

## Investigation Meeting

Date: 19.06.2017

Meeting commenced:

12:30pm

Meeting closed: 13:48

Present	Name	Title
Employee Name:	Kye Clarke	DCO
Chair of Meeting:	Dan Haughton	Support Services Manager

HR Rep/Note Taker:	Emma Picknell	HR Administrator
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DH Thanks for coming in today Kye, just some housekeeping first, have you received 48 hour's notice in advance of this meeting.

KC I believe so.

DH You are entitled to a representative – are you happy to continue on your own?

KC Yes, I spoke to Joe Marshall, he was off so unable to make it and Gary Siggins can't attend.

DH Ok, this is a fact finding meeting only, not a disciplinary, I will ask you some questions then the report I generate plus the evidence I submit is then given to the disciplinary officer, so it could go to a disciplinary hearing, Emma Picknell is here to take the notes and she will send them to you – they are not verbatim just an overview of what's been discussed today. So Kye, I've been asked to complete an investigation into the events of 22<sup>nd</sup> May by Ben Saunders. My investigation is to look at the circumstances that lead up to the incident, what happened during the incident and any other evidence. So, to start, the incident on 22<sup>nd</sup> May was involving D2034 Do you want to talk through it from your perspective?

KC I've written up a report.

*Kye passes report to Dan*

KC I was locking up at 5pm, as I finished, I heard a noise upstairs. A detainee was on the netting and some detainees were refusing to lock up. After the role count was incorrect, I checked on anyone who was missing and went to room 10. I asked where the missing person was and his room mates said he's crazy and they don't care where he was. So I went upstairs to help with the detainee on the netting to see if I could help. They were already up there talking to him.

DH Just to clarify, what Wing was this?

KC D Wing

DH Who was talking to him?

KC Stewart Povey-Meier and Derek Murphy.

KC He was making cut throat gestures and saying this place is like a prison I die here I want to go outside so we offered for him to go out to the courtyard but he said no. I said what room are you in, he said Room 10, then I knew it was his room mates that had called him crazy. I went to the stairs and told them (I don't know who they were) that one of the missing people was from room 10. I went back to Derek and he said if he comes close enough we'll pull him off the netting. He moved over to the other side and jumped over onto the landing, he then saw an officer and jumped back over onto the netting into the middle. Another officer on the other side of the landing was talking to him he said he wanted to die it's

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like a prison. I left the area, he was walking in the middle of the netting and wherever we were, we couldn't touch him. I went downstairs and went into the C&R staircase, I still had my stuff on and was watching from a small gap in the door and could see him pacing, another officer moved away from him. He was raising his voice and raising his arms on the railings – my key chain rattled the door and he looked my way, so he knew I was there, so I took my belt off which I know now I shouldn't.

DH You say you know you shouldn't.

KC Yes, I know it was a key breach I was just trying to make as little noise as possible. I waited for him to move and as I watched he walked round the back to the far end of the landing and he jumped over to the landing side. I took my shoes off as they are quite slippery; if I had to grab him quick then I wouldn't slip. At this point he was checking his arm and he had a small red mark on it – I'm sure his body then flinched as if he was going to jump back on. So as I opened up the door I ran towards him and put my arms around him and my legs around his waist and pushed my foot onto the railing and he fell onto me, he couldn't get his arms free and said I can't move. At this point I'm sure it was Dave Aldis and another blue shirt came over. We took him away because he was threatening to harm himself I kept his arms up so that he couldn't put his hands in his pockets to get any blades out. We took him to E wing he was saying fuck you, he pulled his arms back but couldn't get out of the guiding hold he kept putting his arms up during Derek Murphy's search and after the search he went into his room and I watched him for the first hour. In there, he jumped on the desk to break it, threw his mattress at the door, tried to tear his quilt but couldn't. He then went into the toilet then he snapped the trim off the desk and tried to prise the desk apart. I contacted E Wing to ask them to come and see what they thought. I said to Derek Murphy about it, he then opened the door, took the mattress and the piece of wood out he was saying to Derek, fuck you, fight me and to the other officer. Derek said stop smashing up your room and calm down, he threw himself on the bed and said come and fight me. We went out of his room and he started kicking the desk again and snapped a bit more of the desk off and put it in his pocket. Then another detainee shouted Oi Sir, the detainee I was observing saw me and threw the wood at me – he tried to kick the desk again, then went onto the sink. I called Derek Murphy and told him about the piece of wood, Derek and Yan went in and was talking to him and he was sitting talking to Yan – not us. They were talking about paperwork and bail. Yan then took over the rest of the constant and I went back to D Wing as I had to cover breaks so was struggling to write my report. I typed quarters of the report then I got a call to say I had to see Oscar 1 immediately. I took the report with me. I was then told I had to hand in my keys and radio as it was a key breach earlier. I went to get my lunchbox in the Gatehouse and had to stay there as I had no keys. The next day Michelle Brown said I need to sign the report but it wasn't finished someone I spoke to on the phone said I needed to sign it as there is a deadline and date it 22<sup>nd</sup> not the 23<sup>rd</sup>.

So, on the 22<sup>nd</sup> you started the report, and not finished it. You were then asked to speak to the Oscar 1, then had your keys and radio taken then you were sat in the Gate.

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Yes, I had no keys I had to stay there for the rest of the evening – which was about half an hour. The next day I had to go to a ceremony with my Dad but he couldn't go.

So, you finished your day shift on 22<sup>nd</sup> went home, had annual leave on 23<sup>rd</sup> and you were asked to come back in to finish the report.

