



Home Office

HOME OFFICE

Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding the complaint allegation by D687 that officers at Brook House Immigration Removal Centre (IRC) used excessive force on 13 May 2017, were verbally and racially abusive during his detention and the mental healthcare was inadequate.

IMG Ref: 17/1555/1557/26

Investigating Officer: Helen Wilkinson

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1. INTRODUCTION

- 1.1 On 22 November 2017, the Professional Standards Unit (PSU) received draft terms of reference from the Head of Detention Operations (HDO) Alan Gibson. These were reviewed and PSU was commissioned to undertake the complaint investigation as part of an overall Article 3 of the European Court of Human Rights (ECHR) investigation. [D687]'s solicitors, Deighton Pierce Glynn (DPG) were informed of this on 05 December 2017. On 20 December 2017, they responded that whilst they intended to co-operate with this investigation, they did not consider the PSU investigation complied with Article 3 ECHR and listed their reasons. These were forwarded to Head of Detention Operations (HDO) Alan Gibson for response.
- 1.2 At interview on 08 January 2018, [D687] provided a witness statement and his account. He raised new complaints and these were accepted into the terms of reference on 12 January 2018. He viewed the Closed Circuit Television (CCTV) of the Discharge Waiting Area (DWA) in Brook House Immigration Removal Centre (IRC) dated 13 May 2017 and on 31 January 2018 he provided an amended witness statement raising new complaints. Those specific to [D687] were accepted on 31 January 2018. DPG advised that this witness statement had been filed with the court in support of [D687]'s application for a judicial review.

2. TERMS OF REFERENCE

- 2.1 The terms of reference for this investigation are to investigate the complaint allegations that:
- 2.1.1 Brook House IRC detention officers in general and specifically Detainee Custody Officers (DCO) Marina Mansi, Luke Instone-Brewer, Babtunde Fagbo, an unknown black female officer and Detainee Custody Manager (DCM) Steve Webb were verbally and racially abusive towards [D687]. During an incident in November 2016 outside [D687]'s room, a white male DCO pushed [D687] into his room.
- 2.1.2 After signing a petition about food quality in 2016, [D687] suffered reprisals from the DCOs.
- 2.1.3 Incorrect information was provided in a complaint response from G4S on 26 April 2016 that suggested [D687] had convictions for sexual assault when he did not and that this false information was passed to detainees by DCOs and specifically DCO Marina Mansi, and [D687] suffered reprisals from detainees because of this.
- 2.1.4 The provision of mental health treatment in Brook House IRC fell short of expected standards.
- 2.1.5 Officers used excessive force when restraining [D687] in the toilet area of the DWA on 13 May 2017 to prevent [D687] from committing suicide as featured on the BBC Panorama documentary.
- 2.2 To consider whether there were any organisational deficiencies which may have

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contributed to [D687]'s treatment, including but not limited to:

- supervision of officers or detainees, training of officers, suitability of complaints process for detainees and staff.

- 2.3 To consider and report on whether there is any learning for any individual G4S staff member, or organisational learning for the Home office or G4S, including whether any change in Home office or G4S policy or policy or practice would help to prevent a recurrence of the incident investigated.
- 2.4 To consider and report on whether the incident highlights any good practice that should be disseminated.
- 2.5 To consider and report on whether any disciplinary offence may have been committed by any G4S staff member involved in the incidents and whether relevant local and national policies / guidelines were complied with.

3. 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. In particular consideration is given to the following core values of Integrity – putting the obligations of public service above personal interests, Honesty – being truthful and open and Objectivity – basing advice and decisions on rigorous analysis of the evidence.

- 3.2 Detention Service Order (DSO) 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.
- 3.3 DSO 01/2011 – Commissioning of Investigations: Detention services guidance setting out Detention Services obligation to commission investigations into incidents where Articles 2 and/or 3 of the European Convention on Human Rights (ECHR) may have been breached. This investigation and report has been conducted in line with the guidance.
- 3.4 DSOs 08/2006 (Management of Adults at Risk in Immigration Detention), 09/2016 (Detention Centre Rule 35), 07/2016 (Use of Restraint) and 06/2008 (Assessment Care in Detention and Teamwork) and 10/2014 (Detainee Custody Officer Certification) have also been considered
- 3.5 The powers of DCOs is specified in paragraph 2(3) of Schedule 11 of the Immigration and Asylum Act 1999 and this investigation considers (d) duty to attend to his (a detainee's) wellbeing as pertinent to this investigation. The Detention Rules (Statutory Instrument 2001 No 238) sections 39 (General Security) and 41 (Use of

Force) are clear that the detainee has a responsibility for the health and safety of others in the centre and that DCOs should not use force 'unnecessarily' and where force is necessary that 'no more force than is necessary is used. No officer should act in a manner deliberately calculated to provoke a detained person. All use of force must be recorded by a manager and reported to the Secretary of State.'

- 3.6 The Operating Standards for IRCs state for health that the centre 'must ensure that all members of healthcare team attend training relevant to the identification of those presenting with mental illness and those who may have been tortured. Detainees requiring a routine appointment during Monday to Friday must be seen within 48 hours. Those requiring a routine appointment with a nurse must be seen within 24 hours. For those making such appointments during a Saturday or Sunday they must be seen no later than the following Monday. The Centre must provide primary care services for the observation, assessment, and management and care of detainees with mental health care needs. Where a detainee presents serious mental health needs the healthcare team must make arrangements for an assessment of that person and facilitate access to secondary care services where required. Detainees must be treated by appropriately trained healthcare professionals in line with national standards and guidance.'
- 3.7 They state for use of force that 'the Centre will ensure that force is used only when necessary to prevent detainees from seeking to prevent their own removal physically... Force will only be used as a measure of last resort and strictly within the terms of Rule 41 of the Detention Centre Rules 2001...In the event of force being used, the Centre must ensure that detainees are seen by a member of the healthcare team as soon as practicable.'
- 3.8 G4S also provided internal policies and guidance their officers adhere to on Anti-bullying, Body Worn Cameras (BWC), Cut Down Policy, Safer Custody (NOMs), Safeguarding and Violence Reduction. These have been considered.

4. OFFICERS SUBJECT TO INVESTIGATION

Use of Force:

DCO Callum Tulley (left Brook House IRC and whistle blower on Panorama programme about Brook House IRC aired 04 September 2017)

DCO Jonathan Martin (left Brook House IRC)

DCM Shane Farrell

DCM Christopher Donnelly

Deputy Director (DD) Daniel Haughton

All were in date with their Control and Restraint training and entitled to use force if necessary. For ease all officers are referred to by their role at the time of the Panorama recording in April 2017.

Verbal and Racist Abuse by G4S officers:

DCO Marina Mansi

DCM Steve Webb – left Brook House IRC

DCO Luke Instone-Brewer – left Brook House IRC

DCO Babtunde Fagbo – left Brook House IRC

5. SUMMARY OF INVESTIGATION

- 5.1 Given the allegation of excessive use of force; assault, the allegation was referred to Sussex Police who are dealing with the Panorama allegations, Detective Inspector Andrew Richardson and Detective Constable Stephen Trott on 05 December (at the commencement of the investigation) and 31 January 2018 (post interviews and production of the evidence of bruised ribs). Their response was 'Yes I am happy for you to deal with this allegation and only refer it back to the Police if you identify any criminal offences' initially and 'Thank you for the update, we are not pursuing this matter as there does not appear to be any allegations made to us in this matter. Unless you are referring to us as a criminal allegation which appears not to be the case from your findings' and 'having now read your update I totally concur with Steve's response to you that a thorough investigation has been done with nothing being identified to support [D687]'s allegation. As such I am not looking to take on your investigation and our crime report relating to this incident will remain filed with no further action being taken.' Following the conclusion of the investigation, they were provided with the final outcome. (Appendix B)
- 5.2 [D687] has extensive immigration history and this is appended. In summary [D687] arrived in the UK in 1994 and in 1997 he was granted indefinite leave to remain in line with his mother. He was in foster care from the age of 14 to 18 and was cautioned and then convicted for [Sensitive/Irrelevant]. He was convicted of [Sensitive/Irrelevant]. [Sensitive/Irrelevant] He was also convicted for [Sensitive/Irrelevant]. [Sensitive/Irrelevant] After his sentence, he was detained under immigration powers at Colnbrook IRC for eight months in 2012. His last sentenced in 2014 was for three years for [Sensitive/Irrelevant]. [Sensitive/Irrelevant]
- 5.3 In 2014, he was advised that he was liable for deportation and his refugee status was being revoked and this was revoked in August 2015. A decision was made to deport [D687] in 2015 and this took into the balance his 20 years in the UK against his 15 convictions for 25 offences. He appealed this and this was dismissed and appeal rights exhausted in 2016. He has continued to submit further representations and apply for judicial reviews. On this occasion, he was detained under immigration powers after leaving HMP Maidstone on 02 April 2015. Initially in Dover IRC and when that closed he was moved to Brook House IRC in October 2015 to 13 May 2017 when he was moved to the Verne IRC.
- 5.4 Whilst in Brook House IRC, he submitted a Rule 35 application and it was 'acknowledged he was an adult at risk but it is considered that your removal can be enforced within a reasonable timescale...balancing the indicators of vulnerability against the negative immigration factors...timescale for your removal...a decision has been made to maintain your detention.' This was served on 27 April 2017 and [D687] made a threat to self harm on that day and again on 05 May 2017 when he was placed on an Assessment Care in Detention and Teamwork (ACDT).
- 5.5 On 03 August 2017, His Honour Judge Barker QC sitting in the High Court of Justice refused permission to apply for a judicial review in respect of [D687]'s

continued detention pending deportation. He recorded, [D687] has received 2 significant custodial sentences (2.5 years for [Sensitive/irrelevant] in 2010 and 3 years for [Sensitive/irrelevant] in 2014) and has convictions for violence and other offences. The length of [D687] detention is very largely a reflection of his efforts to resist deportation. [D687] is regarded for cogent reasons as being likely to abscond if released and has refused to cooperate with the process for his removal. SSHD's (Secretary of State for the Home Department) decision to detain and deport [D687] was unquestionably lawful...' [D687] was released on immigration bail on 30 November 2017.

- 5.6 [D687] was unavailable for an interview on 18 December 2017 and representatives requested it take place the first week after Christmas. Medical records were provided by the representatives on 21 December 2017. [D687] was interviewed in the presence of his representative DPG Joanna Thomson on 08 January 2018. He provided his witness statement at interview and a revised one after he had viewed the CCTV and on 31 January 2018. With this he sent a copy of the 26 April 2016 complaint response and his PNC records. He mentioned a witness in Sunderland called Richard but no contact details were provided so he was not contacted as part of this investigation. He mentioned weekly support from Anne but did not put her forward as a witness so she was not contacted. He alleged a DCO pushed him and on 20 February 2018 said this had been during an incident with his roommate in November 2016. Further checks showed no such incident was reported. No further action was taken. [D687] also provided descriptions of three other allegedly racist DCOs. DCOs Luke Instone-Brewer and Babatunde Fagbo have left. The female could not be identified from the vague description provided..
- 5.7 Subject officers were interviewed between 15 and 17 January 2018 (from initial witness statement) and up to 07 February 2018 (from final witness statement). Witness statements were also provided by the Tascor officers who collected [D687] [D687] on 13 May 2017 and other G4S staff present but not directly involved with the control and restraint, including the healthcare nurse. Home Office (HO) and G4S staff involved in the decision regarding the ACDT also provided verbal and written statements. An IRC Contract Monitor (CM) Stephen Griffin provided expert advice on ACDTs. Staff involved in the decision about his access to the cultural kitchen in April 2016 and July 2016 also completed witness statements. Given their responses, and unable to view the prison file, a full PNC check was conducted on 09 February 2018 to provide full details of all of [D687]'s offences..
- 5.8 Two of the officers involved in the use of force and one officer involved in the verbal abuse allegation had left Brook House IRC. DCO Jonathan Martin contributed to the investigation. Of the other two, the police requested that we not approach the Panorama whistleblower DCO Callum Tulley and no response was received from DCM Steve Webb. Whilst [D687] also mentioned DCM Nathan Ring both in the control and restraint and verbal / racist abuse, the CCTV footage was clear that DCM Ring was not present at the control and restraint and [D687] did not provide examples specific to him or mention him in the final witness statement. DCM Ring was not contacted on that basis.
- 5.9 The Single Point of Contact (SPOC) appointed by G4S for these investigations, Peter Corrigan, provided documentary evidence including the ACDT, Use of Force

Security Information (SIR), Incident Reports (IR) and Closed Circuit Television (CCTV). Checks were made before and after the interview with [D687] regarding body worn cameras (BWC) as the CCTV footage and [D687]'s recollection was that managers were wearing this. The response from the security team was 'it appears if they were wearing BWC they were not activated.' Photographs were taken of the toilet area and discharge waiting area / reception on 17 January 2018. ACDT training overview was provided by Safer Custody Manager (SCM) James Begg.

- 5.10 As the ACDT was incomplete the Verne IRC SPOC provided the full ACDT. The SPOC for Tascor provided the Person Escort Record (PER). HO files were reviewed and relevant contents are appended.
- 5.11 Information about how the drug Spice was being brought into IRC by officers was passed to HDO Gibson post interview.

6. SUMMARY OF EVIDENCE

- 6.1 Complainant: [D687] - Summary of Witness Statements dated 08 and 23 January 2018 and Interview dated 08 January 2018 (Appendix A)

Verbal and Racist Abuse

- 6.1.1 In [D687]'s initial witness statement, he said that he suffered verbal abuse from white male detention officers who made racist comments such as 'get out the fucking country.' In his interview, he was unable to provide details of the male detention officers and said that it was the DCOs who wore the blue uniforms on C and then A Wings and it was the majority of officers. He said that the officers called all the detainees and not just him, they were all treated in the same way and things had worsened since Brexit. He said he believed he was treated this way "because of what had happened in society...it's not my fault some fucking terrorist has gone and blew people up...it's a foreign national that done it." Specific to Brook House IRC he said "because I've got a criminal record. I've committed crimes...they've got access to my file...I went to jail for [Sensitive/Irrelevant] things like that...I wasn't born in the UK...I came over here as a refugee."
- 6.1.2 He said an officer had said "you've got given opportunities. You've gone and done that...you're taking the piss out of our country. Fuck off back to your country." He could not provide details of this officer. [D687] said that officers would "provoke you to get to...so they can restrain you and take you to the block." He said of these comments that he felt "he was not a human being and was a tenth class citizen. He said he wished he had not been brought to the UK. He felt worthless." This treatment had played a part in his decision to take his own life and his mental health decline. On 20 February 2018, [D687] was able to provide officer descriptions that he had been unable to provide in two witness statements and his interview. Two of these have been identified as DCOs Instone-Brewer and Babtunde Fagbo, both of whom have left Brook House IRC. The female officer has not been identified.
- 6.1.3 Of the officers [D687] originally described, he named a manager called Steve who would 'regularly swear at me, call me a prick and tell me to go back to your own

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country.' He said that manager Steve wore civilian clothes and could move around the centre and was either a manager or director. He attended first response calls. He was, "a bit chubby. Like about six feet tall. Like he's got a beer belly. He's got brown hair." (This officer was identified by Brook House IRC as Steve Webb, dismissed following a disciplinary after the Panorama programme).

