

7. Investigation Report

Detainee Custody Officer
Charlie Francis

Irrelevant/DPA

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Investigator Peter Small / Dan Tomkins Authorised by Paul Kempster

Section 1: Matter to be investigated

BBC raised allegations which may constitute misconduct in a letter on 24th August 2017 to G4s about DCO Charlie Francis alleged involvement in the following incidents: (Allegations below as per letter)

1. On the 25th of April, you were involved in the restraint of detainee D1527 during which a fellow officer choked the detainee in an apparent attempt to render the detainee unconscious. There was no subsequent 'use of force' report completed.
2. On the 25th of April, following that choke by that fellow officer, the detainee D1527 began screaming. You made comments including "we're getting bored with this", "are you a man or a mouse" and "come on stop being a baby".
3. On the 6th of July, you shouted at detainee D728 "you won't go anywhere you fucking carry on like this you'll stay in there" and "piss us off and you won't have a shower you won't have anything", another member of staff shouted at the same detainee, "if I have to come back here again you will not be going anywhere you will be staying here permanently do you understand?" and later said he wanted to "punch the cunt". To which you replied, "if you don't I will".

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Section 2: Scope of Investigation

To investigate the allegations made by the BBC against G4s staff working at Gatwick Immigration Removal Centre.

Interview individual members of staff where allegations have been made against
Interview witnesses

Review documentary evidence

Examine CCTV and Body Worn Video Camera footage

Review Panorama footage

To report findings and conclusions to the Commissioning Authority.

Section 3: Summary of interview with the alleged wrong doer (where applicable)

Allegation 1:

On the 25th of April, you were involved in the restraint of detainee **D1527** **D1527** during which a fellow officer choked the detainee in an apparent attempt to render the detainee unconscious. There was no subsequent 'use of force' report completed.

DCO Francis stated that he has been employed by G4s since 2011 and is currently working at Brook House. His current role is a DCO in the CSU, stating he was handpicked to work in the area. DCO Francis stated he had been working in that area for approximately three years having previously worked in the Control and Security group.

DCO Francis confirmed he successfully completed his ITC, he is trained in C+R and was recently refreshed in the subject at some time during either June or July 2017. He stated that he had also attended his "yearly refresher", which consists of attending refresher training which covers and recaps elements of the initial training course.

DCO Francis also stated that he was a qualified Assessment Care Detention Teamwork (ACDT) assessor, which requires him to assess detainees at risk of self-harm and or suicide.

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DCO Francis confirmed he was on duty on 25th April 2017.

DCO Francis confirmed he had received notification of the allegations made by the BBC in relation to the concerns raised concerning himself and that he had watched the BBC Panorama programme on Monday 4th September.

DCO Francis was asked to give his recollection of the events on the 25th April 2017.

He stated initially during interview that he was detailed on E wing for his rostered shift and upon arrival he stated he saw Yan Paschali, who he described as not being his choice to work E Wing due to him being "from seg (HMP Wandsworth)" and "a bit brash".

DCO Francis stated in reference to detainee **D1527** that Yan Paschali had described him by saying "we have a cry baby down the end"

DCO Francis was asked what he remembered regarding any incident on the unit that day with Mr **D1527** he stated that it was about 5pm when somebody shouted that he **D1527** was in the toilet with a ligature around his neck. He stated that staff including himself entered the room and had to drag him out of the toilet area, he said that Mr **D1527** was holding his hands to his neck where the ligature was and the use of a fish knife was required to remove the ligature. He continued to state that the next thing he knew was that there was a number of people at the door including health care.

DCO Francis then gave his initial account of a later incident that day where **D1527** **D1527** was shouting and screaming and that he had told **D1527** "we had enough of him and he can't keep messing about" he stated he told him to "man up". When asked what this was in relation to DCO Francis stated that he **D1527** had tried to self-strangulate using his hands. DCO Francis was asked what he had observed in relation to this incident and in his account, he stated that he had returned from the CSU (adjacent to E Wing) and went to the room door where he stated that **D1527** was on the bed with Yan Paschali and the constant watch officer (Clayton Fraser) he stated that nobody was holding or restraining **D1527**

DCO Francis was questioned regarding his recollection of the 25th April 2017 where it was presented to him that there had been two incidents on that day involving **D1527** **D1527** DCO Francis maintained that he didn't recall going in to the room on the second occasion.

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It was presented to DCO Francis that the unit CCTV was in fact contradictory to the recollection of the events which he had explained above and that the CCTV evidently showed that he entered in to the room of **D1527** with others at the time of the second incident on the unit and that at a point sometime later he and others exit the room together.