Yes, they brought my report to me as I wasn't allowed in the building – I asked if I was suspended they said no. Michelle Brown said to me you've caused me 3 hours of work and you will need to speak to the Gold commander tomorrow – I didn't know who that was. Dave Aldis brought the report down to me and I signed it 22<sup>nd</sup> May along with the supervisor report. I didn't get to do an accident pack for my back. Michelle Brown said she'll give me toil for coming in on my day off. Then 24<sup>th</sup> I was working at Tinsley. I bumped into you and was suspended, but why wasn't I suspended on 23<sup>rd</sup>? After that [redacted] my next of kin wasn't informed I was suspended and I have a history of suicidal thoughts so she was worried. People had seen me at Tinsley; Magic let me out of the building. I was down at Tascor talking to one of my friends. [redacted] told Scott about me and promised not to talk to anyone else. And that's pretty much it; apart from I hear that 2 members of Brook House staff had been talking in a pub. Those people are willing to testify about this, one of them is one of your Oscars.

*Kye hands Dan an envelope*

They've asked me not to put their names on there as they specifically don't want their names on it for any repercussions from it. As I believe the police are involved, I don't want to leave the house I don't want to drop [redacted] off at work as I'm frightened I'm going to be arrested.

This letter, do you want it to be a grievance? There would be an interview and action will be taken outside of this – do you want to raise a grievance?

Yes

Ok, we'll park it here and HR will contact you separately.

I'm not a violent person and I've never been penalised for use of force. When I was attacked with a pool cue I had a pool cue in my hand but I've no right to attack him.

This report you have submitted today is this your full account of the incident now that you've had time to go away and reflect.

When you said you went downstairs and up the stairwell did anyone ask you to do that?

No, he was watching us all the time – Derek had tried to grab him and got a scratch so that's probably what the detainee thought we were planning.

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We do have the CCTV to watch if you want to – I've already watched it.

No it's fine.

We'll talk about the security and key breach, you mentioned you shouldn't take your keys off, how do you know that?

Through my training

Did anyone else know your keys were there?

Yes, Dave Aldis and it might have been Louis or Kerry Copping.

I think it was Louis.

Me too. Louis was walking along the corridor and I believe he went and got my stuff.

So after the C & R incident you told Dave Aldis your keys were there?

Yes.

Brackenridge came and lifted the guy up Dave Aldis was walking towards me. I remember telling 2 or 3 people – definitely Dave Aldis and Louis, I can't remember Kerry.

Why did you take your keys off?

Because my chain made a noise on the door frame – the detainee heard me so I took them off.

So when he went to CSU, did anyone ask you to constant watch?

No, I knew he had to be supervised and I didn't have my keys so I supervised.

At that point you had no keys, did you flag it to anyone?

Dave knew and Derek Murphy. So I'm going to get in trouble for it. [REDACTED] then came down with my belt. Apparently Kerry gave it to her which was putting her in a bad position.

In my point of view, she's done nothing wrong.

You said that whilst in CSU, the detainee was damaging his room – how did you contact Derek Murphy whilst this was happening?

I think someone came through the door and I asked them to get him – the second time I had my radio back.

How long were you by the door without keys?

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About 15 minutes.

So in the cold light of day, what would have happened if you needed to get into his room in an emergency?

I would have gone to the office and called for help.

Do you think you were the best person to be on a constant watch?

No, I didn't want to be there, but everyone else scarpered so someone had to do it. He wasn't looking at me, he was damaging his room.

So, the Use of Force incident – you went on to the stairs, what was your initial thinking?

Originally I thought everyone else was going to stay there and if I rushed towards him there were people on either side to grab hold of him – Initially I was going to grab his arm.

Did the other staff leave the area?

I don't know Dave Aldis was there straight away with 2 other blue shirts.

You said you took your keys, radio and belt off so no noise and your footwear because it's slippery, why did you want to be quiet.

My keys banged the door frame which was noisy and I didn't want him to hear me as I opened the door – he turned and looked at me so I had to do it quick.

Why did you initiate force?

I thought he would jump back onto the netting and have blades in his pocket so I thought if I surprise him he won't have time to get the blades out – his room mates said he was crazy too.

Did you give the detainee any instructions before the use of force?

I don't remember, I may have said stay.

Do you believe the use of force was proportionate?

I think it was to stop him getting on the netting but it was my initiative to stop him by keeping his arms up which stopped him getting any blades out of his pocket. He could still move and wriggle, he said he couldn't move so loosened up.

How many officers are required to initiate use of force?

For C&R it's 3



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For C&R it's 3 – for personal protection it's one officer, there was not 3 officers present and it's not a personal protection incident – you've already said your justification was to stop him getting back on the netting and harming himself.

We've had people saying they are self-harming and they do, the risk of self harming is always there and he could have cut his throat as he was saying he would do – it's preservation of life.

Detention centre rule 41 covers use of force – part 2

*Dan reads this to Kye*

Do you think your actions could have caused provocation?

CCTV may look like I provoked him but in my eyes I wanted to stop him getting on the netting.

You're initial account has been very thorough

In hindsight I would have left it to the management to deal with rather than get into all this.

Have you got anything else you would like to add?

If I'm not suitable for Brook I would rather resigned. I enjoy working as a DCO. If I was working in Tinsley House as planned on 22<sup>nd</sup> May this would never have happened - it's been very stressful.

Ok, we do have employee assistance programmes which you can have a copy of, Emma will type up the notes and send them to you, make any amendments and sign them, I will give this letter to HR who deal with this separately.

Ok, I was called by the person who heard it all, they told me that the people speaking about me knew the date, the time, the wing I was on, everything I was referred to as the spider monkey by one of your Oscar one's.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Kye Clarke

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Dan Haughton

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
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