- 6.1.4 [D687] also referred to a monthly progress report in June 2016 that said he was verbally abusive to a male officer after that officer had provoked [D687] with, 'abusive and threatening word telling me to fucking bang up or else.' At interview, [D687] [D687] said the officer was a female officer and not a male officer. In his final witness statement he said she was called Maria and was 'short with curly hair.' (Brook House IRC and a Security Information Report [SIR] have identified this officer as Marina Mansi).
- 6.1.5 [D687] said that 'the lady tell me bang up. Like you're a criminal. Like you're a foreign national. She said "you're a scumbag. Go back to your room." She said "fuck off back to your country. Fucking bang up you fucking foreign national or I'll fucking get the manager and that to threaten you." He had said he was not going to, told her to "piss off" and stood outside his room. A manager had arrived and said "please man" and [D687] had taken this as the manager was sorry that the female officer had said that to him. He had asked [D687] to go to his room and he had done. This female officer then reported this incident that [D687] had been abusive when it had been she who had provoked him. He said that the judge had raised this (and other issues) during a bail hearing and his bail had been refused.
- 6.1.6 In interview, [D687] said that he was aware of the complaint process and had used this but received no response to his first two complaints and had "no trust in the system." One of these complaints had been about a male officer who had taunted [D687]'s roommate that he could go home to his wife and children and the roommate could not. When the roommate had asked why he had taunted him the officer had told him to "Fuck off. Go and bang up. Go to your room." The roommate had refused and all the managers had come to their room. [D687] had tried to calm his roommate. The managers had pushed him into his room, telling him to "fucking mind your own business. We're going to deal with him." This had happened a year, two years or early 2017. [D687] said he had complained and received no response. He confirmed this was the room search incident referred to in his witness statement.
- 6.1.7 In both of his witness statements, he referred to this incident occurring last year and it was in relation to a room search. The officers had been shouting at him and his roommate to "get behind the fucking door...you fucking immigrants, go back to your country, this country doesn't want you." [D687] had tried to calm his roommate and an officer had pushed him very hard back into the room and he had hit his back on the wall. He said the roommate was in Somali and [D687] had no contact with him. On 20 February 2018, [D687] provided a vague description of the two male officers. He said that this had not been a room search and was in fact a response to his roommate [D343] being intoxicated on Hooch. He said [D343] was not in Somalia and was now in Colnbrook or Harmondsworth IRC.
- 6.1.8 In his interview, [D687] raised for the first time that he had complained about a

different matter in his third complaint about using the cultural kitchen on 10 March 2016 and had received a negative response on the 26 April 2016. The letter said that he was *'a sexual offender and you've got a knife.'* He said that he was not a sexual offender and *"had never raped no-one...forced a woman against her will"* and provided a copy of his PNC record dated 20 September 2013 with his final witness statement. He said this letter had made false allegations against him. (The PNC record provided by DPG made no mention of any conviction or charge for sexual offences).

- 6.1.9 [D687] said officers told detainees this false information about sexual offences and he said *"I suffered. Inmates were picking up on me...told me "he's the nonce"...I was getting picked on by them. I was suffering. I was getting bullied...spitting in my fucking food...smacked unconscious by an ex guard in the shower...he said officers told me to do it."* [D687] added in his final witness statement that he was *'very upset and frightened for his safety to the point he felt suicidal.'* He said that he appealed the decision for him not to use the cultural kitchen to the Ombudsman who agreed with the G4S decision.
- 6.1.10 He showed his complaint to a Director called Michelle and she *"sorted it out...she put me in the kitchen."* [D687] said Director Michelle had spoken to some of the staff and said *"look you can't be doing this to this guy...He's as British as any of you...She told me this herself...all this time you have been detained you have to be compensated because no-one should be detained for this long."* [D687] had contacted his probation officer, she provided his criminal record and he had shown this to the detainees and *"put the record straight and people let me alone."* In his final witness statement, he said that Director Michelle had advised him to do this. (Director Michelle has been identified by Brook House IRC as Head of Security [HOS] Michelle Brown).
- 6.1.11 In his initial witness statement, [D687] said in 2016 a DCO had used the same food to serve Halal and pork. A Muslim friend had drawn up a petition and [D687] had signed this and everyone had faced reprisals from officers; been moved to separate cells, sworn at and threatened with violence. In his final witness statement he confirmed this and added he suffered verbal abuse and was treated less well with officers refusing to take him to the library or gym. He could not identify these officers.

Inadequate mental health care

- 6.1.12 [D687] said that he had had mental health issues since being taken into care when he was 14 years old. He said these worsened in prison and then in immigration detention. During his time in Brook House IRC, his brother had died and he had been unable to attend the funeral in February; the date initially Tascor was due to move him to the Verne IRC. He was *'seeing people beaten up...hearing of bad experiences from other detainees. He had breathing problems, depression and was sometimes hearing voices.'* The drug called Spice was available, allegedly brought in by officers and sold by detainees and he used this as *"a means of escaping from what he was living."* He described Spice as *"a legal high...it's like crack but in a legal form...when you come down you hit the floor...I'd pass out in my own room."* He said that after taking Spice an officer had told him *"if you don't want*

to live then kill yourself on Spice. The less foreign nationals in here the better." [D687] could not identify this office or when this had occurred.

- 6.1.13 In his witness statements, [D687] said in April 2017 he disclosed to healthcare about an attempted rape and how he was feeling *'very stressed and emotional, couldn't sleep and for the past three months had been hearing voices. He said this had not been taken seriously and he was not given any medication, just referred to a 'relaxation group' and an 'emotional health group.'* A Rule 35 report was made to the Home Office but he was not released. On 05 May 2017, after threatening to overdose, an ACDT was opened.
- 6.1.14 In his interview, he said that he felt that the mental health support was inadequate because he was not given any medication and counsellor support was only once every two weeks. He said, *"they just wanted to talk to me...I'm telling them I'm depressed. I'm losing my head...they're saying there's no need for that, we can talk about it...they're not asking the right questions so I end up getting pissed off and walk away."* He said the RAPT (substance misuse) team were working with him because he was taking Spice. He had told them that he was going to kill himself with an overdose of Spice. This was 05 May 2017 when he had been placed on an ACDT. (RAPT is now called Forward Trust).
- 6.1.15 He had *"opened up to a nurse lady...that I felt comfortable with."* [D687] said that he had felt this nurse had taken him seriously and it was the Home Office who had not taken it seriously because they had refused his Rule 35 report. Healthcare had then not taken him seriously because they had seen the Home Office decision and then thought: [D687] had not been telling the truth.
- 6.1.16 [D687] said in the Verne IRC healthcare had treated him better. They had monitored him and taken him off the ACDT, after he had spent time with a nurse and a psychologist and then he had been put onto medication.

Use of Force on 13 May 2017 for move to the Verne

- 6.1.17 In his initial witness statement, [D687] said that he was *'violently restrained by detention officers after he had attempted to commit suicide.'* He was 'Paul' on the Panorama footage about Brook House IRC. He had been told to go downstairs as a manager wanted to speak to him. He was told he was being moved to another centre. In his interview, he told an officer at his room *"go away. I'm not going to move"* and a manager came to see him. The manager said that he had to move and given he had refused previous, he would be moved by force if he refused. [D687] [D687] had complied, packed his things and walked to reception. He could not identify the officer or manager.
- 6.1.18 He also said that his previous refusal to leave the centre in February 2017 had been because he wanted to attend his brother's funeral and the Home Office had refused because he had been unable to provide evidence his brother was dead. In interview, he said his brother had died January or February and then said it was 23 December 2016. [D687] also said he did not want to move in May 2017 because Anne from Gatwick Detainee Welfare Group (GDWG) visited him every Sunday and he did not want to lose her support and he would be far away from his family in London.

- 6.1.19 [D687] had been left waiting in the DWA for over half an hour. He had banged on the door and asked an officer why he had been brought down when the bus was not there and had been told it was coming. He'd been *"pushed to the corner so far...I'd been told that I'm going to be moved far away where I have nobody...my family's not going to come to Dorset...it was the build up of 18 months in the immigration detention... at that time I made the decision...alright I'm going to die here today."* [D687] had gone to the toilet area and cut his t-shirt into strips and wrapped it around the handle in the toilet.
- 6.1.20 His account is then inconsistent. In his initial witness statement he said he had tried to hang himself before the officers arrived. The *'toilet door had been locked and the officers had 'broken down the door and several stormed into the room...six officers including a senior officer called Nathan...the officer called Steve...Callum.'* He was pushed face down on the floor. His neck was grabbed and he could not breathe. His fingers were twisted. He was kneed very hard in his ribs. (He provided a medical examination report from Dorset A & E showing a left rib contusion).
- 6.1.21 An officer was sat with all his weight on [D687]'s back. His face and chest were compressed against the floor and he could not breathe properly. Nathan or Steve told him to *"fuck off back to your country."* [D687] called out *"I'm not a threat. Let me go"* but the restraint continued. The officers cut the t-shirt from around his neck and let go. [D687] told them his chest hurt and his ribs were broken and an officer said, *"that's not our concern. You need to man up. You're getting on the bus."* In reception he had been seen by a female nurse and told her his chest and ribs hurt and that he could not breathe properly. After five minutes he was taken to the Verne IRC. [D687] said he was referred to Dorset A & E after being seen by the nurse at the Verne IRC. He said the doctor told him his ribs were badly bruised and he was given painkillers and had *'very sore ribs and it hurt to breathe for two to three weeks.'* He also had bruises on his neck.
- 6.1.22 In his interview and in response to the Panorama footage showing officers negotiating with him not to attempt to hang himself, [D687] changed his account and said he had not attempted to hang himself whilst in the toilet for the 10 minutes before the officers arrived, rather he had had a final cigarette and said a prayer before doing this and the officers had arrived. He said three times that officers *"kicked down the door...broke down the door...kicked it open"* before saying that *"Callum opened the door...I forgot to lock the door...I was telling Callum I'm having my last fag."* The other officer had then *"got all the other officers."* The door was not forced open by six officers including Nathan and Steve because Callum was first and opened the door. His account was inconsistent.
- 6.1.23 He also said another officer had been negotiating with him and had been *"really nice"* and Callum had also *"tried to be nice."* [D687] highlighted the way the two officers were trying to be nice i.e. to de-escalate the situation. They were saying, *"oh matey, there's no need for it. Like we can sort this out. We can mend it. Oh [D687] come on please man you can do better than this" and "Your better than that. Come on. There's no need to kill yourself. There's different ways to go about this."* This was inconsistent with his witness statement again, because in this the six officers, including Nathan and Steve arrived at the same time as the door was kicked in and

used force with no-one negotiating beforehand.

- 6.1.24 [D687] said that the other officers were saying *"Do it if you're going to do it"* and *"what are you waiting for now."* When they said this, this had been when he had jumped. The Panorama footage had gone off and had not captured this nor when the officers had tried to grab him. His initial witness statement said the officers had instigated the force but in interview he was clear he had acted first and they had responded. This was again inconsistent.
- 6.1.25 [D687]'s accounts were inconsistent regarding how the t-shirt was removed and how he ended up on the floor. In the initial witness statement and after jumping he had been pushed face down on the floor and the t-shirt had been cut off from around his neck and removed. At the beginning of his interview, he said *"they cut the t-shirt off and removed it and then continued the restraint."* Later on, he changed this account and said the officers dragged him to the floor with the t-shirt and by doing this the t-shirt ripped. He had hold of the t-shirt on his arm and was trying to strangle himself. He said it was a lie the officers had cut the t-shirt, after himself saying this is what had happened. There were no photographs taken at the time of the bruises on his neck.
- 6.1.26 Once on the floor, [D687] said at the beginning of his interview that the officers were pushing his wrist back, pulling his head back with their fingers in his nostrils and they punched him in the ribs. Later on in his interview, the officers had twisted his arms, pinned his legs, pushed his face into the ground and Steve was sat on his back. From being kicked in the ribs in his witness statement, he had now been punched and not kicked. In response to this inconsistency he said he had been *"whacked."* He also said he could not remember because he had *"a little black out."*
- 6.1.27 [D687] was inconsistent about Nathan (DCM Ring) being present. From Nathan being the first officer in the room (initial witness statement) to in his interview, Nathan *"may have came after just to make up the numbers...so I think he was there"* and once advised the CCTV did not show Nathan there said *"I don't know if he was there."* In his final witness statement where there was no mention of Nathan in any of it.
- 6.1.28 In his initial witness statement Steve (DCM Webb) was present and part of the use of force. In his interview, Steve was *"definitely involved...I could guarantee you a hundred and ten percent that Steve was there...when I did get up I remember seeing Steve...I said why are you pulling me down for no reason...I'm no threat to you to no-one. Alright you stopped me from killing myself. There's no need to keep holding me on the floor...I couldn't breathe."* Even after being advised that Steve was not involved or present during the use of force given he was not shown on the CCTV, [D687] said *"How can you say he is not on CCTV. He was there. He was wearing a red shirt...he sat on me."* He maintained that Steve was present and sat on his back in his final witness statement after he had seen the CCTV.
- 6.1.29 The comment by Nathan or Steve *"fuck off back to your own country"* had changed to *"someone told me to fuck off back to your country"* in his final witness statement. He said that he told the officers that his chest hurt and he thought his ribs were broken but the officer had said that was *"none of his concern. You need to man up."*

You're getting on the bus.' He did not know who this officer was. [D687] said that the officers were wearing body cameras but these were not switched on and this was so they could collude on their accounts.

- 6.1.30 [D687] said that he was seen by healthcare once he had arrived in Brook House IRC reception. He was inconsistent with his initial witness statement. In that he said he had told the nurse that his chest and ribs hurt and he couldn't breathe properly but in interview he said *"when the nurse came to me I said to her look I don't want to hear it. What are you going to do for me? I don't want to see you. Go away. I didn't get seen in Brook House IRC but when I went to the Verne I got seen..."* When checked, [D687] said that the nurse had listened to what the officers had to say (nothing wrong with him) so he had questioned why she had even come because she was not going to check him out. When she had said the officers said there's nothing wrong with you *"so I'm going to leave it like that. I said alright just go away then...she said you are breathing alright and then left."*
- 6.1.31 When the inconsistency was checked with [D687] at interview, he said *"I told her...my chest is hurting and I can't breathe" but "she didn't want to hear it"* because the officers had said he was not injured. He combined his two responses. He also said that he had told the Tascor officers that *"I can't breathe. My rib is hurting"* and the response had been *"oh well, you're going to have to get it checked out when you go there."*
- 6.1.32 [D687] said that he had complained about his time in Brook House IRC because he did not feel that he had been treated fairly. He said regardless of who you are, where you come from or what you have done *"everybody should be treated with dignity and respect."* He said the Panorama footage of him, only showed part of what had happened during the use of force because it had been edited. He did not want what had happened to him to happen to others in detention and he was speaking up because many who had been detained at the time had been deported. He said three times that he wanted compensation for the unfairness he had suffered in Brook House IRC.

Subjects to Verbal / Physical Abuse allegations (Appendix C)

- 6.2 Subject to the Complaint: DCO Marina Mansi – Summary of Telephone Interview with DCO Marina Mansi on 05 February 2018 and Security Information Report completed 05 June 2016.
- 6.2.1 DCO Mansi had been a DCO for two years in February 2018 but at the time of the incident in June 2016, she had been in post for two months and had been doing it *"by the book."* On 05 June 2016, she had been on A Wing and had been preparing for lunch. [D687]'s roommate worked in the servery so she had unlocked the room so that he could leave and prepare. She had then locked the door. She had only opened the door early to allow his roommate out to work on the servery. DCO Mansi had been told the procedure was to lock the room after letting the servery worker out and until the rest of the centre was unlocked for lunch. She said she was unaware if other DCOs had left the door open and that was why [D687] had been so annoyed at her. They unlock different doors first each day.

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- 6.2.2 When she had returned to open [D687]'s room as part of the unlock for lunchtime, [D687] was abusive and shouting at her for locking his door. She had told him to walk away and down the stairs and not tell her how to do her job. As he had done so, he had continued to tell her to shut up and swore at her. It was, unlocking the door that [D687] had been aggressive. She had not spoken to [D687] [D687] the first time and was just hit with the abuse on opening the door for dinner. She was consistent in her interview with her SIR completed contemporaneously.
- 6.2.3 In response to [D687] saying that DCO Mansi had said to him *"fucking bang up or else"* she said *"no. I never say that to anyone. We unlocked fine and after letting his roommate out nothing was said. It was only when I unlocked at lunchtime and I unlocked his door and he came out with what he said to me."*
- 6.2.4 In response to [D687] saying that DCO Mansi had said *"fuck off back to your country"* she said, *"no. Definitely not. I'm Sudanese and I have done a social work degree. My primary aim of coming here was assist those here in need. If you speak to anyone about my character, people were worried I was too nice because I was trying to help everyone. There is no way I would say that to anyone. I could be in same position, someone saying fuck of back to your own country. No. No way."* She had worked in loads of care settings Red Cross, mental health and disability. She would have been unable to if her character had been like that.
- 6.2.5 Checks with Human Resource Manager (HRM) Michelle Fernandes identified no disciplinary matters against DCO Mansi for anything. Checks on previous complaints with SPOC Goulder showed no previous verbal or racial abuse complaints.