DCO Francis was further asked if he had any further recollection of any incident on the unit involving **D1527** and that unit CCTV footage shows DCO Francis entering the room at 19:34hrs and exiting the cell at 19:42hrs. He stated that initially that if he had entered the room it was because **D1527** was "doing something" he denied at this point that he had put hands on **D1527** whilst in the room.

DCO Francis was shown the relative footage from the Panorama programme relating to the incident. He was then questioned if he remembered the detainee being choked and the sounds of him gasping for air as DCO Paschali applied pressure to his neck. DCO Francis confirmed that he was in fact present during the restraint of **D1527** and that he was controlling the right arm of **D1527**.

DCO Francis was questioned as to why when DCO Paschali had said he was going to put **D1527** to sleep and was clearly using unapproved and excessive force why he did not do anything to stop that from happening, he responded by saying that he nudged him.

DCO Francis was asked if he was concerned about the incident and responded by saying "I was concerned that Yan (Paschali) had gone too far, I should have reported it".

He stated he didn't have answer as to why he had failed in his duty of care to report such an incident later saying, "perhaps I didn't report it to save Yan", "I knew we would get called up".

It was evident from the interview that DCO Francis has recognised his involvement in the restraint of **D1527** and the subsequent excessive and illegal use of force on the detainee and the fact he had failed to complete any documentation in relation to such an incident and failed to complete any wrong doing.

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Allegation 2:

On the 25th of April, following that choke by that fellow officer, the detainee **D1527** began screaming. You made comments including “we’re getting bored with this”, “are you a man or a mouse” and “come on stop being a baby”.

DCO Francis confirmed he was on duty 25/04/2017 and from above it has been established that he was present in the room at the time of the incident on E Wing where another DCO choked detainee **D1527**.

DCO Francis was asked to explain the allegation stated above made against him.

On the Panorama footage, it can be clearly heard during the restraint and choking of detainee **D1527** a member of staff who is present in the room state in a directive manner “we’re getting bored of this”, “are you a man or a mouse” and “come on stop being a baby” DCO Francis was asked if these were his comments during that incident. He stated that the voice from the Panorama programme certainly sounded like him and stated he did not know why he made such comments. There was no dispute from DCO Francis that he had made the comments but he was unable during his interview to put any significance or context to his reasoning and meaning behind the comments, stating that they were trying to get him “to relax” saying “it was not meant in the way it was portrayed” and “it’s a way of bringing him back to reality”.

DCO Francis does not dispute making the comments in the room which were aired by Panorama during the documentary, he did repute the context in which they were portrayed putting it down to “clever journalism”.

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Allegation 3.

On the 6th of July, you shouted at detainee **D728** “you won’t go anywhere you fucking carry on like this you’ll stay in there” and “piss us off and you won’t have a shower you won’t have anything”, another member of staff shouted at the same detainee, “if I have to come back here again you will not be going anywhere you will be staying here permanently do you understand?” and later said he wanted to “punch the cunt”. To which you replied, “if you don’t I will”.

DCO Francis confirmed that he was on duty on 6th July 2017 and agreed that the footage appertaining to the incident above that he was present.

The relevant footage from the Panorama programme was shown to DCO Francis

Having established that DCO Francis was present at the scene of the filmed incident denoted above DCO Francis stated that it was not himself who had made the comment to detainee **D728** but in fact the comments were made by “Big Steve” referring to DCM Steve Webb.

DCM Steve Webb has subsequently also been interviewed under these investigation terms of reference relating to these comments

In reference to the comments made that another member of staff had said that he wanted to “punch the cunt” and DCO Francis saying, “If you don’t I will”, DCO Francis stated that he may have made such a comment but would not have committed the act. He continued to justify his statement by stating that it had been a long day on the unit and comments being made by staff like this were a way of “releasing frustration” and continued by saying “you have a bad day down there (E Wing) I am pretty sure you’re going to make an off the cuff comment”.

DCO Francis is an experienced member of E Wing staff and agreed that this was not an acceptable way to set an example to new and inexperienced staff however he stated, “we had a shit day”.

It was not disputed that the comment “if you don’t I will” was probably made by DCO Francis and he did again give justification to him making such comments “flippant” and “off the cuff” inferring that there was no malice or significance in the words spoken by himself.

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Section 4: Summary of any third party interviews

DCM Steve Webb

DCM Steve Webb has been interviewed separately under the terms of reference for this investigation in relation to other allegations from the BBC relating to detainees at Brook House IRC, a separate investigation report from interview with DCM Webb has been completed and submitted under the terms of reference.

It has been established from interview with DCM Steve Webb that the allegation of comments made directly to detainee D728 were made by DCM Steve Webb not DCO Francis except for the last comment relating to assaulting the detainee.

