



Home Office

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HOME OFFICE
Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding the treatment of Mr D2953 who states he was assaulted by Detainee Custody Manager (DCM) Derek Murphy on 10, 11 and 12 June 2017 whilst at Brook House Immigration Removal Centre (IRC).

IMG Ref: 17/1555/1557/018

Investigating Officer

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1. INTRODUCTION

- 1.1 This report examines the treatment of Mr [D2953] (hereafter referred to as Mr [D2953] who states he was assaulted by Acting Detainee Custody Manager Derek Murphy (Acting DCM D Murphy) at Brook House Immigration Removal Centre (IRC) on 10, 11, and, 16 June respectively.
- 1.2 On 22 September 2017 Mr [D2953] submitted a complaint regarding an incident which occurred at Heathrow IRC Harmondsworth on 6/7 September 2017, this complaint was accepted for investigation by the Professional Standards Unit on the same day. On 6 October 2017 during his interview to discuss the aforementioned incident, Mr [D2953] stated he had also been assaulted by 'Officer Derek' at Brook House IRC on three separate occasions. Consequently, PSU opened up a separate investigation to examine the new allegations. On the same day two further complaint forms were received from Mr [D2953] both of which related to the incident at Heathrow IRC Harmondsworth.
- 1.3 In a letter dated 28 September 2017 Mr [D2953]'s Legal Representatives Duncan Lewis Solicitors stated Mr [D2953] had suffered 'abuse' during his time at various Immigration detention Centres. The letter highlighted the September 2017 incident at Heathrow IRC Harmondsworth, how his requests for assistance were ignored at The Verne and Morton Hall IRCs and, the fact Mr [D2953] had not received his medication. With regards to the incidents at Brook House IRC the Solicitors wrote:
- 'A person called Derrick (sic) a tall bearded man aged about 60, with grey hair, was forcibly transferring Mr [D2953]. On that occasion he got annoyed with him and punched his left thigh leaving a bruise. The same man assaulted the claimant a further two times. On 11 June, on Eden wing in Room 3, he was also punched to the side of the claimant's chest near his abdomen, despite them knowing he had difficulties with his chest (Appendix A).'*
- 1.4 Detention Services were asked to respond to the other aspects of Mr [D2953]'s complaint separately given that the other issues concerned service delivery matters which did not fall under the criteria for investigation by the PSU.
- 1.5 G4S notified PSU that Officer Derek Murphy's employment with them ceased on 9 November 2017 and, the cessation was unrelated to Mr [D2953]'s complaint. For the purposes of the report Officer Murphy is referred to by the designation he held at the time of the incidents namely Acting Detainee Custody Manager.

2. TERMS OF REFERENCE

To investigate the complaint allegations made by Mr [D2953] that on 10, 11, and, 16 June respectively DCM Murphy:

- Entered room 3 of E Wing and hit him hard on the left thigh leaving a bruise.
- Punched him on the left side of his chest and lower abdomen; near to his ribs.
- Asked him to follow him to the staff room where he closed the door and hit him on the left side of his head.

To make recommendations about any learning for any individual or organisational learning, including whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated.

To make recommendations for line management to consider the conduct of any officer subject to investigation in light of the report.

To make recommendations on whether the incident highlights any good practice that should be disseminated.

3. HOME OFFICE POLICY & GUIDANCE

3.1 Civil Service Code

There are values and standards expected of all Home Office employees. The Civil Service Code states that employees are expected to carry out their role with dedication and with commitment to the Civil Service and its core values of integrity, honesty, objectivity and impartiality. This report therefore looks to ensure that the standards of conduct laid down for Home Office employees have been observed.

Detention Service Order 03/2015 - Handling of Complaints

Detention Services Complaints Guidance ensures that the investigation of complaints is dealt with effectively and efficiently. This investigation and report has been conducted in line with the formal investigation procedures set out in the Complaints Guidance.

3.2 Detention Services Order 03/2015 – Handling of Complaints

3.2.1 Relevant extracts of the guidance state:

4.The definition of a complaint is **'any expression of dissatisfaction about the service we provide, or about the professional conduct of our staff and contractors'**

27. If a detainee makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the Independent Monitoring Board (IMB), the detainee should be encouraged to put the allegation in writing on a DCF9 form.

30.Customer service staff (supplier/NOMS, as appropriate) must make arrangements to help people who may find it difficult to submit a complaint in the usual way; this might include non-English speakers, children or people with learning, literacy or visual difficulties e.g. provision of "children-friendly" feedback and complaint forms.

3.3 Detention Services Order 02/2017- Removal from Association (Detention Centre Rule 40) and Temporary Confinement - (Detention Centre Rule 42)

3.3.1 Relevant Extracts of the Guidance state:

The following overarching considerations are reflected in Rule 40 and Rule 42. All detainees are to be treated fairly, openly and with respect at all times. Rule 40 or Rule 42 accommodation must be used only to manage detainees who cannot be located securely and safely in normal accommodation i.e. its use must be necessary. It must be used as a measure of last resort, when all other options have been exhausted¹, or have been assessed as likely to fail or to be insufficient as an effective response to the risk to safety or security presented by the individual detainee.