Subject to the Complaint of Verbal / Physical Abuse: DCM Steve Webb and DCOs Luke Instone-Brewer and Babtunde Fagbo

- 6.2.5 DCM Webb did not respond to a written request to partake in the investigation. Checks with Brook House IRC Human Resources showed that up until the Panorama allegations there had been one unsubstantiated complaint of excessive use of force and one for aggression also unsubstantiated. There had been no disciplinary matters. It is understood that he did admit to making three inappropriate comments to detainees as shown on the Panorama programme. The CCTV showed he was not present in the use of force on 13 May 2017 and none of the officers present recalled that he had been.
- 6.2.6 [D687] provided no specific incident when DCOs Instone-Brewer and Fagbo had been verbally or racially abusive. Both had left. DCO Fagbo was dismissed in October 2017 for inappropriate conduct with a detainee (heated exchange and waving hand action) and DCO Instone-Brewer had resigned. Neither for verbal or racist abuse towards a detainee. Whilst DCO Instone-Brewer had been rostered on C Wing, neither he nor DCO Fagbo had worked on the wing where [D687] was for the end of his detention; A Wing and where [D687] said that the verbal and racist abuse had continued.

Subject to the Complaint of Verbal / Physical Abuse: Search Room Officers.

- 6.2.7 There were three specific and one general room search in 2016 and four room

searches in 2017. Across these there were 14 officers involved and no SIRs produced. DPG were asked to provide approximate dates and times to enable this allegation to be investigated. On 20 February 2018, they responded that this had not been a room search and officers had attended [D687]'s room in November 2016 in response to his roommate [D343] being intoxicated. Checks with Brook House IRC showed that there were no reports of such an incident for either [D687] [D687] or [D343] in either November or December 2016.

- 6.2.8 Subject to the Complaint of Misinformation leading to other detainees targeting [D687] [D687] Summary of Witness Statements and Emails from HOS Michelle Brown, Security Collator Kelly Harris and DCMs Carrie Dance-Jones and Barry Timms dated 26 January to 05 February 2018.
- 6.2.9 DCM Dance-Jones had responded to [D687]'s complaint of 21 April 2016 that he had been refused access to the cultural kitchen on 10 March 2016 on 26 April 2016. She upheld the refusal on the grounds that [D687]'s prison file showed he had an 'adjudication regarding his having an improvised weapon, having a bladed weapon in a public place and information regarding a sexual assault.' She said that the weapons would not now restrict access because of a change in the way knives are accessed in the cultural kitchen but the sexual assault restrictions had not changed so he remained unable to access the cultural kitchen.
- 6.2.10 In her witness statement, DCM Dance-Jones said she had refused the initial request and that was why she had been asked to deal with this complaint. She had spoken to the person who had made the DAT entry about the sexual offences and 'satisfied herself that the entry was valid as she had been shown where the information had been obtained.'
- 6.2.11 Security Collator (SC) Harris had made the entry on the DAT system on 29 October 2015 when [D687] had arrived in Brook House IRC. In addition to other entries, she had put '...sexual assault / assaulted by another prisoner / gang culture...' She said that this information had been taken directly from the prison file and was information that had not been included on the Movement Order. It was relevant for when risk assessments had to be made. She said that the sexual assault entry did not have NFA next to it, so as far as she was aware it was a conviction [D687] had. She said that the prison file was a 'trusted source' so the information would not be validated.
- 6.2.12 DCM Timms had made an entry on the DAT system on 06 July 2016 stating [D687] [D687] could access the cultural kitchen as there was 'no conviction for sexual assault.' There had been changes to make access fairer for all detainees that included having a DCO present, given the detainee would be locked in with predominantly female catering staff with no personal safety training. The food was chopped up so no need for knives. He said he would have reviewed the prison file.
- 6.2.13 He had not found the entry 29 October 2015 incorrect but said that the PNC whilst mentioning the charge must not have shown [D687] was convicted for sexual assault and that was what he had stated on DAT. He said the change had been that if a person had not been convicted then they could access the cultural kitchen. Anyone convicted of sexual assault would never have been given that access. He

said that the HOS at the time had been Neil Davies and he had authorised this access to the cultural kitchen based on DCM Timms' report.

- 6.2.14 Head Of Security (HOS) Brown said that she was the director Michelle who had looked at [D687]'s complaint. She had been the Duty Director and [D687] had complained to her about not being able to access the kitchen. There was a history of knife crime, so they had to put in special measures so he had no access to knives (pre-diced food). She was unaware of the sexual offences reference and said this would not have been shared in any case, unless there was a risk to women or children, in which case the visits staff would be briefed. In respect of the letter mentioning sexual offences, HOS Brown said that there was mention of "digital penetration" (used his hands to abuse a female) on his record but he was never convicted. His prison file said risk to women and children but "it was a bit of a bizarre one / anomaly." It had occurred in principal but the conviction was for something else as well. He could not have access to the kitchen if there was a female member of staff present.
- 6.2.15 She said that she had had no discussion with [D687] about his convictions or staff or detainees sharing this information. All four officers said that information on the DAT system was confidential and officers would be aware of this and should not share this.
- 6.2.16 Subject to reprisals by officers for signing a petition – no officers identified
- 6.2.17 Brook House IRC provided the only 2016 petition that had been signed by detainees about the food available. [D687]'s name was not one of the signatories. He was unable to provide specifics about any officer reprisals, however, given there was no petition this is irrelevant to this allegation.
- 6.3 Inadequate mental healthcare
- 6.3.1 [D687]'s medical information is appended. [D687] was first assessed for mental ill health in HMP Camp Hill on 29 February 2012 and given 'short term hypnotics for the level of stress he was experiencing on finding out he was not being released and instead was going into immigration detention.' There was 'no symptoms of mental illness evident during that assessment.'
- 6.3.2 He was next assessed in HMP Wormwood Scrubs on 01 April 2014 and was placed on an Assessment Care in Custody Teamwork (ACCT). He said his 'mood was better' once he was sentenced on 24 April 2014 and the ACCT was closed on 29 April 2014. He was not prescribed medication. During his time at HMP Maidstone, he received no mental health intervention. He did claim previous mental health medication on arrival at HMP Maidstone on 24 June 2014 and Brook House IRC on 04 December 2015 but this is not reflected in his medical notes. He regularly missed dentist and smoking cessation appointments up until he moved to Dover IRC (notes suggest April 2015). He continued to miss his dentist appointments.
- 6.3.3 On 17 February 2017, following two occasions of aggression in clinic, the Clinical Lead was noted as suggesting he be referred to the mental health team. On 07 March 2017 (after missing two appointments) he met Mental Health Nurse (MHN)

Dowd on 07 March 2017 and said he wanted to speak to someone about his past experiences. He did not show any suicidal or self harm concerns. She referred him to Victim Awareness group. [D687] then missed three appointments with the mental health team and was discharged.

- 6.3.4 On 11 April 2017, he used NPS and on the 13 April 2017 he requested a Rule 35 assessment. This was completed by Dr Hussein Oozeerally on 15 April 2017. He referred [D687] to the mental health team and MHN Newlands saw [D687] on 16 April 2017. This meeting appears to be the complaint [D687] made in his witness statement, given he was referred to a Relaxation Group and Emotional Health Group. [D687] did not attend the Relaxation Group. The Consultant Occupational Therapist Deborah Alred said [D687] was late and 'dominated the group by venting his frustration at not being released following his prison sentence and his length of detention.' He said he had considered suicide and had 'begun to write a suicide note.' She referred her concerns to the Oscar 1.
- 6.3.5 [D687] then missed his Relaxation Group on 25 April 2017 and a GP appointment on 26 April 2017 before disclosing his threat to self harm to the Forward Trust (Anton Bole) on 05 May 2017. This was eight days after he had originally made a self harm threat to Engagement Officer (EO) Vanessa Smith on 27 April 2017 and during the service of his monthly detention update and his Rule 35 decision to maintain detention.
- 6.3.6 He was seen by MHN Dowd and referred for support on 08 May 2017. He missed his Emotional Health Group class on 08 May 2017. He did attend a meeting with the Forward Trust and MHN Churcher. A stress management care plan was created and MHN Churcher suggested 'a mild antidepressant.' He was referred to the doctor on 10 May 2017 and did not attend this or a nurse appointment the next day. He did not attend a GP appointment on 13 May 2017. He could not attend this last appointment as he was in the discharge waiting area awaiting removal to the Verne IRC.
- 6.3.7 In the Verne IRC, on 15 May 2017 and whilst [D687] had been on an open ACDT for his suicide / self harm threats and attempt at Brook House IRC, Dr Fowler assessed that he required a psychiatry opinion before she prescribed any medication and [D687] was referred to the mental health team again, as he had been previously. Following a threat to self harm on 16 May 2017, she reviewed his medical notes that she had now received and prescribed his first antidepressant medication. Following this, [D687] told MHN Munhumutema on 19 May 2017 that 'he is happy he was recommenced on [Sensitive/Irrelevant] and feels that it has started to have a good effect...' His ACDT was closed on 25 May 2017 and by 05 June 2017 mental health concerns had been reduced.
- 6.3.8 On 20 June 2017, he used NPS again and he was reviewed by mental health again on 06 July 2017. They had no mental health concerns. In July 2017, he was missing appointments again. On 04 August 2017, Nurse Chimbwanda referred him for a medication review on 22 August 2017. In the interim, there were five instances of NPS use. On 07 September 2017, his medication was changed. He referred to being upset by the Panorama footage, filmed without his permission. He was provided with drug addiction therapy up until his release and was 'abstinent from illicit substances' on 19 October 2017.

- 6.4 Subjects to the Use of Force on 13 May 2017 for [D687]'s move to the Verne IRC: Deputy Director Daniel Haughton, Detainee Custody Managers Shane Farrell and Christopher Donnelly and DCO Jonathan Martin - Summary of Interviews dated 15 to 17 January 2018 and Use of Force and Incident Statements dated 13 and 14 May 2017.
- 6.4.1 DD Haughton said that given [D687]'s refusal to leave previously (February 2017), Arun Wing was locked down early (12:20 hrs) so [D687] could be collected from the wing and presented to Tascor in discharge. [D687] had 'packed his belongings and compliantly walked to the discharge waiting room to await collection.'
- 6.4.2 DCO Martin said that at 13:40 hrs, Tascor escorts had arrived to move [D687] to the Verne IRC. At 13:50 hrs, they had said that they were ready to speak with [D687] and he had looked into the waiting room and could not see [D687] so he had opened the toilet door to check [D687] was alright. He said, 'when I opened the door I could see [D687] sitting on the toilet with a ripped up t-shirt and he was smoking a cigarette. I said [D687] *what are you doing?*' [D687] replied, *"Guv, I want to end my life today, they guna have to carry me out of here in a body bag as I ain't going to speak to them."* DCO Martin contacted control and asked for managers and back up. He said that DCMs Chris Donnelly (Oscar 2) and Shane Farrell arrived and tried to reason with [D687]. DCO Martin said that the door had not been locked, he had been alone when he found [D687] and officers had not kicked open the door. (It actually pulled open and only opened one way).
- 6.4.3 DCO Tulley said that at approximately 13:45 hrs, when he was walking past discharge, DCM Donnelly had asked DCO Tulley to accompany him to the waiting room. He said that DCO Martin and DCO Bulled were monitoring [D687] who had a 'noose around his neck which was tied to a hand rail.' (DCM Donnelly said in interview that he had not asked DCO Tulley to accompany him and knew not why DCO Tulley was there as he worked in Activities. All the officers said the same).
- 6.4.4 Victor 2, Duty Director (DD) Haughton arrived after receiving a call from DCM Donnelly at 13:45 hrs saying [D687] was refusing to leave the centre and had tied something to the disabled handrail and his neck. When he arrived, [D687] was sat on the toilet bowl with a white t-shirt 'tied loosely around his neck and to the handrail. DD Haughton said that when he had arrived and observed at the doorway, DCOs Martin and Tulley had been in the room talking to [D687]. DCO Bulled was in the waiting room. DCM Farrell was in the room and DCM Donnelly was just outside.
- 6.4.5 DCM Farrell said he had been in detainee reception when he was told that [D687] was refusing to leave the centre. He saw [D687] sat on the toilet with a t-shirt around his neck *"almost like a sling, not wound into a rope or cord"* and [D687] told the officers he would hang himself if he had to go.' He said DCM Donnelly had tried to de-escalate the situation and was speaking to [D687] but 'he didn't seem to get anywhere as [D687] was very irate.' He and DCM Donnelly had spoken to the escorts to check if they would take [D687] if force for used

- 6.4.6 DCM Donnelly said he had been the Oscar 2 in charge of detainee reception / discharge and B Wing and he had been informed about a detainee with a ligature around his neck in the discharge waiting room toilet at approximately 13:30 hrs. He said that [D687] had been sitting on the toilet with a white ligature around his neck, saying he did not want to go to the Verne IRC. It was too far away from his family. 'He would not desist or remove the ligature despite several DCO's, myself and DCM Farrell trying to persuade him.'
- 6.4.7 DD Haughton said that [D687] was 'in an agitated state and saying he would not go anywhere.' He said, *"I risk assessed, the knot was tied to the handrail, which is a large loop and the bottom of the loop was a foot off the floor. [D687] was saying if anyone came near him he would drop to the floor. When looking at it the knot was on the loop and the knot would have gone to the lowest point so he wouldn't have been suspended, but we still had a ligature."* When he spoke to [D687] he did not want to transfer and DD Haughton assessed that he was using the ligature to prevent his removal. *"At no point did he say that he was going to kill himself or wanted to die. He was using it to prevent his move to the Verne. At the time that was my assessment."* Tascor would accept under restraint so that was an option to present [D687] in restraint for his move.
- 6.4.8 His intention had not been to use force and was just to remove the ligature. To prevent that being a risk. Force was initiated given [D687]'s resistance to that. His risk assessment was in his head. *"Can we use force to present him if we need to? – yes. Is it reasonable, justified? – yes because it is an enforceable transfer movement order from the HO and the crew are willing and able to accept under restraint so from that point of view it was justified. From the point of view of the ligature, if he had followed through and dropped to the floor there was no risk to him from that ligature from my assessment because of the way it had been tied and the way it was around his neck and the fact I was able to remove it (lifting it over his head) without having to cut it. I handed it to Chris Donnelly and he threw it out of the room."* The removal of the ligature was more to enforce the removal rather than a concern. Given how the ligature was applied, he could not harm himself with the ligature.
- 6.4.9 DD Haughton said that he had asked DCO Bulled to come to him, out of sight of [D687] and asked for his cut down tool. He had wanted this in case but had not thought he would need it as the t-shirt had been loose. He said, *"it was my intention to remove the ligature and then remove any small potential risk to [D687] I had the cut down tool and [D687] had a cigarette in his mouth, suggesting he wanted a light for it. So I stepped back out and got my lighter out of my pocket. I went back into the room and offered him a light and that allowed me to get close enough to the ligature to take hold of it, which I did. [D687] dropped, the ligature came away without the need for the cut down tool..."* DD Haughton said no-one grabbed [D687] around the neck. He was trying to remove the ligature and [D687] was trying to stop this and tighten it. No officer pulled his head back with fingers in his nose. DD Haughton said he had not been dragged [D687] by the t-shirt on the floor to take the t-shirt off. There was insufficient room. It could have felt like that as DD Haughton was trying to remove and [D687] was trying to prevent removal of the t-shirt. Given [D687] had *"offered a level of resistance (as he dropped he tried to stop me removing the t-shirt by trying to hold it and pull it tight around his neck)"*

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the officers got involved (reacted to him dropping) and use of force was initiated."