Section 5: Relevant evidence examined

CCTV E Wing 25th April 2017 in relation to allegations 1 and 2 made by the BBC – REF: BH DISC 001

Panorama programme footage 4/9/17 @ 48:30 – Allegation 1& 2

Panorama programme Allegation 3

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Section 6: Findings

Allegation 1 **Substantiated**

On the 25th of April, you were involved in the restraint of detainee **D1527** **D1527** during which a fellow officer choked the detainee in an apparent attempt to render the detainee unconscious. There was no subsequent 'use of force' report completed.

The allegations and footage published by the BBC in relation to the above incident relating to DCO Francis were accurate in relation to the attempt to render a detainee unconscious in the presence of DCO Francis.

The allegation of no 'use of force' report be completed and submitted is substantiated and there has been no subsequent submission by DCO Francis in relation to this incident.

DCO Francis initially gave a different recollection to his involvement in the later incident on E wing (Approximately 19:30hrs 25.04.17) involving **D1527** **D1527** stating initially he was not in the room at the time of the incident.

Unit CCTV confirms that DCO Francis was indeed in the room during the incident and is timed as entering the room occupied by **D1527** at 19:34hrs and exiting the room at 19:42hrs on 25th April 2017.

It was ascertained DCO Francis had control of **D1527** right arm whilst DCO Paschali was in the process of attempting to render him unconscious.

DCO Francis stated that whilst DCO Paschali was choking **D1527** he nudged him, when asked why? He stated because Yan had gone too far.

DCO Francis recognises that the incident was excessive and unlawful and that he failed to stop the incident and the choking of **D1527**

DCO Francis also recognised and admitted that he failed to report the use of force, the fact an incident had taken place and the wrong doing by DCO Paschali stating "we would have been called up", giving inference that this would have put staff at risk of disciplinary or further action.

The allegation made by the BBC is substantiated that DCO Francis was involved in the restraint of detainee **D1527** and he subsequently failed to complete any use of force documentation or associated documentation.

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Allegation 2**Substantiated**

On the 25th of April, following that choke by that fellow officer, the detainee **D1527** began screaming. You made comments including “we’re getting bored with this”, “are you a man or a mouse” and “come on stop being a baby”

DCO Francis is confirmed as being present in the room on 25th April during the incident where another DCO choked **D1527**

The footage shown by the Panorama programme clearly provides evidence of the alleged comments of “we’re getting bored with this”, “are you a man or a mouse” and “come on stop being a baby”

DCO Francis confirmed that the voice heard on the footage was in fact his and that he made these comments during the incident of choking in the room on E wing.

DCO Francis maintained that he made these comments in attempt to calm the detainee down and “bring him back to reality”.

There is no dispute that these comments were made but DCO Francis disputes that they were made in a derogatory or degrading manner.

DCO Francis maintained that the portrayal of these comments were “clever journalism”

In relation to the allegation made by the BBC it is evident that DCO Francis made the inappropriate and unprofessional remarks to **D1527** and the allegation is substantiated.

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Allegation 3 **Partially Substantiated**

On the 6th of July, you shouted at detainee D728 “you won’t go anywhere you fucking carry on like this you’ll stay in there” and “piss us off and you won’t have a shower you won’t have anything”, another member of staff shouted at the same detainee, “if I have to come back here again you will not be going anywhere you will be staying here permanently do you understand?” and later said he wanted to “punch the cunt”. To which you replied, “if you don’t I will”.

DCO Francis confirms he was on duty and present on E wing on 6th July 2017.

DCO Francis stated in his interview that the footage shown by Panorama shows himself as the DCO who gets milk thrown over him.

DCO Francis immediately identified the member of staff who entered the room as DCM Steven Webb.

DCM Webb has been interviewed under the terms of reference of this investigation and it has been identified and confirmed that he comments were made by himself.

The allegation relating to punching a detainee where he said, “if you don’t I will” DCO Francis confirmed that he did make this comment but maintained that this was an “off the cuff comment” and made in frustration.

DCO Francis stated that he would not strike a detainee and these are the comments which people make when they become frustrated.

There is no dispute that this comment was made but again DCO Francis attempted to deflect the seriousness of the situation as “clever journalism”.

The allegation made by the BBC in regard to the comments made by DCO Francis is not entirely accurate. The initial comments relating to threats towards the detainee were made by DCM S Webb in the presence of DCO Francis.

The allegation where it is stated DCO Francis responded to comments made by DCM Webb by stating “if you don’t I will”, in relation to punching the detainee were spoken by DCO Francis and are substantiated.

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Section 7: Conclusions

DCO Francis was the subject of three allegations made by the BBC. Of the three allegations, there is supporting evidence from the Panorama programme in relation to one of these allegations.

In relation to the three allegations made by the BBC there is sufficient evidence to substantiate all or some of these concerns which are therefore a matter for the Commissioning Authority to consider.

Completed
by Dan Tomkins

Signature _____

Date 12/09/2017

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