3.3.2 9.Rule 40 - Removal from Association:

"40(1) Where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes, the Secretary of State (in the case of a contracted out detention centre) or the manager (in the case of a directly managed detention centre) may arrange for the detained person's removal from association accordingly."

35.Relocation to Rule 40 accommodation must take place only if the available information strongly indicates that relocation is deemed necessary in the interests of security or safety.....

36.Every authority for removal from association under Rule 40 must be reviewed on a daily basis

94.An accurate written record of decisions and observations **must** be maintained when the initial decision is made to place a detainee under Rule 40 or 42 accommodation and updated appropriately for the entire duration of the detainee's management under either Rule.

3.4 **Detention Service Order 07/2016 – Use of Restraint(s) for Escorted Moves – All staff**

3.4.1 11.Where a detainee displays non compliant behaviour, or at any point resists the planned application of restraints, then officers are authorised to use force. Any use of force must be reasonable, necessary and proportionate, and only using approved techniques.

4. **OFFICER SUBJECT TO INVESTIGATION**

4.1 Acting Detainee Custody Manager Derek Murphy.

5. **SUMMARY/CHRONOLOGY OF INVESTIGATION**

5.1 As the complaint concerns allegations of assault the matter was referred to Sussex Police for consideration. In a response dated 23 October the Police advised the matter had been recorded under crime reference 47170153176 and for PSU to

¹ Other options to be considered might include transfer to another residential unit within the centre, transfer to another centre or closer supervision in normal accommodation.

continue with their enquires.

- 5.2 On 9 October 2017 Mr [D2953]'s complaint was accepted for investigation.
- 5.3 A telephone interview was completed with Mr [D2953] on 18 October 2017 with the assistance of a Bulgarian speaking Interpreter.
- 5.4 On 31 October 2017 G4S advised; there were no recorded reports for the incident dates in question; Mr [D2953] was placed in R40 on 9 June 2017 owing to his behaviour towards staff and for damaging centre property and; was taken off Rule 40 on 12 June. Mr [D2953] walked compliantly during the relocation, no body worn camera footage was downloaded and, no Centre Closed Circuit Television (CCTV) footage was available for the incident dates in question owing to the lapse of time.
- 5.4 Between 6 and 8 November 2017 the G4S Complaints co-ordinator advised; Officer Derek had been identified as Derek Murphy and, Mr [D2953] had not been on an Assessment Care in Detention Teamwork (ACDT) Plan during his time at Brook House IRC. A notification and witness statement request letter was issued to Acting DCM Murphy on 9 November 2017.
- 5.5 On 13 November 2017 the G4S Risk and Assurance Manager contacted the Investigating Officer and advised Mr [D2953] had made a number of calls to the G4S Equalities Advisory Support Service (EASS) helpline and, in some of the calls he mentioned he had been assaulted. As the calls were made to the EASS helpline which is a service for G4S staff members; Mr [D2953]'s call of 16 June was initially treated as a whistle blowing allegation which was investigated locally. On 10 November 2017 the local investigation recommended the matter be referred to the Police and Home Office for further investigation.

Also, on the same day G4S notified PSU that Officer Murphy left G4S employment on 9 November 2017. A G4S HR contact advised PSU the cessation of Officer Murphy's employment was unrelated to Mr [D2953]'s complaint and provided his contact details. On 21 November 2017 a letter was sent to Officer Murphy asking him to get in touch with PSU which he did the next day. The Investigating Officer agreed to send him details of the allegations in writing so he could consider the matter.

- 5.6 In a phone call on 13 December 2017, Officer Murphy rebutted all the allegations. His evidence was summarised and sent out to him for review. Officer Murphy was asked to get in touch if the statement contained any inaccuracies otherwise to retain the letter for his records (**Appendix B**). To date Officer Murphy made no further contact.
- 5.7 Also, on 13 December G4S advised that based on the brief description provided by Mr [D2953] Officer D Small had been identified as the Officer who may have witnessed the incident of 10 June 2017 however, he had since left G4S. With regards to the identification of the manager who was present during the incident of 16 June 2017 G4S advised this could have been any one of the four Officers namely: N London, M Yates, M Penfold and S Pearson; and the latter two had also since left G4S. Letters were sent to Officers D Small, M Penfold, and, S Pearson asking them to make contact with the Investigating Officer. Witness statement requests were issued to serving Officers DCM N London and DCM M Yates. Their respective

responses were received on 21 December and 26 January 2018 respectively.

- 5.8 On 20 December 2017 a summary of Mr **D2953**'s interview along with an investigation status update letter were issued to Mr **D2953** and his Solicitor.

None of the other Officers contacted PSU including Mr S Pearson whose letter was returned by Royal mail with a sticker stating not called for in January 2018.

The decision was taken not to pursue former Officers D Small, S Pearson, and M Penfold because they had left G4S and, PSU has no legal power to compel them to co-operate with the investigation.