- 6.4.10 He said [D687] didn't resist too much (moving around and moved his arms away from officers not wanting us to gain control, not extreme violence). It was a fairly quick restraint (he had had no concerns about the force used by any of the officers). The officers weren't really struggling to gain control. The force used was not excessive as they did not struggle to gain control as resistance was quite low. DD Haughton could not recall an officer sat on [D687]'s back. He said when handcuffs are applied the officer applying would have to go around between the two arm officers. He had not seen any officer punch or kick [D687] in the ribs and if he had done so, he would have pulled the officer off the use of force straight away and placed another officer on. He would have removed the officer from duty and investigated. A punch or kick in the ribs whilst a detainee is on the floor is not a recognised technique.
- 6.4.11 DD Haughton had not heard any officers tell [D687] to "fuck off back to his own country" and he was not being removed to his own country. DD Haughton said he had not heard [D687] ask for the restraint to stop as he was not a threat. In response to his claim he had told officers his ribs hurt and their response had been "that is not our concern. You need to man up. You are getting on the bus" DD Haughton said he had not heard that.
- 6.4.12 The other officers' accounts were consistent in that this had been a spontaneous use of force instigated by DD Haughton when he went to remove the ligature with the cut down tool. They had assumed the ligature had been lifted off or the cut down tool had been used to remove it, given DD Haughton had this. DCOs Martin and Tulley said that they had seen the cut down tool used, DCM Farrell said he had not seen how the ligature had been removed. All said how [D687] had 'dropped to the floor' so had been managed onto the floor in a prone position and locks applied to control him. DCO Tulley reported how [D687] had still tried to self strangulate whilst DD Haughton was trying to remove the ligature. They had heard that it was 'ligature away.'
- 6.4.12 DCO Tulley reported that he 'took control of [D687]'s legs...once [D687] was put in cuffs I was able to release control on [D687]'s legs...
- 6.4.13 DCO Martin said force was instigated because [D687] had a noose around his neck and was "continually saying that he wasn't leaving, was leaving in a body bag. He was asked to take it off and he said no, he kept refusing." The initial force involved DCOs Martin, Tulley and DD Haughton. DCO Martin had seen DD Haughton take a "cut down tool" from DCO Bulled. DCO Martin prepared himself in case force needed to be used. DCO Martin said the "force was justifiable. [D687] [D687] was not going to move and he had a noose around his neck. That in itself would justify the use of force. It was not excessive. He was not a difficult man to restrain. He did not put up much of a fight. It was justifiable because it was preservation of life, whether he intended to kill himself or not he had a noose around his neck. It was justifiable."
- 6.4.14 DCO Martin said DD Haughton had "grabbed the noose to try and cut it and [D687] [D687] had started thrashing out (grabbing at the noose) and for the safety of

my colleagues, especially Dan (DD Haughton) being so close to [D687], I took control of one of his arms...he was still lashing out. Not in a violent, violent way, not trying to strike any of us but he was struggling and he was uncontrollable so we took him down to the ground as [D687] had dropped his weight and was leant forward so he was taken forward onto his front." [D687] was facing the door and DCO Martin was on that arm. He said, "I had his arm secure and I placed it into a back hammer which is in the small of the back, bottom of the back and wrist pushed into the back." He described the lock as a final lock. "thumb and finger held and on the hand, or just cocking the wrist with no force." There was no pressure on this. He would know it was held but that was all.

- 6.4.15 His knee would have been on [D687]'s elbow so [D687] would not have been able to move. DCO Martin would move his knee in as required. He had not needed to do this. DCO Martin said he had not done or seen anyone knee or punch [D687] in the left ribs. [D687] made no complaint in reception of sore ribs. In response to the hospital report of bruised rib, DCO Martin said he had not done anything to [D687] that was over excessive and had not seen anyone do this. He had not seen an officer sat on [D687]'s back so he could not breathe. DCO Tulley was originally on the other arm but then DCM Farrell took over because DCO Tulley was struggling and had to be relieved. Of someone grabbing his wrist / fingers and twisting, DCO Martin said there was no need to.
- 6.4.16 It was a simple use of force. The wrist cocked easily. No-one had held his nose with their fingers and pulled his head back. If DD Haughton had been holding the ligature and trying to cut this and taking control of his head as he was going to the ground, the head would be turned to the side and supported, under chin and top of the head. Holding as suggested could enable the person to bite. He had not seen how the head had been supported as he was focused on his holds. [D687] had not been dragged on the floor with his t-shirt. He understood it had been cut. He had been handed it in discharge but could not remember the state of the t-shirt. No officer had told [D687] that it was not their concern, he needed to man up and he was getting on the bus when he told them his ribs hurt. He had not said his ribs hurt and the comment had not been made.
- 6.4.17 DCM Farrell said DCO Martin had taken hold of [D687]'s arm in a final lock (stretched out) or at the base of his spine but DCO Tulley had been struggling with the other arm because this had been underneath [D687] DCM Farrell managed to get control of the arm "quite easily" (DCO Tulley may have loosened it in the struggle) and place it at the base of his spine (inverted wrist hold). DCM Farrell held the crease where the elbow is and pulled the arm out. He took hold of the wrist in a final lock (thumb and index finger and hold back and place at base of the spine). The slight push on the wrist as it is bent back affected people's pain threshold at different levels. He put no pressure on. [D687] had not screamed or said his wrist was hurting. [D687] had not raised any health concerns whilst on the floor and if he had, a medical response would have been called and all holds released until healthcare arrived.
- 6.4.18 DCM Farrell said "absolutely not" in response to whether he had punched or kicked [D687] in the left ribs. He said that "a knock" could have occurred as he and DCO Tulley swapped positions, but coming out of the room DCM Farrell had been

on the right side and not the left. DCM Farrell said they are told in training to avoid putting any pressure on the back and they are taught to place bodies away from the back. He said it was a tight area but you would *"make yourself uncomfortable to make sure there is no pressure on the person's back."* He had not and had not seen anyone on [D687]'s back. No-one grabbed [D687]'s neck. His fingers and wrist may have felt twisted as the locks were being applied. This is how they are taught. No-one had purposely kicked or punched [D687] in the ribs. Regardless of the doctor's diagnosis, DCM Farrell had not seen anyone kick or punch him in the ribs. No officer had his fingers in his nose and pull his head back. No-one made the comment *"fuck off back to your own country."* [D687] had resisted on the floor (arm under body and moving) and had not made that comment. Force was used to preserve life and present for removal.

- 6.4.19 DCM Donnelly had not been involved in the control and restraint but had witnessed this. He said the use of force was *"calm, reasonable use of force and no excessive violence (no one lost their cool). He [D687] was putting up quite a fight (lashing out with his arms and legs), so I applied the cuffs for his safety and ours."* [D687] had been face down (position for handcuffing) and his arms behind him when handcuffs were applied. DCM Donnelly said that he had applied handcuffs rather than move [D687] in locks because he assessed that there would be a period of de-escalation needed. It would be easier to hand over to Tascor and [D687] [D687] would be unable to harm himself or the officers.
- 6.4.20 He said that none of the officers had been sat or kneeling on [D687]'s back. DCM Donnelly said he had not been knelt or leant against [D687] whilst applying the handcuffs. He had not seen any officer kick or punch [D687] in the left ribs. He said, *"none of our guys would do that. None were heated or angry. It was just another day at the office. Nobody's going to kick him and nobody did from what I saw."* In response to the assessment at A & E for bruised ribs, DCM Donnelly said it may have happened during the use of force but nobody kicked or punched [D687] [D687]. He said there were *"three or four adult males rolling around the floor it may happen."*
- 6.4.21 DCM Donnelly said that no officers had grabbed [D687] around the neck so he could not breathe. DD Haughton would have removed the ligature and that may have hurt but no-one had grabbed his throat or was using unnecessary force. DCM Donnelly had not seen an officer twist fingers or wrist. The use of force had been very quick. Once the ligature was removed, [D687] was put on his front with his arms behind his back and handcuffs applied. DCM Donnelly said that no officer had told [D687] to *"fuck off back to his own country."* [D687] had not said he was not a threat and to let him go when he was on the floor. DCM Donnelly said [D687] [D687] had been swearing and abusive *"along the line of we should fuck off and we were a bunch of..."*
- 6.4.22 [D687] had then been lifted to his feet and held in an escort hold (wrist and armpit) to prevent him from falling as he walked to reception. Mr Martin and DCM Farrell said that [D687] had been swearing and telling them not to touch him, leave him alone, release him and to *"fuck off."* DCM Farrell had told [D687] that they had to hold him in case he fell or tripped in handcuffs.

- 6.4.23 All the officers said that once in reception, [D687] had been sat on the only seat in the alcove but he had still be threatening to leave in a body bag and was not calming down and refusing to go to the Verne IRC with the Tascor officers. DCM Donnelly said of his decision to leave [D687] sat with his hands cuffed to the rear that they never handcuff to the front. [D687] was *"sat down and we started the process of de-escalating."* [D687] had not wanted to go to the Verne IRC and had been told that this was happening. After five to ten minutes of de-escalation and he was less agitated and it was safe to do so, DCM Donnelly removed the handcuffs and handed over to Tascor. An officer was always present. DCM Donnelly was around and monitoring. When he assessed it safe to do so, he removed the handcuffs.
- 6.4.24 All of the officers involved in the use of force said neither DCMs Steve Webb nor Nathan Ring (identified from [D687]'s descriptions separately) had been present.
- 6.5 Witnesses to events in the DWA: Summary of Interview with Detainee Custody Officer Darren Bulled and Witness Statement of Detainee Custody Manager Ian MacDonald dated 16 and 21 January 2018.
- 6.5.1 DCO Bulled had been asked to assist by DCO Martin after DCO Martin had found [D687] in the toilet of the DWA with a ligature around his neck. DCO Bulled had had no interaction with [D687] and had been present in case officers needed him for anything. When the force had been initiated, he had been standing in the doorway to the toilet. DCO Bulled said that the ligature had come off but he did not know how it had come off. The officers had been trying to pull [D687]'s arms out so he could be controlled out of the small toilet area. There were a lot of bodies in a small area. DCO Bulled had no concerns with what was happening in the use of force. If he had seen anything that had concerned him he would have questioned this at the time or spoken to a manager afterwards.
- 6.5.2 DCO Bulled had not seen an officer sat on [D687]'s back. Officers had been trying to apply holds and the techniques taught are to avoid sitting on the detainee's back. He could not remember [D687] saying he could not breathe. If he had said this, officers would have checked their positions to ensure that they were not hampering his breathing. DCO Bulled had not seen an officer punch or kick [D687] in the left ribs. He said when officers were trying to stand it might happen accidentally because the room was very small, but not purposely. He said to do purposely that would be assault.
- 6.5.3 DCO Bulled said that no officers had broken down the door to the toilet area. He had not seen [D687]'s neck grabbed or his fingers / wrists twisted. The officers do use a wrist lock. Final lock thumb and first finger and wrist bent. For pain compliance this could be pushed back slightly to apply pressure to encourage compliance. DCO Bulled said that no officer would put fingers in nose and pull his head back. DCO Bulled had not heard an officer tell [D687] to *"fuck off back to his country."* If [D687] had been asking officers to let him go, they would but only once he had moved to reception. DCO Bulled said that the t-shirt had not been removed by dragging [D687] along the floor. The officer would not have said ligature away if that was the case. [D687] had not said that his ribs hurt and an officer had not

said it was not their concern, for him to man up because he is getting on the bus.

- 6.5.4 DCM Macdonald said that he had not been present during the use of force and had entered the room and seen [D687] sat in handcuffs 'very emotional' and 'staffs were trying to talk to [D687] and calm him down as he was very agitated at the time, the staff present (which I am not sure of names now) where talking to him in a calm and professional manner, what I can recall they weren't being racially or verbally abusive towards him.'
- 6.6 Independent Witnesses to events post Use Of Force: Healthcare Nurse Emily Parr and Tascor Detainee Custody Officers Christopher Tatlow, Adam Whittall and Martin Kellaway – Summary of Interview 16 January 2018 and Witness Statements dated 7, 11 December 2017, 21, 23, 30 January and 15 February 2018.
- 6.6.1 Nurse Parr could not remember events on 13 May 2017 because she had had [D687] since then and her memory was "not brilliant." She would attend use of force events and assess the situation and the detainee and any healthcare issues and what medical care was required. She could not recall any conversations with [D687] [D687] On arrival to the discharge unit, Nurse Parr had been instructed by the officers before seeing [D687] that minimal force had been used. She had not been present during the use of force as this had not been planned. She could not remember the interaction with [D687] She said detainees could be reluctant to show healthcare. She said that was his choice.
- 6.6.2 She said [D687] could talk to her so his breathing was alright. She would 'check for airway, breathing (he was sitting up so both these were assessed) circulation and then ask if he had any injuries of which I would document.' She would not try and look at his arms by force. She was unaware that he was in handcuffs at the time and said if he had been, she would have checked his wrists for any cuts, redness or deformity and documented any injuries. [D687] had been sitting on a chair. She had noticed a slight red mark on his neck, she could see this when talking to him. She had written what she could physically see in her healthcare report. She was 'unable to remember if he had complained of any pain however this would be documented if this had been.'
- 6.6.3 Nurse Parr said that if [D687] had said his chest and ribs hurt and he could not breathe properly 'a full examination would have been completed. I would record blood pressure, pulse and respiration rate. I would examine the chest area and if any abnormalities found refer to our duty doctor or if applicable transfer to our local hospital for assessment. In response to how easy a chest contusion was to diagnose, she said that a contusion means bruising and this can be shown by any of the following: pain, discolouration of the skin and / or swelling to the area.'
- 6.6.4 In response to [D687] saying an officer had sat on him and kicked / punched him in the ribs and this had caused his injury and could this cause a lower rib contusion, Nurse Parr noted 'any weight placed on the rib area could cause contusion. This could be caused by kicking or being punched however there are several other causes that could cause this for example knocking into a wall/door.' Records were 'scant' that weekend as computers were locked down because of the NHS virus.

- 6.6.5 The Tascor officers said that there was a suitable crew (four officers) and that they had been tasked to move [D687] to the Verne IRC and when a Brook House IRC officer had told them [D687] did not want to leave, they had told the officer [D687] had no choice and would be leaving with them that day. This officer had left to speak with [D687] and on return had sought assistance from colleagues having found [D687] with a ligature around his neck. This officer had then returned to [D687]. Other officers had arrived and 'there had been no urgency in the speed they were walking.' [D687] had been brought through handcuffed to the rear, seated and left unattended so might fall. He had been very emotional and Tascor had spent time talking to him so that they could move him without restraint, which they did.
- 6.6.6 [D687] had said nothing to them then, en route to the Verne or at the Verne IRC about any injuries to his ribs or at all. They said that if he had, they would have asked the nurse to see him again whilst at Brook House IRC and if he had said it en route, they would have diverted to the closest A & E department. They had been advised [D687] should be on constant observations and had said this could not happen due to the cell van. This had been amended by Brook House IRC officers so that Tascor could accommodate [D687]. They observed him in the cell van every 15 minutes.

