent period the staff involved genuinely believed that your intention by your actions was to get staff to enter your room, so that you could cause injury to them.

You alleged you were silent for a *'good hour'* and whilst that may have been the case I am satisfied that the events occurred as documented and that once you were lying down, and therefore in a position less likely to react quickly to them entering your room, the Management took the opportunity to enter the room and remove the ligature and any other items of concern.

With regards to you alleging that four or five shields were used by the 13 officers running up to you, that you were hit with a shield, and you subsequently said that the officers beat you and attacked you 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 you from moving; the primary concern was to remove the ligature from around your neck that you had threatened to kill yourself with. They then gathered up anything else in the room that they perceived you could potentially use as another object to hurt yourself with, and then they left the room.

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 4, three officers in full PPE initially entered the room at pace, with the front officer holding the shield to secure you, and then a fourth officer followed, to remove some bedding, followed by DCM 4, who spoke to you. 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 you sat up that a sixth officer in PPE entered the room, five surrounding you and the sixth removed your shoes, at which point you started to push back against the officers and the shield, and the three officers in front of you were each supported by one of their colleagues to reinforce the barrier.

The officers were in your room for just under six minutes. During that time there was no evidence obtained to suggest that you were treated inappropriately by the officers; at no point were you 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 you whilst the ligature was removed from around your neck, and to ensure that you had no articles in your 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 you were demonstrating, once you 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 you, one by one, and exited the room as quickly as possible.

With regards to injuries sustained as a result of the Incident 2, you said your face was injured because they banged you with the shield on your face. You said your whole body was hurt; your head, your shoulders, your neck, your legs. You said you were offered no medical attention. You alleged that you were not seen by a doctor or a nurse, amounting to gross negligence.

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 your allegations. A Healthcare nurse was present throughout the incident and she reported that you did not sustain any injuries. She noted 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 you were still very unpredictable at that present time.

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 you back using the shield, and the weight of their own bodies, which would have been highly unlikely to have resulted in any injury to you.

**Based on the examination of all the evidence, on the balance of probability it is found that this part of your complaint is unsubstantiated.**

It should be noted that following this second incident, once everyone had exited your room, you continued to be observed by a female DCM through the external window. She reported that you proceeded to direct your anger and aggression towards her, and during that time you repeatedly exposed your genitalia at her, and your bottom on two occasions. In addition you used hand signs to simulate you would track her down and shoot her in the head.

You deny the above allegations, however, this investigation is satisfied on the balance of probability that you did act in the alleged manner towards the female DCM, as she would have no reason to not report the events as they occurred.

It is always regrettable when someone has cause for complaint; however I hope that you will be assured that your concerns have been viewed seriously and properly addressed. We are constantly striving to improve customer service standards within the Home Office and it may also be of interest to you to know that the Prisons and Probation Ombudsman (PPO) provides an independent oversight of detention complaints. The PPO will consider the quality of our decision making and review ongoing cases; the PPO also identifies strengths and weaknesses and resolves process issues. All complainants have the right to appeal investigations decisions regarding their complaint to the PPO. I am enclosing for your information a leaflet which explains the role of the PPO in our complaints procedures. Further information can also be obtained from their website: [www.ppo.gov.uk](http://www.ppo.gov.uk)

Yours sincerely

Kim Shipp  
Investigating Officer

Enc. PPO Leaflet