- 5.9 On 14 February 2018 G4S advised the following with regards to how allegations of mistreatment are handled:

'If it is an alleged assault by an officer, then detainees would be encouraged to report the incident by completing a complaint form (as per the DSO on complaints). People are advised of the complaints process when they come into the centre through induction and via the House Rule Booklet. Any such complaints are usually referred to PSU by Detention Services. If the complaint is referred back, then it is allocated to a Senior Manager for a DCM to investigate. Detainees can also report matters directly to the Police. An SIR, IR, or UOF report should be completed by the officer too, which should go to Security and the officer should report it immediately to the Duty Director so consideration can be made for if the detainee should be removed from association or the officer is moved to another area for working whilst an investigation takes place.....it really depends on the circumstances. People could report issues to Welfare, the G4S Help Desk, IMB, Home Office, other managers / directors as well, but again this should then follow the above – complaint form or report.'

6. SUMMARY OF EVIDENCE

- 6.1 **Summary of Mr **D2953**'s evidence taken from his Solicitors letter dated 28 September and his telephone interviews conducted on 6 October and 18 October 2017 respectively**

- 6.1.1 A full Summary of Mr **D2953**'s evidence is contained at **Appendices C1 – C2** the salient points are as follows:
- 6.1.2 The incidents happened on 10, 11, and, 16 June 2017. The first time 10 June 2017 he was punched on the left thigh. The second time 11 June he was punched on the left side of his chest/lower abdomen near his ribs. The third time of 16 June he was punched on the left side of his head and face near to his left ear.
- 6.1.3 Upon arriving at Brook House IRC he was feeling a bit stressed, the Centre had an appearance of a Prison with big steel gates and guards he had not been in such an establishment before. Whilst in his room he started kicking a plastic bucket to release some tension, because of this he was transferred to the 'awful' E wing where he became even more stressed because there was nothing there. When he was told he had to transfer to E Wing, he did not resist. Owing to two operations on his chest as

well as a hernia operation, there is no way he would get physical and resist.

- 6.1.4 Officer Derek was a guard at the Centre who was about 1 metre 95 tall and around 60 years of age. On 10 June 2017 before lunch, Officer Derek entered his room and hit him hard on his left thigh with his right hand. He then left. Although he had been banging on the door and had been shouting that did not give Officer Derek the right to hit him. He did not remember what if anything Officer Derek said adding 'the important thing is he hit me.' A young Security guard; a white male, 20 – 25 years of age with light brown hair was stood outside the room door at the time because the door was open he must have seen everything. He did not retaliate back adding: 'there was a Security guard outside had I reacted I could have been..... (sic).' He was left with a bruise and did not receive any medical help. The bruise has now gone, but the way he was treated was 'just barbaric.' He did not see anybody after the incident and the following day Officer Derek came and hit him again.
- 6.1.5 On the afternoon of 11 June 2017 he was sat on his bed and Officer Derek was looking through the window. He then came in punched him on the left side of his chest/lower abdomen near his ribs and left. Asked why Officer Derek did this Mr **D2953** replied: 'because I was banging on the door and windows, why else, I was fed up with being in that room behind the steel door, you can ask him why he did it, I haven't hit him.' Officer Derek hit him the once, had he hit him any more times he didn't think he would be alive. As he hit him Officer Derek was telling him off because he was speaking against the Police saying they were all corrupt. He did not do or say anything in response adding, he did not stand a chance. Although this second punch was not as strong as the first one to his thigh it was still very painful because of his previous operations. Somebody else was stood at the door as the Officers always come in pairs but only Officer Derek entered the room.
- 6.1.6 The incident of 16 June happened in the staff room of Eden wing at around 11:00am. Officer Derek wanted to transfer him to another wing and for him to share a room with two others. He told Officer Derek that he had human rights and did not want to go in a room with others because he struggled to sleep when anyone else was around. Officer Derek told him to follow him to the staff room; once inside he gently closed the door so others could not see. A manager who was wearing a white shirt, red tie, around the same age as him was sat at his desk at the time and witnessed everything. Whilst standing Officer Derek hit him on the side of his head between his jaw and ear. He thought Officer Derek had hit him with his right hand. He remained standing as a result of the hit adding it was not a civilised way to deal with anybody.
- 6.1.7 He did not say anything adding he could see there was a witness. At the time of the incident he was shouting he had human rights; would not be able to transfer and sleep in that room. Asked if he questioned Officer Derek as to why he was doing this to him, Mr **D2953** replied: 'you can't deal with an idiot like him – I did not say anything there was no point.' The manager did not intervene but he may have said something to Officer Derek because immediately after the incident Officer Derek came to his room - 11 Eden Wing, he sat on the other bed, they had a brief conversation and, shook hands. He had not apologised the previous two times. As a result of the punch he was aching for a few days after. Asked if he required any medical treatment because of the punch, Mr **D2953** replied: 'I was not offered any medical help.'