Digital Evidence

6.7 CCTV and Panorama Footage

- 6.7.1 Detailed notes are appended. In summary, the Panorama footage showed what was happening in the actual toilet area. However, it was obscured and edited compared to the timings on the CCTV. This was of the DWA and facing the toilet area. The Panorama footage lasted 35 seconds, whereas the CCTV was 35 minutes and included the time [D687] was waiting in Discharge Reception (DR)..
- 6.7.2 The CCTV started part way through and at 13:49:37 hrs. Three DCOs were in (two) and at the door (one) of the toilet area. These were DCOs Tulley and Martin and DCO Bulled. Within three minutes, two managers arrived, DCM Farrell and DD Haughton and they were stood at the doorway. At 13:54:09 hrs DD Haughton spoke to DCO Bulled outside the toilet area and something was passed between them. At 13:54:09 hrs, DCM Donnelly arrived and was stood at the door to the toilet area with DCO Bulled.
- 6.7.3 Within seconds at 13:54:27 hrs, DD Haughton entered the toilet area and was out of shot. DCOs Tulley and Martin and DCM Farrell were standing with arms folded the far end from [D687]. They moved forward and out of shot. In the toilet area are DD Haughton, DCM Farrell, DCOs Tulley and Martin and DCM Donnelly. DCO Bulled was stood in the doorway. At 13:54:48 hrs, [D687] is assumed to be on the floor as DCO Martin could be seen (legs and bottom part) near the door entrance.
- 6.7.4 DCM Donnelly threw a white object out of the room and applied the handcuffs. At 13:55:20 hrs, DCM MacDonald arrived and was stood at the doorway with DCM

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Donnelly and DCO Bulled. DD Haughton left the room and was talking to DCM Macdonald and then left with the white t-shirt. DCO Farrell and DCO Martin can be seen on the floor of the toilet area and a shape in black is there. DCM Donnelly entered the toilet area. DD Haughton then returned at 13:56:34 hrs and spoke with DCMs MacDonald and Donnelly.

- 6.7.5 At 13:56:54 hrs, DCO Tulley left the toilet area. [D687] is stood up (obscured) and DCO Martin was on his left arm and DCM Farrell his right. Each are holding [D687] in an escort hold (hand on wrist and under armpit) as he is walked from the DWA through a door, down a short corridor and into the DR..
- 6.7.6 Once in this area, [D687] was sat off shot in an alcove facing reception. First two healthcare arrive, approach this area and remain for three minutes (13:59:23 to 14:02:17 hrs). Whilst [D687] was sat there and in handcuffs either DCM Farrell, then DCO Tulley and DCM Donnelly were present until the handcuffs were removed (there was something handed over to DCM Donnelly at 14:03:36 hrs). At this point only Tascor officers are seen near the area where [D687] was sat.
- 6.7.7 At 14:18:07 hrs, [D687] was taken to the search room (obscured) and exited wearing a white t-shirt under his green coat. After collecting plastic property bags, he and the Tascor officers leave at 14:24:03 hrs.
- 6.7.8 The Panorama footage opened with a male in a black jacket with something white around a handle and his neck. It is a white t-shirt and it's complete, folded and wrapped around 'Paul's' ([D687]) neck and fastened with a knot on the handle beside the toilet that [D687] is sat on. He is holding the t-shirt near the top of the handle. The face is blurred. Someone is saying "it's alright" repeatedly. Another is saying "just calm down."
- 6.7.9 [D687] is saying, "Don't. Fuck off. I swear to God I will hurt myself." A voice is saying, "it's alright. I was just coming to speak to you. It's alright. It's alright." [D687] is bent down holding the white t-shirt with his right hand. He kicks the bin and says, "don't come near me, bruv. If you come near me, I swear to God I will let myself go." He is in the same position. Only he can be seen on the footage up to now.
- 6.7.10 The clip is interrupted and DCO Tulley (as orator) says staff rush him. At this point [D687] was not sat on the toilet. He was stood to the right of it facing away. Nothing else can really be seen as the officers obscure the camera and the footage ended. Someone says, "ok it's off. Right the ligature's away." The next shot is of [D687] being moved "later the same day." He is wearing a black / grey hoody, so cannot be identified. To his right, though obscured is DCM Farrell. Paul was asked to sit down and the footage ended.
- 6.7.11 Photographs
- 6.7.12 The photographs show the toilet area. The door opens out into the DWA and only opens one way. Inside the toilet area, to the left, is the toilet with a handle on the left (used by [D687] to attach his t-shirt). Next to this and in the middle facing the door is the basin. To the right is the wall facing the toilet where the DCOs stood

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talking to [D687] The toilet area was four steps across (toilet wall to wall facing where DCOs stood) and three steps wide (door to basin wall). A full description of all the photographs is appended.

- 6.7.13 They also show the short walk from the DWA to DR and the alcove where [D687] [D687] was sat, directly opposite the DR desk.

6.8 Documents

6.8.1 Brook House IRC Documents

- 6.8.2 The full ACDT was provided by the Verne. It was opened on 05 May 2017 at 14:50 hrs with a Concern and Keep Safe Form completed by Ms B Kosla-Rule after [D687] [D687] had threatened to self harm. DCM Roffey completed the Immediate Action Plan at 15:50 hrs and [D687] [D687] was placed on hourly observations until the Assessment Interview by DCM C Francis on 06 May 2017 and the Action Following Assessment at 14:15 hrs that day when [D687] [D687] was placed on one observation every three hours during the day and one every two hours at night. It was noted he 'appeared under the influence of a substance.' [D687] [D687] had seen the RMN and was due to see Welfare. [D687] [D687] had said he was speaking to the Samaritans. He was referred to the RAPT team.

- 6.8.3 On 08 May 2017, the next case review took place. There was a note on his observations from Ms Kosla-Rule that [D687] [D687]'s mood had changed and he 'appears to speak with her openly and stated he wouldn't do anything.' The observation level remained the same.

- 6.8.4 The observations showed that on 06 May 2017, [D687] [D687] had said he was 'pissed off with the way healthcare were treating him and they are not helping him. He's not sleeping at night.' He was then noted as 'appeared under the influence' later that night. He made another self harm threat to the HO officer who served him with his IS.151F EO Tyler on 09 May 2017. [D687] [D687] was noted as 'under the influence' on 11 May 2017. On 12 May 2017, DCM Eggleton noted two late observations and that staff should refer to front cover at handover. He checked the following day, showing follow up to the issue. He made comment so it is assumed he was content that his actions had been followed.

- 6.8.5 On 12 May 2017, the final Case Review before the self harm attempt occurred. [D687] [D687]'s observations were changed to one observation every three hours with one conversation during the day. Later that day, he was recorded as 'under the influence of NPS.'

- 6.8.6 On 13 May 2017, the day of the self harm attempt, [D687] [D687] had been observed last at 12:05 hrs 'smoking in the corner of A wing 1st floor with a group of people.' His next observation was due in three hours at 15:05 hrs. At 13:52 hrs, DCM Farrell noted that 'force was used to move [D687] [D687] from the waiting room in reception where he attempted to tie his tshirt as a ligature to stop his move to another centre. The ligature was cut off and force was used to relocate and handover to escorts.'

- 6.8.7 A Record of Case Review was conducted at 14:00 hrs in the reception area. The

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case manager S Povey was unavailable. DCM Donnelly and DCM Farrell attended with [D687]. This stated that the t-shirt was 'cut off the rail when he was sitting on the toilet. Force was then used to relocate him to reception and handed over to Tascor...He has been seen by healthcare and cleared for travel. Observations are now set at 4 observations an hour.'

- 6.8.8 The Injuries Sustained & Healthcare Involvement form was completed by Nurse Emily Parr. She was not present throughout the incident. She saw [D687] post event and said that there were no injuries from the use of force. The Report of Injury to Detainee form was completed by Dave Aldis. It stated the incident occurred at 13:54 hrs on 13 May 2017 in the Detainee Discharge Waiting Room. It was reported by D Haughton and witnessed by S Farrell. Under nature of injury it states 'slight red marks on neck.' This was sustained by 'use of force to prevent self harm and to present to Tascor escorts.' On the reverse the Healthcare's report was dated 13 May 2017 but not timed it stated 'minimal force used, refused to show hands / arms, slight red mark on neck. No other physical health issues when seen.' It was signed by E Parr.

6.8.9 Tascor Documents

- 6.8.10 The ICE Route Timing Record showed that [D687] was picked up at 14:40 hrs with another detainee and arrived at the Verne at 18:45 hrs.. The PER showed [D687] [D687] was handed over to Tascor at 13:40 hrs and they departed Brook House IRC at 14:40 hrs. This handover must have been on paper only, given the use of force had not taken place and [D687] physically brought to reception until 13:57:08 hrs. The delay from handover to leaving the centre was, according to DCO Kellaway the time taken to 'de-escalate the situation and bring him down to a calmed demeanour so we could speak with him and brief him about what was happening to him regards our journey in a rational manner.' He had been in an 'agitated and heightened demeanour when he first spoke to us.'

- 6.8.11 The ACDT observations continued with Tascor. At 14:40 hrs, it was noted that [D687] [D687] was transferred to Tascor care and walked to the vehicle. They conducted observations every fifteen minutes. There was no note of any injuries being discussed.

- 6.8.12 [D687] arrived at the Verne IRC at 18:32 hrs and saw the nurse at 20:00 hrs. At 20:35 hrs he had refused to go with the escorts to hospital. He was taken in restraints and seen by the doctor in A & E at 22:30 hrs and returned to the Verne IRC at 23:07 hrs. He was placed on constant supervision and given Paracetamol at 00:06 hrs on 14 May 2017. These 15 minutes observations continued until 11:15 hrs and a case review that changed his observations to two every hour. He saw the doctor on 15 May 2017 and then spoke about taking his own life. He was seen by the mental health team on 16 May 2017 and his mood was noted as improved. He was taken off the ACDT on 25 May 2017.

6.8.13 Brook House IRC Security Records

- 6.8.14 Brook House IRC provided the DAT Record and Record of all Incident Reports (IR) and Security Incident Reports (SIR). These noted the entry on 29 October 2015 by

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SC Harris regarding the sexual offences noted on [D687]'s prison file and the note by DCM Timms on 06 July 2016 stating [D687] was allowed to use the cultural kitchen as 'there was no conviction for sexual assault.'

- 6.8.15 There was a note on 04 June 2016 that [D687] had made indirect threats to DCO M Talaska during a hospital escort when a small wrap with 'an unknown substance' was found. On 05 June 2016, he was verbally abusive to DCO Marina Mansi calling her a "Fucking cunt and to fuck off, shut the fuck up and DCO did not need to lock his room after opening for serverly worker.. DCO stood ground and stated this was the rules and will not follow what others do [D687] stated no one but him shuts his room door.'
- 6.8.16 He was noted as being verbally abusive to DCO T Crepin on 22 July 2016. On 24 January 2017, DCO D Lunn noted [D687] was verbally aggressive when told not to queue jump saying he would 'do what he wants when he wants.' He ignored visits from GDWP on 25 January, 09 February and 05 April 2017. When asked why he was in IT room rather than his room by DCO Spark he became 'very hostile and aggressive towards myself stating that I was picking on him and making accusations.'
- 6.8.17 On 07 March 2017, DCO G Mehraa noted that [D687] had been 'verbal' and 'started abusing Dalia came and took him through the door.' On 06 April 2017, DCO H Williams noted that he 'appeared under the influence of drugs and the room smelled of Spice and was smoky' and on 14 April 2017, DCO B Judd said that [D687] threw a container of water at both officers DCO Nathan then shut and locked the door.'
- 6.8.18 The IR and SIR reports include theft of another detainees' ID card to obtain his credit at the shop (more than one occasion) and photocopies of passports / bank statements of a [D687] drugs – smell of Cannabis in room, under the influence, drugs found, adverse affect to NPS taken, threats to staff – DCOs C Tulley, M Mansi , threats to other detainees, throwing water over staff and being abusive and aggressive, sending threatening messages to staff, involvement in a passive protest, room searches – drugs, stolen ID cards and an improvised weapon (tin of beans in a sock).
- 6.8.19 Other Brook House IRC Documents
- 6.8.20 Brook House IRC provided a copy of the complaint dated 22 April 2016 regarding access to the cultural kitchen and the refusal dated 26 April 2016 by SM Dance-Jones. This was the same as provided by [D687]'s representatives.
- 6.8.21 Also provided was the only food petition received 21 April 2016 and responded to on 22 June 2016 by DCM James Begg. [D687]'s name was not on this petition. It is therefore assumed that he did not sign the petition as claimed.
- 6.8.22 Rosters for 13 May were provided. As well as details of all room searches conducted on [D687] in 2016 and 2017.
- 6.8.23 Home Office File Documents

- 6.8.24 The appeal determination of his dismissed asylum (return to Somalia) and ECHR Articles 2,3 and 8 (paragraph 5.3) and his Rule 35 decision (paragraph 5.4) and the refusal to allow a judicial review and the judge's finding (paragraph 5.5) are appended.
- 6.8.25 Notes on the HO system recorded an IS91RA Part C was received from Brook House IRC on 25 October 2015 stating [D687] refused to transfer to Brook House IRC from Dover. On 03 December 2015 that he had been placed on DC Rule 40 for theft; stealing from other detainees. On 30 May 2016, for 'being under the influence of an unknown substance. He was monitored by healthcare staff and did not require further treatment.' [D687] was part of a peaceful protest about immigration issues on 30 May 2016. On 19 February 2017, he refused to transfer to the Verne IRC.
- 6.8.26 There was a note about the threat to self harm by EO Smith dated 27 April 2017, followed by a Part C from DCM Roffey regarding his self harm threat to the RAPT team and the ACDT being opened on 05 May 2017. There was a note dated 09 May 2017 from EO Nicole Tyler that corresponds with the note on [D687]'s ACDT. A Part C was received from 'Tomkins at B/H; requesting a possible transfer to another site as he has been under the influence of potential drugs several times a day on numerous days and would like to try and break the cycle with their associates.' On 12 May 2017, Deputy Immigration Manager Simon Levett, Brook House IRC requested DEPMU provide a suitable crew to move [D687] given his February 2017 refusal to move to the Verne.
- 6.8.27 On 13 May 2017, there was another IS91 RA Part C that [D687] had 'left Brook House IRC on open ACDT for the Verne IRC. Force required (spontaneous) to effect the suitable crew move. [D687] had placed a ligature round his neck in the discharge waiting room toilet to prevent his move. ACDT reviewed 4 obs per hour pending review on arrival at the Verne.' By 20 June 2017, the Verne were reporting [D687] as under the influence of an illicit substance and aggression. HO records also showed reports from the Verne of [D687] being aggressive and inappropriate to staff. His behaviour continued the same in the Verne as in Brook House IRC.
- 6.8.28 Given the latest PNC provided by the representatives was 2013, and the prison file was inaccessible, an up to date PNC was obtained. This showed that on 02 December 2009, [D687] [Sensitive/Irrelevant] [Sensitive/Irrelevant] On 24 May 2010, he pleaded guilty and was sentenced to imprisonment for [Sensitive/Irrelevant] at Harrow Crown Court for [Sensitive/Irrelevant].

7. CONSIDERATION OF EVIDENCE AND CONCLUSIONS

- 7.1 **Allegation 1: that Brook House IRC detention officers in general and specifically Detainee Custody Officers (DCO) Marina Mansi, Luke Instone-Brewer, Babatude Fagbo and Detainee Custody Manager Steve Webb were verbally and racially abusive towards [D687] and during an incident in his room a DCO pushed [D687] into his room.**

- 7.1.1 [D687] made allegations against all the officers on C and then A Wing but was unable to provide any evidence of dates, times or descriptions of the white male detention officers who had told him and all the detainees to *"get out of the fucking country."* He was unable to describe the officer who had accused him of *"taking the piss out of our country. Fuck off back to your own country"* or those who would *"provoke you to get you so they can restrain you and take you to the block."* When he did provide descriptions these white male officers had become a ginger haired white male DCO, a black male DCO and a black female DCO. Whilst these were not the white male DCOs previously mentioned, harming [D687] credibility further, the two male officers had been officers on the Wings and had both left Brook House IRC. DCO Fagbo was dismissed for inappropriate conduct with a detainee in October 2017 (heated exchange and waving hand movement) and post the Panorama programme. DCO Instone-Brewer resigned. Neither had been dismissed for verbal or racist abuse. Neither had worked on both C and A Wings.
- 7.1.2 Given [D687] was in Brook House IRC from October 2015 to November 2017, I was quite surprised that if he had been receiving this repeated verbal and racial abuse that he had not obtained the names of the officers from the officers themselves or from the residential managers of these wings. He had used the DCF 9 complaints form early in his detention at Brook House IRC in April 2016. He understood that these were sent to the HO to look at independently and yet had not complained of this verbal and racial abuse at the time. The first time this was raised was through his solicitor in October 2017. [D687] had had a solicitor throughout his time in Brook House IRC as his immigration history and appearances in the Immigration and Asylum Tribunal (IAT) attest. The evidence suggested that [D687] had had ample opportunities available to him to complain about this treatment but had chosen not to do so.
- 7.1.3 Nevertheless, whilst speaking to DCOs, DCMs, Healthcare and Forward Trust staff (RAPT) across investigations at Brook House IRC, I used the opportunity to ask what verbal and racist abuse they had witnessed by DCOs on the wings in general towards detainees and officers provoking detainees so they could use force on them. None had witnessed this and some officers and Healthcare staff were keen to point out that the word racist was one not understood by detainees in some cases but used to gain maximum impact and their own way if an officer or any staff member said no to a detainee's request. This had become more prolific since the airing of the Panorama programme in September 2017. All the DCOs were clear that the last thing they wanted to do was provoke a detainee. Given staff ratios of 2 or 3:140 their aim was to keep the detainees calm, as not to do so could cause a riot.
- 7.1.4 Turning to the specific officers named by [D687] he said that DCM Webb would 'regularly swear at me, call me a prick and tell me to go back to my own country.' He was unable to give specific dates and times but said that it was regular. DCM Webb left G4S following his disciplinary hearing after being implicated in the Panorama footage. At his hearing, he had admitted to making three inappropriate comments to a detainee as shown in this footage. He did not respond to a request to be involved in this investigation. There was no previous history of any misconduct issues and whilst there had been two previous complaints of excessive use of force and aggression, these were unsubstantiated.

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- 7.1.5 [D687] said that it had been a male DCO who had provoked him to be abusive and then used this in a monthly report in June 2016 which ultimately featured in a bail refusal. In interview, he was inconsistent and said this had been a female. I have given him the benefit of the doubt about this inconsistency and gone on to look at his allegation against DCO Mansi, identified from his description and name Maria (she is actually called Marina but she recalled the incident) in interview.
- 7.1.6 Her evidence was that it was [D687] and not her who had been verbally abusive. She denied that she had sworn at [D687] and told him *"to fucking bang up or else."* She denied that she had said *"fuck off back to your country"* and said she would not given she was *"Sudanese...I could be in the same position, someone saying fuck off back to your own country...my primary aim was to assist those there in need..."*
- 7.1.7 DCO Mansi had completed a SIR on the same day as the incident (05 June 2016) and this supported her version of events. It said as she had unlocked [D687] the second time and for lunch he had called her 'a fucking cunt and telling me to fuck off and shut the fuck up and why did I have to lock his room after his roommate left. I explained this is what's supposed to happen and he said no-one but me shuts my door. I told him I don't care what the others do and he shouldn't speak to me like that and he should just walk away and carry on down the stairs and I told him not to tell me how to do my job. All the meantime he is telling me to fuck off and shut the fuck up.'
- 7.1.8 Looking at his DAT records for Brook House IRC, these show that at this time and throughout his time at Brook House IRC it was [D687] who was verbally abusive to officers and not the other way around (paragraphs 6.9.2-6.9.4). Referring to the IR and SIR records (paragraph 6.9.5) [D687] was using Cannabis and Spice and had already made a threat to an escorting DCO the day before when a search had found some substance on him. He had then had an adverse reaction to NPS (Spice) and a medical response had been called. He had been told on 05 June 2016 that he could not work and had made a threat about that. The next entry was the abusive language to DCO Mansi, who gave a credible account of this in her evidence at interview.
- 7.1.9 [D687]'s allegation that a DCO pushed him 'very hard' during a room search a year ago, two years ago or early 2017 changed in his last instruction to his representatives to November 2016 and the room search was not a room search and had been a response when two white male DCOs had found [D687] roommate [D343] intoxicated on hooch. [D343] was no longer in Somalia, as stated in interview and was now in Heathrow IRC. I found all the internal inconsistencies in [D687]'s account further damaged his credibility. Nevertheless, for completeness checks for such an incident were requested. Brook House IRC checked all IRs and SIRs for November and December 2016 and found no such incident had been reported. Healthcare checked and had no record of a medical call to [D343] or your room in November 2016. Given [D687] said these two DCOs had called for assistance and four other DCOs had attended, I am satisfied that if this had occurred then one of these staff would have reported it. Given the inconsistencies regarding this account, I have found there is no evidence to support this occurred.

- 7.1.10 I have considered the inconsistent evidence of [D687]. In his initial evidence he was unable to identify the white male officers on C and then A Wing through two witness statements and an interview. Yet over a month and a half after these and nine months after leaving Brook House IRC he is able to identify another three officers. Added to that the white male officers have now become two black / Sudanese females and a black male officer. He then mentioned an officer named in another of these investigations and another officer who was dismissed post the Panorama programme. He mentioned DCM Webb being present at a use of force incident that he was not. In interview he had said that he was aware of the officers who had lost their jobs after the Panorama programme. He was unable to provide dates or specific incidents, so that checks could be made to see if the officers were on duty. I have weighed this with the fact that two of the officers mentioned, DCM Webb and DCO Fagbo, were dismissed following the Panorama programme and whilst I am not saying that these officers were not inappropriate towards detainees in general there is insufficient evidence available that they were verbally abusive to [D687] as he claimed. In addition, DCO Fagbo had never been rostered to work on the two Wings (C and A) where [D687] said the verbal and racist abuse had taken place. DCO Instone-Brewer had worked on C and not A Wing so would have been unable to continue the verbal and racist abuse as alleged by [D687].
- 7.1.11 On the evidence and to a balance of probabilities, it was [D687] who was abusive to staff and there was no evidence to support his allegation that DCO Mansi or any C or A wing officers had been verbally, racially or physically abusive to him whilst he was in Brook House IRC. The complaint allegation that Brook House IRC detention officers in general and specifically DCOs Marina Mansi, Luke Instone-Brewer, Babtunde Fagbo and DCM Webb were verbally and racially abusive towards [D687] and during an incident in his room a DCO pushed [D687] into his room so he hit his back on the wall is **unsubstantiated**.
- 7.2 Allegation 2: that after signing a petition about food in 2016, [D687] suffered reprisals from the DCOs.**
- 7.2.1 [D687] said that the petition he had signed in 2016 had been about a DCO using the same fork for the Halal food as well as the pork. As a result he had suffered verbal abuse and was treated less well. He was unable to identify which officers had mistreated him.
- 7.2.2 Brook House IRC provided the only petition relating to food in 2016 that was dated 21 April 2016. [D687]'s name was not included as a signatory of this petition.
- 7.2.3 On the evidence and to a balance of probability, there was no evidence to support [D687]'s account that he signed a petition therefore the rest of this allegation about DCO reprisals falls away. The allegation that after signing a petition about food in 2016 [D687] suffered reprisals from DCOs is **unsubstantiated**.
- 7.3 Allegation 3: That incorrect information was provided in a complaint response from G4S on 26 April 2016 that suggested [D687] had convictions for sexual assault when he did not and that this false information was passed to detainees by DCOs and specifically DCO Marina Mansi, and [D687]**

suffered reprisals from detainees because of this.

- 7.3.1 [D687] first raised this allegation during his interview. He could not name the officers who had been spreading this misinformation about sexual offences but provided details of the reprisals he had suffered by detainees who said they had been told he had sexual offence by the DCOs. He was adamant and angry at interview saying he had no convictions for sexual assault and Brook House IRC should not have said that he did in his response to a complaint about being unable to access the cultural kitchen. Post interview, [D687] provided his PNC dated 20 September 2013 and said this was evidence that the sexual assault referred to in the complaint response letter provided by SM Dance-Jones was incorrect.
- 7.3.2 He said that Director Michelle had spoken to the officers and told them that they should not share information and had told him to obtain a print out of his convictions and show this to the other detainees to prove he had no sexual offences.
- 7.3.3 Three G4S staff had reviewed his prison file and each was consistent that there was mention of a sexual assault and this had been included on his DAT record so that Brook House IRC could make accurate risk assessments and because the catering contracting staff were predominantly female and would be locked in with the detainees.
- 7.3.4 HOS Brown said that she had seen mention of a “digital penetration” and whilst there was no conviction the prison file said risk to women and children. She said that she had no discussion with [D687] about his convictions or staff or detainees sharing this information.
- 7.3.5 The up to date PNC check showed that [D687] was charged with the offence of [Sensitive/Irrelevant] on 02 December 2009. He pleaded guilty to this at Harrow Crown Court on 24 May 2010 and was imprisoned for [Sensitive/Irrelevant] for [Sensitive/Irrelevant]. This latter entry was on the PNC submitted by [D687] via his representatives but the detail of the offence was not. The [Sensitive/Irrelevant] [Sensitive/Irrelevant] and [D687] was convicted on this. He did have a conviction for [Sensitive/Irrelevant].
- 7.3.6 DCO Mansi said that she had been unaware of [D687]’s prison file or any mention he had had any sexual offences. She was adamant she would not have disclosed this to detainees in any case. She said that the information on DAT was confidential and all officers were aware of this.
- 7.3.7 It is unclear why [D687] was so upset about the allegation of sexual assault being mentioned in his cultural kitchen decision. The fact was his full PNC showed that he did have [Sensitive/Irrelevant] and this was in relation to a [Sensitive/Irrelevant] [Sensitive/Irrelevant] [Sensitive/Irrelevant]. Given this lie, on the evidence now the second direct lie, his allegation against officers, specifically DCO Mansi, spreading misinformation falls away as does his credibility.
- 7.3.8 On the evidence and to a balance of probabilities, the complaint allegation that

incorrect information was provided in a complaint response from G4S on 26 April 2016 that suggested [D687] had convictions for sexual assault when he did not and this false information was passed to detainees by DCOs and specifically DCO Marina Mansi and [D687] suffered reprisals from detainees because of this is **unsubstantiated**.

7.4 Allegation 4: that the provision of mental health treatment in Brook House IRC fell short of expected standards.

- 7.4.1 [D687]'s medical records were consistent across prison and detention establishments that whilst he had raised mental health concerns, none had assessed [D687] as having any long term mental ill health issues. When he received mental health support this seemed to be linked to life-changing events; moving into immigration detention in 2012; sentencing in 2014; attempted move / funeral of his brother in February 2017 and the use of the mind changing drug Spice in April 2017, alongside a refusal to be released with his Rule 35 outcome on 27 April 2017. The first time he made a threat to self harm whilst in Brook House IRC was to EO Vanessa Smith, a member of HO staff who was serving [D687] with his R35 decision and his monthly detention update. I was concerned that she had not opened an ACDT, given the following week and a similar threat another member of staff had.
- 7.4.2 EO Smith's evidence for not putting [D687] on an ACDT was she had considered his mood and body language and assessed he was just saying it through frustration. She had tried to calm him down by explaining the immigration process. She had not been so concerned as to open an ACDT but had told G4S and Immigration managers and believed that G4S managers had spoken to [D687] G4S had not put him on an ACDT, so she assumed [D687] had calmed down.
- 7.4.3 EO Smith said that if [D687] had said these comments after receiving removal directions and not just a detention / immigration update, then she would have been more concerned he would do something to prevent his removal. She had not realised the implications of the Rule 35 decision. EO Smith had not monitored whether G4S or Immigration Managers had spoken to [D687] and had relied on her note on the HO database to alert the caseowner.
- 7.4.4 DSO 06/2008 ACDTs states that 'suicide and self-harm prevention is the responsibility of all staff and that an ACDT Plan must be opened whenever any member of staff believes a detainee is at risk.' Whilst EO Smith said that she had not believed he was at risk, I was not satisfied with this because her actions referring to managers suggested otherwise. Taking advice from CM Griffin, he said that an ACDT should be opened whenever a threat was made as it was not up to the individual to judge the seriousness of the threat and the information in the ACDT should be first hand.
- 7.4.5 Checks with SCM Beggs showed that EO Smith had had the ACDT training in early 2017 (a few months before the self harm threat was made to her). The training informed her that she should open an ACDT where she was concerned a detainee was at risk from self harm or suicide. She had expressed concern about [D687] being at risk of self harm or suicide, given she referred her concerns to G4S and

Immigration managers.

- 7.4.6 Indeed the actions of one of her colleagues, Nicole Tyler, highlighted EO Smith should have opened the ACDT herself given EO Tyler's first response on [D687]. [D687]'s self harm threat was to open one on 09 May 2017 but she found one was already open. EO Smith did not follow her training and she should have opened an ACDT, as it was her responsibility to do so and her training would have re-enforced this. Instead she left this responsibility to others who also appear to have taken no action. There was a full nine days before [D687] made the threat again. In that time, he was unsupervised or supported and may have followed through on his threat. A recommendation has been made about EO Smith and regarding staff training for HO staff as this appears to be adhoc and not monitored. The DSO and the internal centres' interpretations should be reviewed by Detention Services to ensure they are the same.
- 7.4.7 The medical records showed [D687] had used Spice in all three of the detention centres he had been held in. Dover – 24 August 2015, Brook House IRC 29 May 2016, 11 April, 04 June 2017 and the Verne (post antidepressants) 20 June, 13, 15, 20 and 30 August 2017. So the issue of drugs in Brook House IRC was not restricted to this centre alone and was a problem across the estate. Ms Kosla-Rule was a RAPT now Forward Trust worker in the centre. She said that if a detainee was taking Spice regularly then there were certain medications that they could not have and if they were on some and they took Spice then they were removed from medication until they stopped taking Spice. Medications did not react well with Spice and could cause more mental and psychological problems in the long run. She said that [D687] would have been told that at the time but may not have understood if he was under the influence. This evidence provided one reason why [D687] had not been placed on anti-depressants.
- 7.4.8 However, none of the establishments had assessed [D687] as needing anti-depressant medication as part of the mental health support he was receiving until referred to the doctor by MHN Churcher in May 2017, whilst at Brook House IRC and after his threat to self harm. The evidence showed each establishment was assisting with self management techniques, which [D687] either did not engage with or was not engaging with the process as one of the group. The care appears consistent and it is questionable why [D687] was focused on receiving medication, even going so far as to suggest the previous establishment had provided this when it had not. Whilst medication had been suggested at Brook House IRC, [D687] had not seen the doctor for it to be prescribed and did not attend one of the appointments to be assessed by the doctor (10 May 2017).
- 7.4.9 [D687] had a history of not attending his appointments dating back to January 2011 and his time in prison. His reason why the mental health care was inadequate at Brook House IRC was because he was not prescribed medication. The evidence showed that this was not just at Brook House IRC and was across both prison and detention estates. This was a clinical judgement which this report cannot comment on, but the evidence showed it was not thought necessary at the time and he was being managed during specific episodes with counselling support rather than medication.