6.1.8 When he finally moved to another wing Officer Derek threatened him to stop talking to the Police. Officer Derek was on the side of the 'cops' he did not like the fact he was speaking out against the Police. As a result of the complaint he hoped to receive some compensation.

6.2 Summary of Acting Detainee Custody Manager Derek Murphy's evidence taken from his telephone conversation of 13 December 2017 (Appendix B)

6.2.1 Officer Murphy stated the following:

6.2.2 He had nothing to answer for. He did not make a habit of assaulting detainees. He remembered Mr [D2953] and did his best to reintegrate him on the wings but, every time he did this he would get into a fight with his roommate and would then end up back on E Wing. Mr [D2953] used to bang a lot. He broke a couple of cups/crockery which can be sharp; these were the only times he had dealings with him. He could not understand the allegations which could possibly be because sometimes they had to say 'no' to Mr [D2953]. He denied assaulting Mr [D2953] at anytime and wanted to make that clear.

6.2.3 Mr [D2953] used to walk around the wing saying it was his human rights and that he wanted compensation; he would do this every day and would annoy other detainees. He used to walk around in his boxer shorts which is not a nice sight particularly with female Officers around. If they asked Mr [D2953] to go into his room he kept saying it is his human rights. He arranged for Mr [D2953] to be transferred to a single occupancy Centre at the Verne but he ended up returning to Brook House.'

6.3 Summary of Witness DCM Nick London's evidence taken from his statement dated 21 December 2017 (Appendix D)

6.3.1 DCM London stated:

'He had no recollection of the incident of (16 June 2017) and in his position as Oscar 1 if he had heard or seen the incident he would have reported and dealt with it swiftly.'

6.4 Summary of Witness DCM Michael Yates' evidence taken from his statement received on 26 January 2018 (Appendix E)

6.4.1 DCM Yates' stated:

'After checking; he could confirm he was based on Clyde Wing and not Eden Wing on 16 June 2017 and had no recollection of the incident in question.'

6.5 Summary of G4S Incident Report dated 9 June 2017

6.5.1 The incident report filed by DCM N London states:

6.5.2 At approximately 17:30pm he was called to Beck wing as Mr [D2953] was banging constantly on his door. On arrival Mr [D2953] was pacing up and down in his room

and was shouting at himself. When he tried to engage with him he began spitting at him through the door and at the observation panel. He had thrown his kettle at the door and broken his cutlery set. After a few minutes he sat down on his bed and he (DCM London) entered his room. Whilst talking to him he showed erratic behaviour; scratching at his face and shoulders, rocking back and forth and sporadically shouting. He explained because of his actions he was going to be moved to the Care and Separation Unit (CSU). On escorting him to CSU Mr [D2953] attempted to grab pool balls but was intercepted...

6.5.3 A follow up entry dated 09:00 on 10 June 2017 by DCM London reads: 'No use of force used walked down compliantly. Has flooded his room has broken everything he has been given.'

6.5.4 Under Security Comments the following is written: 'Rule 40 completed and extended - 11 June 2017 11:47 hours.'

6.5.5 The Security Team also made a request for Mr [D2953] to be referred for a mental health assessment.

6.6 **Summary of the calls made by Mr [D2953] to the G4S Equalities Advisory Support Service (EASS) Helpline**

6.6.1 Mr [D2953] rang the G4S Equalities Advisory Support Service helpline 40 times between 10 June and 17 July 2017.

6.6.2 He complained about his human rights and that he was being treated badly. He alleged he was attacked by a guard and had to share a room. G4S was not mentioned in the calls and the helpline staff were unaware at the time G4S ran Brook House IRC. On 16 June Mr [D2953] was told with the assistance of an Interpreter that the helpline was unable to help him, he was given an alternative number for detainee support despite this, he called another 27 times over the next four weeks.

6.6.3 It was noted that during some of the calls Mr [D2953] was calm whereas at other times he was agitated and shouting. He could be clearly heard banging on a door/hard surface.

6.6.4 Of significance were the following calls:

'10 June 11:13 hours: This is like a Prison, 24 hours locked in a room can't take a shower, asked for insomnia medication. Banging on the door/wall during the call.

Mr [D2953] made seven calls to the helpline on 16 June. In his final call at 15:06 hours for which an Interpreter was present Mr [D2953] stated:

6.6.5 Guard hit me three times, the man was aggressive to me and apologised after. After third time he hit me he sat on the bed next to me and was explaining something. Mr [D2953] also stated: I've had an operation on my chest. In response the helpline Operator asked if they should call Brook House Mr [D2953] stated: I don't want to make things worse but you can, later in the call he stated: Don't want to make things worse if you call, he might be the Supervisor of the guards. The Operator did not

phone Brook House IRC.

6.6.6 On 29 June Mr **D2953** made 11 calls in total. In one of the calls on this date without an Interpreter Mr **D2953** said: he had been bit or hit three times. In a call at 15:44 hours the helpline Operator advised Mr **D2953** to phone the Police if he had been abused.'

6.7 **Summary of Documentary Evidence of Incident/Use of Reports/ Detainee Administrative Tool (DAT) Entries relating to Mr **D2953**'s time at Brook House IRC.**

6.7.1 '9 June 2017 - 11:50 hours: Incident Report Ref: 410/17 reads: Detainee refused to move away from B Wing door, as he was blocking it. DCO McMillan pushed the detainee back with an open hand and though he attempted to resist he moved back. 9 June - 20:55 hours: Detainee Administrative Tool (DAT) Entry by D Murphy states Mr **D2953** has been placed in Rule 40 for smashing his room up and spitting at staff. He has also flooded his room in CSU.

6.7.2 20 June - Security Information Report 1217/17: Officer working in library Mr **D2953** came in asking to speak to the Manager at Brook House and said he had been bitten by a staff member three times and wanted compensation. 24 June - 13:05 hours: E-mail sent to DCM S Dix requesting that he speaks to Mr **D2953** regarding the biting claim and whether he wished for the Police to be involved. On 12 September 2017 DCM Dix was asked whether he had spoken to Mr **D2953** in his e-mail response of 24 September 2017 DCM Dix replied: I am pretty sure I did speak to him in his room, from what I can recall he did not seem bothered.....I asked him about the police to which he did not want any other follow up and almost brushed it away.

6.7.3 29 June - 12:40 hours: Incident and Use of Force Reports: Came down to lunch in underwearwas not co-operative and told DCM Page he had been assaulted on 16 June and wanted compensation. With the help of another detainee DCM Page convinced him to go and put some clothes on. He subsequently returned wanting more food, held up the food queue, threw his food bowls and was shouting. He was taken to CSU for disruptive behaviour with minimal force. The healthcare report linked to the incident reads:

OFFICIAL - SENSITIVE

Section 3 Healthcare's report (To be completed by medical staff)

Time and date of examination... 13:42 29/6/17

Report:

Detainee Brought to CSU using minimal force. detainee not compliant with answering questions, he pulled his top up to show me injuries, however no new red marks, Bruising lacerations were noted, he does have multiple scarring from surgeries & injuries prior to today. No injuries

6.7.4 3 July - 08:56 hours: Part 3 of Incident Report Ref: 467/17 Detainee has been

disruptive since his arrival, he claims he was bitten by staff three times. 8 July – 19:40 hours: Security Report notes: his behaviour is affecting the health of another detainee, and he is putting himself at risk from angry detainees. 21:53 hours: all throughout yesterday night and tonight he has kept pressing his buzzer every four seconds and shouting and swearing down the intercom.

- 6.7.5 9 July – 17:50 hours: Spontaneous Use of Force, Mr **D2953** had come down yet again in his boxers causing unrest on the wing amongst other detainees.....he refused to listen or move away from the servery causing a scene and disrupting the regime.....'

6.8 Summary of relevant information contained in Rule 40 Record of Actions and Observations Log (Appendix F)

- 6.8.1 The relevant entries included the following:

He was searched by DCM Murphy at 17:30 hours on 9 June.

Mr **D2953** resumed kicking the door (04:20 hours on 10 June), told the Officer they were all racist and: 'it was a shit prison.' He stuck his middle finger up, spat at the view panel, punched the door became aggressive, demanding his Human Rights, his access to Face book and wanted the Press to talk to him. Mr **D2953** was non complaint, he refused to clean his room which he had flooded and was banging on his door (10:10 hours). By 19:00 hours he was compliant and calm.

Called 111 service during the night, (11 June 01:12 hours), dialled 999 for an Ambulance at 04:24 hours. Started to kick the door at 21:30 hours which he continued at 22:05 hours. Would not listen and did not care, that he was disturbing others and would not listen to any reasoning. Taken off rule 40 at 14:20 hours on 12 June 2017.

6.9 Summary of Mr **D2953's Medical Records (Appendix G)**

- 6.9.1 Mr **D2953**'s medical records covered the period from 1 January 2016 to 25 September 2017

- 6.9.2 Relevant extracts include the following:

- 6.9.3 He arrived at Brook House IRC on 9 June 2017. He was on medication to assist with his sleep and, tramadol for pain. He was deemed fit for any cell occupancy. The notes record Mr **D2953** had a history of back pain and was taking codeine/paracetamol for pain as well as medication to assist with his insomnia,

- 6.9.4 9 June: on Rule 40 reviewed calmer in Isolation from previous visit. 10 June 13:32 hours: Room too messy to go into, talked to patient from behind the door, complaining of headache, paracetamol given – no other medical issues. 14:11 hours telephone call from Ambulance Service stating Mr **D2953** had called them stating he needed an ambulance to come out to him as he did not have any medication. Ambulance staff asked for staff to speak to Mr **D2953** about making the call to them. Paracetamol given 15:00 and 23:18 hours.