- 7.4.10 [D687] said that this counselling was not regular and suggested it should be once a week and not once a fortnight. However, his records showed that he failed to attend the appointments that were arranged for him with a mental health nurse (MHN) on 25 February or 01 March 2017. He attended the one on 07 March 2017, with MHN Daliah Dowd and this was the appointment he disclosed rape by a family member. The notes recorded [D687] had told the MHN he had not attended the previous appointment as he was 'afraid of talking to anyone...said he wanted to talk to someone about his problem...denied suicide or self harm ideation.' He said he found it hard to sleep sometimes but the gym helped.'
- 7.4.11 From these notes, the evidence suggests that he had told the MHN that he wanted to talk to someone and the not sleeping could be helped by the gym. He was referred to the Victim Awareness group amongst other things i.e. where he could talk about his abuse as he had requested. This was his first interaction with the mental health team.
- 7.4.12 He did not attend the next three MHN appointments and refused assistance from the RAPT team on 15 March 2017. He met with the Gatwick Detainee Welfare Group (GDWG) on 11 April 2017 for a session on harm minimisation. His witness statement suggested Anne from GDWG was very supportive in their weekly meetings but DAT recorded on 25 January 2017 that [D687] had ignored her visit then and 'several times.' On 09 February and 05 April 2017 it recorded again that an officer had gone for [D687] but he had refused to see GDWP again.
- 7.4.13 [D687] requested a Rule 35 assessment on 13 April 2017 and was seen by the doctor for this on 15 April 2017. Two days later. This was the first time he said he had 'started hearing voices and had difficulty sleeping. He was seen by a male MHN (not a female as suggested in his witness statement) on 16 April 2017 and suggested he was feeling better but would attend the Relaxation Group (sleep) and Emotional Health Group (the abuse). He was to be followed up after this. He did not attend. When he did attend one, the Occupational Therapist said his focus was his immigration. When he did threaten self harm and after not accessing the support offered he was referred to the doctor for a mild anti-depressant. He did not attend the doctor's appointment.
- 7.4.14 Whilst speaking with DCOs, DCMs, Healthcare and Forward Trust staff across the investigations, no-one has raised any concerns about the treatment for mental health in Brook House IRC. DCO Mansi made a suggestion that better monitoring for missed appointments and basic counselling training for DCOs would assist detainees to have the opportunity to talk to someone. Healthcare Clinical Lead Sandra Calver provided an overview of healthcare services and this is appended. Nurse Sihlali provided the same overview during her interview.
- 7.4.15 The evidence showed it was [D687] refusing to accept opportunities to speak to clinical and support workers after requesting this, missing mental health and GP appointments, rather than support not being made available to him as he alleged. The support he received was consistent across establishments. On the evidence and to a balance of probabilities the allegation that the mental health care provided to [D687] fell short of expected standards is **unsubstantiated**. Brook House IRC offered support with his mental health care as [D687] disclosed what

support he needed but he did not attend this support or appointments.

7.5 Allegation 5: that officers used excessive force when restraining [D687] in the toilet area of the DWA on 13 May 2017 to prevent [D687] from committing suicide as featured on the BBC Panorama documentary.

7.5.1 All the evidence showed that on 13 May 2017, whilst in the toilet area of the DWA, [D687] used his white t-shirt to create a ligature that he then wrapped around his neck and the handle beside the toilet (photo 1). He then threatened to hang himself in front of officers and managers and refused to leave the area for his move with a suitable Tascor crew to the Verne IRC. Officers used force to remove the ligature and move him to the DR (photo 2) where Tascor were waiting to collect him. He was searched, left with Tascor and on arriving at the Verne IRC was sent to hospital complaining of 'severe pain in left side, reports he was restrained and is struggling when he breathes, he is getting a sharp pain in ribcage.' [D687] was diagnosed with a left chest contusion and officers told the Verne IRC healthcare his left ribs were bruised.

7.5.2 [D687] said that he had not wanted to leave Brook House IRC because it was near to his family, based in London and because he had a friend Anne from GDWG who offered him weekly support. Evidence has already shown that [D687] was actually refusing to meet with GDWG so it was unlikely he was receiving that weekly support (paragraph 7.4.12). Given his complaints about the verbal and racial abuse and inadequate mental healthcare one would have expected him to be pleased about being moved rather than resisting it. However, given previous findings on these were unsubstantiated perhaps not.

7.5.3 I have looked at his previous detention history and this evidenced that whenever [D687] was asked to move he refused, stating wherever he was going was not close enough for him to have family visits; Dover to Brook House IRCs on 25 October 2015 and Brook House to the Verne IRCs on 19 February 2017. It is questionable how this could apply in Dover and Brook House IRCs, given they were a distance apart. On the evidence, it is not accepted that his move would jeopardise visits and support from his family and GDWG.

7.5.4 [D687] said that he had refused to move on 19 February 2017 because he wanted to attend his brother's funeral. He was inconsistent about the date of his brother's death in interview (January or February 2017 and then 23 December 2016). The HO database showed that he had applied for temporary release to attend his brother's funeral on 21 December 2016, saying his brother had passed away the previous week, which was sometime between 12-18 December 2016 and not 23 December 2016 as stated in interview. On the evidence, it was not accepted that his refusal to move in February 2017 was because he wished to attend his brother's funeral.

7.5.5 On the evidence, I was satisfied that [D687] wished to frustrate any moves, even moves between centres. He said that he had attempted to hang himself because of what had been happening in Brook House IRC with the verbal and racial abuse, his inadequate mental health treatment and his frustration about being kept in immigration detention for 18 months. He had had enough and it was not about

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moving centres, he wanted to die in the toilet area. However, the findings on each of these areas has been unsubstantiated and indeed the evidence from DAT and IR /SIR records was that the verbal abuse was by [D687] towards staff, this was various staff and this continued in the Verne IRC.

- 7.5.6 Regarding his detention, the HO database showed that the caseworker was following the correct procedures and completing the correct detention paperwork. They were informing [D687] of progress in each monthly update, which [D687] [D687] frequently refused to attend so this was sent to him in his room at his request. Paragraph 5.5 notes that His Honour Judge Barker QC sitting in the High Court of Justice refused permission for a judicial review and found 'The length of [D687] detention is very largely a reflection of his efforts to resist deportation...the decision to detain and deport [D687] was unquestionably lawful.'
- 7.5.7 [D687] attempted to embellish his account that the use of force was excessive. He said that he had been left waiting in the DWA for more than 30 minutes so had gone into the toilet area and cut his t-shirt into strips and wrapped it around the handle in the toilet. The Panorama footage showed the t-shirt and this was not cut into strips, or torn into strips and these tied together, like a ligature as suggested by [D687]. It was questionable how [D687] had access to cut the t-shirt and perhaps this was why his account changed between interview and final witness statement, from cut to torn, however the Panorama footage was clear on this aspect. The t-shirt had been wrapped around his neck and the handle but it was complete and not rope-like. It was held by [D687] on the highest point of the handle.
- 7.5.8 [D687] was internally inconsistent across his accounts. He said that he had tried to hang himself before officers arrived but when challenged with the Panorama footage showing he was threatening to and not that he had already attempted, he changed his account to he had been thinking about it and wanted to pray and smoke a cigarette before doing it. He was inconsistent about his attempt to hang himself. The officers who had seen [D687] said that it was a cry for help and he did not want to move. On the evidence and to balance of probabilities, I find that [D687] [D687] was trying to frustrate his move on 13 May 2017 as he had done previously.
- 7.5.9 He said that the toilet door had been locked and officers had 'broken down the door...' *"kicked down the door...kicked it open"* and then used force on him straight away. When challenged with the Panorama footage showing officers in the room negotiating with him and no-one kicking open the door, he changed his account again and said that Callum (DCO Tulley) had opened the door, it had been unlocked and Callum and another officer had been negotiating with him, trying to stop him from hanging himself. Whilst at Brook IRC I also checked the door and this opens out and not into the toilet area. It could not be kicked or broken down. [D687] s account of how officers entered the room and instigated force was inconsistent.
- 7.5.10 [D687] said several officers had stormed into the room...six officers including a senior officer called Nathan...the officer called Steve...Callum.' The descriptions of the officers were Nathan Ring and Steve Webb, two officers who had been featured elsewhere on the Panorama footage and had since left Brook House IRC. Rosters showed neither working on 13 May 2017. CCTV of just outside the room showed

neither present in the vicinity of the toilet area. None of the six officers interviewed saw DCMs Ring or Webb present. When challenged about this, [D687] changed his account (paragraphs 6.1.27-6.1.29). The evidence suggested that by adding these two officers to the excessive use of force claim that [D687] had thought to bolster the claim it was excessive, given these two officers' other actions in the Panorama footage. Unfortunately, given this was a completely false assertion this has seriously affected [D687]'s credibility.

- 7.5.11 His account continued to be inconsistent in respect of how the t-shirt was removed from being cut to it being dragged off as he was dragged along the floor with it (paragraph 6.1.25). The kick in the ribs changed to a punch. The officer sat on his back had been Steve, who was not present. The officer who told him to "fuck off back to your own country" was Nathan or Steve (both not present) and then this changed to someone (paragraph 6.1.29).
- 7.5.12 [D687] said he had told the nurse his chest and ribs hurt and he could not breathe properly and then said he had told the nurse to go away. When challenged he gave a version of them both (paragraphs 6.1.30-6.1.31) and also said he had told Tascor officers that he could not breathe and his rib was hurting and was told he would be checked at the Verne IRC. None of those present at Brook House IRC; officers, nurse nor Tascor officers recalled [D687] saying he had any injuries. None of the contemporaneous documents showed any injuries (PER, Healthcare Report, Report of Injury to Detainee) at the point [D687] left Brook House IRC. All present said that if [D687] had claimed these injuries that he would have received medical treatment and this would have been documented. On the evidence and to a balance of probabilities, I find that [D687] did not tell staff that he was struggling to breathe or his chest or ribs hurt post the use of force and whilst at Brook House IRC.
- 7.5.13 Whilst I have not found [D687]'s account of what happened credible in any aspect other than force was used on him to remove him from the toilet area and prevent his hanging himself, I have gone on to look at whether the force used by officers on 13 May 2017 was excessive as alleged.
- 7.5.14 [D687] had been identified as an Adult at Risk in his Rule 35 decision dated 26 April 2017 and the affects of continued detention had been assessed and concluded that he should remain detained. He had been assessed following DSO 08/2006 Management of Adults at Risk in Detention 'on the basis of the available evidence, the Home Office case owner will reach a view on whether a particular individual should be regarded as being "at risk". If so, the presumption will be that the individual will not be detained.' Brook House IRC had followed DSO 09/2016 Detention centre Rule 35 'to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention. The information contained in the report needs to be considered by the caseworker and a decision made on whether the individual's continued detention is appropriate, or whether they should be released from detention.' The caseworker had considered the Rule 35 report.
- 7.5.15 He had also made a threat to self harm on two occasions and was placed on an ACDT on 05 May 2017 and eight days before his move to the Verne IRC. This

ACDT said that at the time of his move, he was on one observation every three hours...and had last been observed at 12:05 hrs. There would be no further need to observe until 15:05 hrs. In any case both Mr [D687] and DCO Martin said that they had spoken about the delay from [D687] being brought to the DWA (DD Haughton said this was 12:20 hrs) and the Tascor officers being ready to move [D687] [D687] (PER suggests 13:40 hrs but they had dropped off a detainee from the Verne at 12:40 hrs).

- 7.5.16 DCO Martin said that Tascor were late collecting [D687] yet the ICE Routes Timing Record showed they had been at Brook House IRC at 12:40 hrs dropping off a detainee from the Verne IRC. It is unknown why there was therefore an hour delay. However, they were collecting [D687] and another detainee for the return trip to the Verne IRC so it is reasonable to assume this or delays with the drop off were the reason for the delay.
- 7.5.17 DCO Martin had gone to collect [D687] and had raised the alarm when he had seen [D687] sat on the toilet with the t-shirt around his neck and attached to the toilet handle, smoking a cigarette and saying he would only leave in a body bag. He said he had had to "leg it out" and back to reception as his radio battery was on charge. He had called the control room for immediate assistance.
- 7.5.18 I was concerned he had not had the radio with him and had had to leave [D687] [D687] albeit only briefly. He said the radio batteries were not charging properly. I raised this with other reception officers, DD Haughton and HOS Brown and all said there were no issues with the batteries. I was provided with a copy of the Control Room diary and there were two Net Test Calls that day; one at 11:15 hrs and just prior to this incident. I was informed by HOS Brown that if a radio had been faulty then this would have been picked up. I was also advised that DCO Martin had not reported a faulty radio on a SIR and no faulty radios had been reported in May 2017. DCO Martin should have had a radio on his person and did not and there was no reason for this.
- 7.5.19 Tascor were present in the DR at this point, given they witnessed DCO Martin making the call for assistance and then returning to [D687]. It is assumed that DCOs Tulley and Bulled arrived first, given they were the first ones shown on the CCTV at 13:49:37 hrs and said so. Managers DD Haughton, DCMs Farrell and then Donnelly arrived within two minutes of the footage starting. According to DCO Martin this was five minutes after he had found [D687] initially.
- 7.5.20 [D687] the Panorama footage, CCTV and officers' consistent evidence was that they had all tried to speak to [D687] and request he remove the ligature and move with them to reception. They had tried to de-escalate the situation but no amount of talking was persuading [D687]. DD Haughton used an opportunity to light [D687]'s cigarette to remove the ligature and I have taken into account his explanation of the risk assessment he did. The evidence of all present (officers and [D687]) was that he had tried to prevent this being removed, had attempted to pull the ligature tight around his own throat as he had dropped to the floor. At this point DCOs Tulley and Martin had moved forward and force was instigated. It was in response to [D687]'s response to the removal of the ligature.

- 7.5.21 I have considered the reasons the officers provided why force was instigated; de-escalation had not worked; it was a legal move and [D687] was required to move with the suitable crew; he attempted to self harm and compared this with the policies on Use of Restraint for Escorted Moves (DSO 07/2016) and G4S Gatwick IRCs policy on Safeguarding.
- 7.5.22 Paragraph 3 of G4S' Safeguarding Policy states that safeguarding is about 'taking steps to ensure ...vulnerable adults are kept safe from harm. This includes protecting...vulnerable adults from harm from self (self-harm and suicide)... An adult is considered 'vulnerable' if they be a victim of torture...' [D687] had been identified as a victim of torture / adult at risk. Paragraph 6 of DSO 07/2016 states 'It may be necessary to restrain a detainee in order to...prevent harm to the public, detainees or staff, or to prevent damage to property. In addition a detainee may be restrained to prevent them from self-harming or obstructing their removal.'
- 7.5.23 There is also a Cut Down Protocol that states officers should 'remove the ligature as swiftly as possible' as this is 'crucial to ensuring the best possible chance of the individual surviving and avoiding long-term or permanent brain damage.' This and ACDT training is provided to all operational staff and refreshed annually. Each officer is provided with a cut down or fish knife tool to do this. DD Haughton had borrowed DCO Bulled's in case he needed it.
- 7.5.24 I was satisfied that whilst officers had felt this was more a cry for help and a means of preventing his move and by dropping from the toilet to the floor no harm could be done that they treated the self harm threat seriously and followed their training and guidance. They had tried to de-escalate the situation. They were entitled to use force to prevent self harm and suicide and to effect a legal move that was being obstructed. Force being used was therefore necessary.
- 7.5.25 Officers questioned why DEPMU had decided to move [D687] to the Verne IRC, however, there was a note on the HO database dated 12 May 2017 from DEPMU to Tascor that suggested it had been a request from Brook House IRC. It said 'Part C received from Tomkins at B/H:Requesting a possible transfer to another site as he has been under the influence of potential drugs several times a day on numerous days and would like to try and break the cycle with their associates.' Evidence from DAT and the IR /SIR reports evidenced that [D687] had been under the influence of Spice on a number of occasions just prior to the move. On the evidence, I was satisfied that the reason for the move had been in [D687]'s best interests.
- 7.5.26 At paragraph 9 of DSO 07/2016 it states that 'the use of any restraint must be reasonable, necessary and proportionate, and have regard to all relevant circumstances: restraints must only be used for the minimum amount of time.'
- 7.5.27 All the officers present both involved in the use of force and observing stated that none of the officers had sat on [D687] or purposely kicked or punched him in the ribs during the use of force. DCM Donnelly had applied the handcuffs but had observed the use of force to this point and described the force used as "*calm, reasonable use of force and no excessive violence; no-one lost their cool.*" DCO Bulled had been at the doorway observing and he said "*the officers had been trying*

to pull his arms out so he could be controlled in the small area...I had no concern with what was happening in the use of force. If I had seen anything I would have questioned this at the time..."