- 6.9.5 11 June: 04:55 hours: paracetamol given. 13:24 hours, CSU, three man unlock, sat in room and refused to make contact on the phone. 18:44 hours call taken from paramedic from 111 service advising Mr **D2953** had called them 4 times that day and in the recent call stated he needed medication for his headache. 12 June: 14:08 hours: known to mental health team and though not aggressive there are concerns about behaviour. 14 June: Discharged from mental health as refusing to engage. 15 June: Came for sleeping medication nothing prescribed advised to return a.m. to speak to nurses. 16 June: 00:26 hours: had contacted 111 service to talk about his human rights. 15:16 hour's codeine and medication for insomnia prescribed. 17 June: requested treatment for back pain paracetamol given.
- 6.9.6 29 June: 13:38 hours: moved to CSU after throwing food in wing and being rude to staff. States has been punched and hit by Officers; states hit around side of head, no bruising or red marks – No new injuries. 1 July: called ambulance service, checked states he is upset and complains about room being dirty.
- 6.9.7 The medical information also records the following calls were made to the NHS 111 Service around the incident dates in question:

11 June 2017:

- 10:55 hours: Mr **D2953** reported he was on anti depressants and staff had refused to give him his medication.
- 11:46 hours: During this call Mr **D2953** reported his mental health was worsening.
- 16:50 hours – Reported he has a headache and is not sleeping. He is kicking on the door and no one is taking notice of him. Medical emergency; is on anti depressants and sleep aids which the Centre were not giving to him. Centre had also imposed a ban on him having access to anyone and he was afraid for his life.
- 19:26 hours: Reported he had a headache and was not sleeping.

26 June 2017:

02:00 hours: Prescription request – codeine.

7. CONSIDERATION OF EVIDENCE AND CONCLUSIONS

- 7.1 **Allegation 1: On 10 June 2017 DCM Murphy hit him hard on his left thigh leaving a bruise, on 11 June DCM Murphy punched him on the chest/lower abdomen and, on 16 June he punched him on the left side of his head.**
- 7.1.1 **Review:**
- 7.1.2 At his interview Mr **D2953** gave a detailed account of the alleged physical assaults that he states he endured at the hands of Acting DCM D Murphy on 10, 11, and, 16 June respectively.
- 7.1.3 The extensive documentary evidence in the form of various Security, Use of Force,

reports, Rule 40 observation Log entries received from Brook House Immigration Removal Centre (IRC) show Mr [D2953]'s behaviour was refractory for a lot of the time he was there. He openly admitted to banging on the door/window and shouting which he thought may be one of the reasons why Acting DCM Murphy had entered his cell and hit him on 10 and 11 June respectively. Similarly with regards to the incident of 16 June 2017 Mr [D2953] stated he had refused Acting DCM Murphy's request to transfer to and share a room with others because of his sleeping difficulties.

- 7.1.4 The reports further record he was difficult and aggressive with Officers and detainees alike and, on more than one occasion, the difficulties went beyond Brook House IRC with Mr [D2953] contacting the NHS 111 Service and the Ambulance Service complaining about being unable to sleep and requiring his medication. As difficult as Mr [D2953]'s behaviour may have been this in no way can be taken as any form of justification for any Officer including Acting DCM Murphy to be unprofessional in their dealings with Mr [D2953].
- 7.1.5 Although Mr [D2953] made an official complaint via his Solicitor on 28 September 2017, evidence obtained by this investigation indicates Mr [D2953] mentioned a guard had hit him three times in a call made at 15:06 hours to the EASS helpline on 16 June 2017 which is highly relevant. On 20 June he told an Officer who was working in the library he had been bitten by a member of staff three times and wanted compensation. In a further call to the EASS helpline on 29 June he repeated an Officer had hit or bitten him. In an interview with G4S on 6 November 2017 Mr [D2953] demonstrated and clarified he was punched and was not bitten. This suggests the Officer on 20 June and the Operator who answered his call on 29 June may have misunderstood Mr [D2953] particularly as, English is not his first language and no Interpreter was present.
- 7.1.6 Mr [D2953] also repeated he had been assaulted during a separate incident at the Centre on 29 June 2017. DCM Page's incident and use of force reports for that incident record that Mr [D2953] stated he had been assaulted on 16 June and, that he repeated the assault claim a further two times during the incident. On the final time a healthcare staff member was also present.
- 7.1.7 To all extents and purposes the timing of the call to the EASS helpline on 16 June is highly significant. The latter coupled with the detail Mr [D2953] gave in that call namely he had been assaulted three times by a guard who apologised to him; that he had been asked to move rooms which he did not want to do, is consistent with the evidence he gave in his PSU interviews. Weight has therefore been attached to the phone call of 16 June. The latter coupled with the documentary evidence in the form of; the Security and Incident Reports of 20 and 29 June 2017; the further call to the EASS helpline on 29 June along with; the concern expressed by Mr [D2953] in his call of 16 June that things may become worse for him if Brook House were informed about the assault because the Officer may be a Supervisor suggests on a balance of probabilities that it is highly likely, that there was some sort of incident involving Mr [D2953] and Officer Murphy.

Mr [D2953] has consistently stated Officer Murphy was the person who assaulted him, the description he gave matches that of Acting DCM Derek Murphy. The rosters

also show Acting DCM Murphy was on duty on 10, 11 and 16 June respectively.

- 7.1.8 Mr [D2953] was placed in Rule 40 from 9 June until 12 June 2017. The Rule 40 observation logs note Acting DCM Murphy searched Mr [D2953] when he was taken to Rule 40 on 9 June. Beyond this the Rule 40 log which contains a detailed chronology of Mr [D2953]'s actions/activities whilst he was in Rule 40 accommodation does not show there was any further contact between him and Acting DCM Murphy. An absence of entries in the Rule 40 log however, does not in itself mean there was no contact between Mr [D2953] and Officer Murphy on 10 and 11 June 2017. Closed Circuit Television (CCTV) footage was regrettably unavailable for the dates in question owing to the lapse of time between the incidents dates and Mr [D2953] submitting his complaint. There are no CCTV cameras in detainee rooms at Brook House IRC. CCTV footage had it been available may have possibly shown whether Acting DCM Murphy was in the vicinity around Mr [D2953] at the given times.
- 7.1.9 Details of all of the allegations made by Mr [D2953] were sent to Acting DCM Murphy, he outrightly denied the allegations and, stated he did not make a habit of assaulting detainees. He remembered Mr [D2953] and said he did his best to reintegrate him on to the wings. G4S confirmed no incident or Use of Force Reports existed in relation to Mr [D2953] for the dates in question. Security/Incident and Use of Force Reports were written and submitted by other Officers with regards to Mr [D2953]'s behaviour outside the three dates in question.
- 7.1.10 What is however troubling is the fact there is no evidence to indicate any 'comprehensive' follow up action was taken after Mr [D2953] openly mentioned he had been assaulted whilst inside the Centre on 20 and 29 June 2017 respectively. Although DCM Dix was tasked to follow the matter up the first claim of 20 June, his e-mail response of 24 September is very vague and contains no details about when he spoke to Mr [D2953]. In addition one would have expected him to have provided a return response at the time which he did not do. As a result no reliance has been placed on DCM Dix's e-mail of 24 September 2017 in which he states he spoke to Mr [D2953] at the time, that Mr [D2953] did not seem to be bothered and indicated he did not want to take the matter any further.
- 7.1.11 The evidence indicates procedures at the Centre were not followed through fully particularly on 20 and 29 June 2017 and then again on 3 July when Mr [D2953] mentioned he had been assaulted. There is no evidence of any follow up action being taken whatsoever on 29 June 2017 when Mr [D2953] pointed out three times that he had been assaulted on 16 June. Whether there was any substance to the allegations is irrelevant the point being Senior Officers including DCM Dix and DCM Page had an obligation to flag up and follow through on the information they had been told. On top of this in so far as the matter of 20 June is concerned the Operations Manager should have chased DCM Dix for a timely update as to the outcome of his conversation with Mr [D2953]. A recommendation has therefore been made for G4S to review and tighten the complaints processes at the Centre.
- 7.1.12 The fact that no satisfactory follow up action was taken on 20 and 29 June when Mr [D2953] stated he had been assaulted was a failing by G4S which cannot be overlooked. Although Acting DCM Murphy denied the allegations in question. One

cannot ignore the contents of the BBC Panorama Programme about Brook House IRC which was aired on 4 September 2017. The programme transcript contains some alarming information with regards to Acting DCM Murphy's behaviour and actions which includes the following:

- Him threatening a detainee who was suffering from mental health issues by saying: 'clean this window, tell him if he keeps going I'm going to smash the fucking shit out of him, listen listen stop fucking about you understand stop' and 'I don't want to come back in this room again you'll be in trouble all right (14 June).'
- Also on the same day (14 June) in relation to a detainee who had taken spice Acting DCM Murphy stated: 'look at the state of that, imagine bringing that home to your mother' and 'absolutely no sympathy for them at all if he dies he dies.'
- On 6 July mouthing that he wanted to strike a detainee on E wing.
- In early 2017 Acting DCM Murphy looking into a room seeing a detainee was bleeding and taking no action resulting in the detainee bleeding for at least 30 minutes.
- On an unknown date alleging to have punched a detainee in the jaw who had previously bitten him.
- Whilst on shift the previous week (to 8 May) saying 'he had chopped with his open hand or punched a detainee on E Wing under the chin causing him to spit out a razor blade he had concealed in his mouth.'
- On an unknown date him alleging to have punched a detainee on the jaw. A Senior Manager asked what had happened and neither Acting DCM Murphy nor the other officers present said what had actually taken place.

7.1.13 Although some of the actions above by Acting DCM Murphy relate to his interaction with detainees other than Mr **D2953** and, in regards to some of his actions there are no details as to e.g. who he had allegedly punched on the jaw, the information nonetheless gives an indication that Acting DCM Murphy had a poor, unprofessional, insulting attitude towards individuals and had potentially mistreated individuals in his care at the Centre which is highly relevant.