- 7.5.28 DCM Farrell had observed the use of force until taking over from DCO Tulley who had been struggling to get [D687]'s arm out from beneath him. He had had no concerns with the techniques being used by the officers on his arms (DCOs Martin and Tulley) and head (DD Haughton) whilst the ligature was removed. DD Haughton said the *"use of force was fairly quick. He didn't resist too much; moving around and moving arms away from officers...not extreme violence."* DCO Martin said *"he was not a difficult man to restrain. He did not put up much of a fight."*
- 7.5.29 All the officers described the techniques they had used and these were approved HO techniques based on their descriptions. They denied that they had pulled [D687] back by the nose or grabbed his neck, other than to lift the ligature off. They all said that they had not twisted his fingers, pushed his wrist back, kneed him in the ribs or sat on his back. They acknowledged that the wrist inflection / final lock might be felt on the wrist and finger / thumb but all said no pressure had been used or needed. The room had been small and narrow (4 steps by 3 steps – photos 3-5) and there had been four adult males in there with [D687] so this might have caused any rib injury accidentally and whilst trying to control [D687] who was none compliant at the time. Nurse Parr's evidence supported this. None had made the comments alleged.
- 7.5.30 All the officers said DCO Martin had the left arm and DCO Tulley the right but had struggled and DCM Farrell had taken over. DCO Tulley's report stated force used to control [D687]'s legs and made no mention of arm restraint. The reports were reviewed post incident and this should have been challenged at the time. Other than this, the officers were consistent in their interview evidence with the use of force reports and Incident Statements they had completed contemporaneously. They were consistent in their accounts of who used what force apart from DCO Tulley. I found the officers interviewed credible.
- 7.5.31 The Panorama footage did not show the use of force. Officers could be heard trying to de-escalate and someone said *"ok it's off. Right the ligature's away"* soon after all the officers moved forward and the footage ended. I was satisfied the footage ended because DCO Tulley had become involved in the use of force so was unable to continue covert filming. A major concern was that two managers had BWC on but had not activated this (DCMs Donnelly and Farrell) as this would have been overwhelming evidence of events in the toilet area.
- 7.5.32 DCM Donnelly said he could not remember why he had not switched his on. DCM Farrell said he could not remember if he had had a camera on the strap or was just wearing the strap. He said the cameras were small and there had only been a limited amount. He could not remember switching it on. The BWC policy said 'BWC shall be worn at all times whilst the Manager is on duty 24/7, unless an exception is granted by the G4S Duty Director...Staff should activate the BWC to record all contacts with detainees in the performance of official duties dealing with incidents and responding to alarm calls...use of force.' If it is not activated a record should be made of the reasons. A BWC recording should not be made in an area where

individuals have an expectation of privacy i.e. toilet.'

- 7.5.33 None of the officers said that they had not switched the camera on because of the latter, so it is reasonable to assume this was not a factor in their decision or lack of decision to switch the BWC on. The Use of Force report by DD Haughton stated BWC was used. Checks with Security at Brook House IRC stated that BWC were introduced by G4S at Brook House IRC in January 2016 for use by DCMs. The cameras were on general allocation and the use of BWCs was not enforced. The DEMs stand alone computer was used to log the use of the cameras and download and store the footage, however this broke down around mid 2016 and from that period onwards the use of BWCs was not recorded and monitored in a separate log. Instead the footage was downloaded by the security department if it related to a use of force or self harm incident, but there was no specific log to record what BWC footage existed. Any other footage was deleted as there was no method to retain it.
- 7.5.34 There are no records kept of which DCMs were issued with BWCs on any day nor records of who used them. In addition to the computer system not being available, some of the cameras stopped working and therefore the use of BWCs reduced. Whilst DCMs could use BWCs, the non-use of the cameras was not challenged in the way it would be under current policy. It would have been possible for a user to delete the camera footage by plugging it into a computer with a camera lead. Since October 2017 a new policy and new BWC equipment was introduced. All DCMs and DCOs have BWCs and are expected to use them for all incidents. This footage is retained in case of a future complaint or investigation. The non-use of a BWC will now be challenged by security staff.
- 7.5.35 Whilst an unsatisfactory response in relation to events on 13 May 2017, it does show these significant organisational failings in respect of BWC have now been addressed. It does not detract from the fact that the report said it was used, yet none is available.
- 7.5.36 The CCTV showed into the doorway only and not what was happening in the room. However, from the timings, the force lasted two minutes and happened after DD Haughton entered the toilet area with a cut down tool. Soon after a white t-shirt was thrown from the room, later removed to reception by DD Haughton and after his search [D687] was wearing a white t-shirt. Four officers were in the room during the use of force and DCM Donnelly then applied the handcuffs to the shape on the floor. He did not appear sat on the shape. DCO Martin could be seen and he was sat beside the shape on the floor. DCM Farrell could not be seen but no-one appeared atop of the shape on the floor; [D687] from what could be seen. None of the officers looked angry or upset and appeared calm as they moved [D687] to the DR. The handcuffs remained on for 15 minutes (whilst the timings on DD Haughton's report were an hour out, the CCTV supported the duration). None of the officers in the toilet area were the officer in a red top identified as DCM Webb, who [D687] said had sat on his back.
- 7.5.37 In considering whether the 'use of any restraint was reasonable, necessary and proportionate, and having regard to all relevant circumstances: restraints must only be used for the minimum amount of time,' I have found on the evidence and to a balance of probabilities that the restraint was reasonable, necessary and

proportionate.

- 7.5.38 It was reasonable in the circumstances because [D687] had a ligature around his neck and was threatening to kill himself and was obstructing his legitimate move to another centre. It was necessary to prevent his self harm and to facilitate his move. The force used was a proportionate response to his failure to remove the ligature and move to the DR after officers and managers had spent significant time trying to de-escalate the situation through negotiation. The techniques described were HO techniques. It was used in direct response to [D687] attempting to prevent removal of the ligature. He could have cooperated at any point but chose not to do so. The room area was small and the injury to his left rib could have occurred given he was resisting and officers were trying to control his arms. Nurse Parr stated in her witness statement that a bruised rib could be caused by 'knocking into a wall/door.' I do not find that there was any deliberate kick or punch to the left ribs.
- 7.5.39 The restraint was used for the minimum amount of time. Once HO techniques had been applied [D687] was stood and was escorted only to the DR. I was satisfied with the officers explanation why they held him in handcuffs in case he fell and with DCM Donnelly decision to move [D687] in handcuffs for his and the officers' safety to the DR.
- 7.5.40 I had some concern about [D687] then remaining in handcuffs to the rear whilst sat in the alcove. However, there was always an officer stood with him and just opposite at the desk (photo 6) and the evidence from Brook House IRC and Tascor officers was that he was still upset and agitated. I was satisfied that these were removed by DCM Donnelly once [D687] had calmed down sufficiently and after speaking with both Brook House IRC and Tascor staff.
- 7.5.41 I have considered the lack of credibility in [D687]'s account, the fact that two managers did not activate their BWCs, the credibility of the officers present and their consistent accounts with their contemporaneous reports and each other. I have taken into account one of these officers has left Brook House IRC and had no reason to collude, as suggested by [D687]. I have considered the experience of the officers as DCOs from three to nine years. Brook House IRC HRM Fernandes said that there were no disciplinary issues with any of the officers.
- 7.5.42 On the evidence and to a balance of probabilities, I have found that the complaint allegation that officers used excessive force when restraining [D687] in the toilet area of the DWA on 13 May 2017 to prevent [D687] from committing suicide as featured on the BBC Panorama documentary **unsubstantiated**. The force used was reasonable, necessary and proportionate, and had regard to the circumstances. The restraint was used for the minimum amount of time.

8. SUMMARY AND RECOMMENDATIONS

- 8.1 Whilst none of the complaint allegations made by [D687] have been substantiated there were organisational deficiencies across Brook House IRC and the Home Office that have either already been raised to HDO Gibson or are raised below as recommendations. These include learning for individual G4S and HO staff

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members and organisational learning for the Home office and G4S, including a change in Home office and G4S policy or policy to help prevent a recurrence of the incident investigated.

- 8.2 There were no specific areas of good practice that should be disseminated.
- 8.3 None of the G4S staff members interviewed as subjects had committed any disciplinary offences. Local and national policies / guidelines had been complied with, in the main.
- 8.4 The following recommendations arose during the course of the investigation:
 - 8.4.1 G4S: Training
 - 8.4.2 During the interviews with officers, concerns were raised about the lack of management training to support officers, dealing with detainees who had mental health issues or who threatened to self harm and support post officer physical abuse or witnessing a detainee self harm attempt. Mention was made of the Care Team but there was reticence to use this due to concerns about confidentiality.

Actions

- 8.4.3 Brook House IRC should consider putting in management training for managers both new to the role but also for all managers as professional development. If this already exists, this should be promoted to all managers.
- 8.4.4 Brook House IRC should consider basic training for DCOs in counselling techniques to enable them to be able to provide effective support to detainees with mental health issues and who make self harm / suicide threats.
- 8.4.5 Brook House IRC should review existing staff support systems for dealing with verbal and physical abuse towards staff and promote confidentiality of support, so staff feel confident using the support system.
- 8.4.6 Detention Operations: Policy and Procedure and Training
- 8.4.7 During the investigation it became apparent that the DSO 06/2008 on ACDTs was not in line with some local ACDT policies and training. The DSO states 'That suicide and self-harm prevention is the responsibility of all staff and that an ACDT Plan must be opened whenever any member of staff believes a detainee is at risk.' This is open to interpretation i.e. that it is the staff member's assessment of the threat that is made to them. The training at Brook House IRC is in line with this and says 'Any member of staff can open an ACDT. The process must be started where staff are concerned that a detainee is at risk of self harm or suicide.' Advice from the Contract Monitor Stephen Griffin (Harmondsworth) was that an ACDT should be opened for every self harm threat and it should be opened by the person to whom the threat has been raised.

Action

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- 8.4.8 Detention Operations should review DSO 06/2008 and the interpretation / training across the centres to ensure that this is consistent.
- 8.4.9 Detention Operations should ensure that HO staff are also receiving and being refreshed in the Safer Custody (now Introduction to Suicide and Self Harm) training, especially given this is changing.
- 8.4.10 Individual: Immigration Enforcement - EO Vanessa Smith - Training
- 8.4.11 EO Smith took the first self harm threat from [D687] eight days before an ACDT was opened by the RAPT team. She had been concerned enough to raise the self harm threat to G4S and Immigration Managers but had not followed up that they had spoken to [D687]. She did not open an ACDT and she should have done so because she had concerns about [D687]'s threat to self harm.

Action

- 8.4.12 EO Smith should be reminded of her responsibility for opening an ACDT if she is concerned about a detainee and not passing that responsibility on with no follow up. She should be following the DSO on ACDTs and not relying on manager's to advise her. She should also take responsibility for her own training records. She should not rely on a CID note. If a detainee makes a comment that should be flagged to the caseowner (as in this case) she should contact the caseowner directly and record this.
- 8.4.13 Individual and G4S – DD Daniel Haughton – Management and Supervisory
- 8.4.14 There were a number of errors on the DCF 2 – Use of Force report including incorrect timings, names of officers involved and where the move was to. He also stated BWC was used but there was none available. The forms were also not checked for inconsistencies (use of force by DCO Tulley). He was the Deputy Director but also the instigator of the use of force, so it was inappropriate for him to also sign off the use of force documents as the DD.

Action

- 8.4.15 DD Haughton should be reminded of the need for accuracy when completing Use of Force reports.
- 8.4.16 It is assumed that he has overall responsibility for the documents being submitted being accurate and consistent given he is the last person to complete the form. Thorough checks should be made to ensure consistency, accuracy and that if BWC is stated as being used that it is available.
- 8.4.17 G4S should amend the process so that if the DD is the instigator that they are not also the person with final sign off.
- 8.4.18 G4S should ensure that whoever conducts self-harm investigations (such as in this case) does a thorough review. They could have pursued the inaccuracies and missing BWC at the time.

8.4.19 G4S: Management and Supervisory / Policy and Procedure

8.4.20 Two officers (DCO Darren Bulled and DCM Ian MacDonald) were present during the use of force and witnessed this. Neither completed Incident Reports. Capturing this evidence at the time would be useful when assessing use of force reports.

Action

8.4.21 G4S should consider if their policy on IR completion should be widened to include officers who witness a use of force.

8.4.22 G4S – Management and Supervisory

8.4.23 The ACDT requested from Brook House IRC was incomplete. It is understood that only minimal information is retained.

Action

8.4.24 Brook House IRC should keep complete records of any documents retained.

8.4.25 Individuals – G4S – DCMs Shane Farrell and Christopher Donnelly – Policy and Procedure / Training

8.4.26 These managers were both wearing BWCs and yet neither of them activated these. In interview they said that they could not remember why these had not been activated. The Use of Force Report – DCF 2 stated BWC was used.

Action

8.4.27 Given this, both should be reminded of the G4S policy on BWCs and monitored to ensure that they are now wearing and utilising the BWCs as per the policy.

8.4.28 G4S – Policy and Procedure / Management Supervisory

8.4.29 There was some confusion over whether or not [D687] had a conviction for a sexual assault in his prison file. SC Harris had noted it was a conviction and DCM Dance-Jones had used this in her refusal to use the cultural kitchen in April 2016. DCM Timms amended this so that [D687] could use the kitchen later that year. He said there was no conviction. None had conducted any validation of the information in the prison file. A PNC check showed he had a conviction for [Sensitive/irrelevant]

[Sensitive/irrelevant]

[Sensitive/irrelevant]). He pleaded guilty and received [Sensitive/irrelevant]

This should have been used in the risk assessment and he should not have been allowed to work in the kitchen with female catering staff, as I understand those convicted of [Sensitive/irrelevant] are not allowed to do so. The fact the decision was reversed because staff were unclear of the offence put those staff at potential risk.

Action

- 8.4.30 Security should ensure that where there is any uncertainty about the past offences that validation checks are conducted on the prison file. This could include a full PNC check.

Appendices

- A Letter Before Claim dated 17 October 2017
[D687] – Witness Statements dated 08 and 23 January 2018
Transcript of Interview dated 08 January 2018
Complaint 21 April 2016 and G4S response dated 26 April 2016
PNC dated 20 September 2013
Medical Records including Dorset A & E reports
- B Emails between PSU and Dorset police dated 05 December 2017 and 31 January 2018
- C Summary Telephone Interview with DCO Marina Mansi dated 05 February 2018 and SIR dated 05 June 2016.
Security Emails and Witness Statements regarding sexual assault entry – SC Harris, DCMs Timms and Dance-Jones and HOS Brown.
- D DD Haughton, DCMs Farrell and Donnelly and DCO Martin – Use of Force reports and Incident Statements dated 13 and 14 May 2017.
Summaries of Interviews between 15 and 17 January 2018
DCO Bulled and DCM MacDonald – Interview on 16 January 2018 and Witness Statement on 21 January 2018
Nurse Parr – Interview dated 16 January and Witness Statement dated 15 February 2018
Tascor DCOs Tatlow, Whittall and Kelloway – Witness Statements dated 07 and 11 December 2017 and 21, 23 and 30 January 2018
- E Digital Evidence – notes of Panorama Footage dated 04 September 2017, CCTV dated 13 May 2017 and Photographs taken on 17 January 2018 and their descriptions.
- F Documentary Evidence – ACDT dated 05 to 25 May 2017, Injuries Sustained, Healthcare Report and Report of Injury to Detainee Form dated 13 May 2017
Tascor – ICE Route Timing Record and Person Escort Record
DAT record and Record of all Incident and Security Incident Reports for [D687]
[D687]
Complaint dated 21 April and G4S response dated 26 April 2016
Food Petition dated 21 April and response dated 22 June 2016
Roster for 13 May 2017
Room Searches conducted 2016 and 2017
IR and SIR checks November / December 2016
Dismissed Asylum
Rule 35 Decision dated 26 April 2017
Refused of Judicial Review dated 03 August 2017
HO Database record

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Emails regarding radio checks
PNC dated 06 February 2018 (and HO copy 10/09/08)
No healthcare call out November / December 2016
Medical records summary
ID of officers and HR feedback

- G ACDT – Witness Statement of EO Smith dated 23 January 2018 and subsequent emails and Interview on 24 January 2018
Advice from CM Griffin dated 23 January 2018
Report by CL Calver regarding healthcare provision in Brook House IRC.
Ms Kosla-Rule – Interview on 16 January 2018
- H Policies – HO and G4S

Name: Helen Wilkinson	Name: Anthony Lennon
Grade: HEO	Grade: SEO
Signed: _____	Signed: _____
Date: 20/02/18	Date: 20/02/18