7.2 Conclusion

7.2.1 Crucially some of this mistreatment by Acting DCM Murphy was around the same time as when Mr **D2953** alleges he was mistreated by Officer Murphy. On a balance of probabilities it is therefore right and proper for this investigation to attach weight to the information contained within the BBC Panorama Programme when assessing Mr **D2953**'s allegations against Acting DCM Murphy.

7.2.2 Mr **D2953** also appears to have been let down by processes inside Brook House in June 2017 when he mentioned he had been assaulted. The allegations should have been flagged to e.g. the Home Office Immigration Team and Detention Services. At

the very least, Mr [D2953] should have been handed a complaints form and assistance should have been given to him via e.g. the Centre Welfare Officer given the fact that English is not Mr [D2953]'s first language for him to provide full details of the assault.

7.2.3 The fact all these necessary steps were not taken back in June when Mr [D2953] mentioned he had been assaulted when balanced against the rest of the evidence which includes; Mr [D2953]'s call to the EASS helpline at 15:06 hours on 16 June; the fact he mentioned on 20 June to the Officer in the library that he had been assaulted; three attempts to alert DCM Page as well as healthcare staff on 29 June; a note by healthcare on 29 June who recorded 'a ? over injuries prior to that day;' a further call to the helpline on 29 June in which Mr [D2953] mentioned he had been assaulted as well as; the evidence featured in the BBC Panorama Programme with regards to Acting DCM Murphy's conduct at Brook House IRC leads to the conclusion that something did happen to Mr [D2953] as he states.

7.2.4 **Therefore on a balance of probabilities the conclusion reached by this investigation is that there is substance to Mr [D2953]'s allegations consequently the allegation is substantiated.**

8. RECOMMENDATIONS

8.1.1 Recommendation 1 G4S and Detention Services – Policy and Procedure-Complaints Process

8.1.2 This investigation has identified a failing in G4S's policy and procedures when it came to the handling of Mr [D2953]'s assault allegation. Between 20 and 29 June 2017 Mr [D2953] mentioned four times he had been assaulted. The first time on 20 June when Mr [D2953] mentioned he had been assaulted the Officer completed an Incident Report. A Senior Manager was asked to speak to Mr [D2953] but there is no documentary evidence to show any contemporaneous follow up action was taken. There is no evidence to indicate Mr [D2953] was given a complaint form to complete. On 29 June 2017 Mr [D2953] mentioned three times he had been assaulted on 16 June. Whilst DCM Page's Incident and UoF reports make reference to Mr [D2953] stating he had been assaulted there is no documentary evidence to show the allegation was followed up in any way.

8.1.3 **Action Point 1:** Taking account of the background in so far as the handling of Mr [D2953]'s complaint is concerned It is recommended G4S review and ensure their current complaints handling process is robust enough to prevent a repeat of a similar situation from arising again. Any review should give consideration to the formalisation of a more active role by the Centre welfare Officer particularly in cases where a vulnerable detainee or an individual where whose first language is perhaps not English makes an allegation of mistreatment to ensure such individuals are afforded every opportunity to give all relevant details.

8.1.4 **Action Point 2:** It is recommended G4S reminds all Centre staff of the actions that should be taken when a detainee alerts them to any form of mistreatment.

8.1.5 **Action Point 3:** Where a detainee does not wish to pursue an allegation or does not

wish to engage with an Officer who liaises with them about an allegation of mistreatment, it is recommended Officers are reminded of the need to record this information on the individual's record. Any entry should include details of who spoke to the individual and the date, time and location of any discussion.

8.1.6 **Action Point 4:** Subject to the above being implemented it is recommended Home Office Detention Services in due course reviews the G4S complaints handling process/procedures and ensure they are robust and sufficient in light of the failings which occurred in the handling of Mr **D2953**'s complaint.

8.2 **G4S Equalities Advisory Support Service helpline – Other – Reporting calls of mistreatment**

8.2.1 Mr **D2953** first contacted the EASS helpline and told the EASS Operator he was calling from Brook House and mentioned he had been assaulted. At the time the helpline Operators apparently did not know Brook House IRC was run by G4S and therefore did not make the connection. Mr **D2953** continued to make calls to the helpline and was eventually told to ring another Immigration helpline.

Action Point 5: It is recommended G4S ensures the EASS help line has appropriate mechanisms in place to ensure any future calls of a similar nature are routed properly and in a timely manner.

9. **APPENDICES**

- A Copy of the letter dated 28 September 2017 from Duncan Lewis Solicitors.
- B Letter to Acting DCM Murphy dated 13 December 2017.
- C1 Summary of relevant extracts of Mr **D2953**'s interview of 6 October 2017.
- C2 Summary of Mr **D2953**'s interview of 18 October 2017.
- D Copy of DCM Nick London's statement.
- E Copy of DCM Michael Yates' statement.
- F Copy of Rule 40 Log.
- G Copy of Mr **D2953**'s medical records.

Name: Rukshana Rafique

Name: Jon Wyatt

Position: Investigating Officer

Position: Senior Investigating Officer

Signed:

Signed:

Date: 15.2 2018

Date: 15. 2. 2018