

Annex B

Background

1. Please confirm the date and the circumstances under which you moved from Tinsley House to Brook House.

Incidents with D1527 on 25 April 2017

In relation to all of the below, please consider the following footage alongside the documents:

- KENCOV1007
 - V2017042500020 (08:47-26:36)
 - V2017042500021 (00:00-27:49)
 - V2017042500023 (00:00-01:00)
- 2. **CJS004301_4** records that on 25 April 2017, you could hear D1527 choking, lying on his right side with his head wedged next to the toilet. You took control of his feet and moved him to the middle of the room with DCO Tulley. You admitted that you applied Control & Restraint techniques on D1527 when you attempted to stop his legs from moving around. You admitted you did not complete a Use of Force report for this incident and that you had dealt with a lot of incidents that day and never completed one.
 - (a) Please set out the process that should be followed when attending a Use of Force incident.
 - (b) Please detail the other incidents you were involved in on that day (e.g. name of the detained persons and a summary of the force used).
- 3. CJS004301 sets out the allegation that on 25 April 2017 you were involved in the physical restraint of D1527 during which a fellow officer (DCO Yan Paschali) choked the detainee. It is recorded that you could not see the restraint and any choke hold.

Please provide your account of what happened during this incident.

4. At **CJS004306_4**, it is recorded that after you found D1527 choking in his room you ran to the door and shouted for assistance. DCO Paschali attended and you were at the door. It notes DCO Paschali was at the head of D1527 and DCO Tulley was between his left arms. **CJS004306_5** notes that you heard D1527 making choking sounds as if he had something in his mouth or throat. It notes you saw other staff from your shoulders as your back was to the door. **CJS004306_6** notes that you could not see the restraint taking place from where you were standing and all you could see were staff members. At **CJS004306_11**, there is a diagram you drew of the placement of the incident. It illustrates D1527 lying on the floor with his head not too far from the door, where you state you were standing. Please address the following:
 - (a) Explain why your back was to the door when there was an incident occurring inside the room.

- (b) Set out what you were able to see from where you were standing.
- (c) Confirm whether any other staff members took action when D1527 was choking. If yes, set out what they were doing.
- (d) In your role as a DCO what would your usual course of action be when you hear a detainee choking? If your actions on this occasion differed from that, explain why.
5. **CJS005964** is a copy of the handwritten observation notes of D1527 for 25 April 2017. You note at 19.01 that D1527 was kicking and banging on the door. Then your notes jump to 19.40 where it is noted that the detainee had tied a t-shirt around his neck in an attempt to self-strangulate himself. Please address the following:
- (a) Set out what was expected of you when observing a detainee under constant supervision including the purpose of making notes. *HE CALLED FOR ASSISTANCE.*
- (b) Please explain why the notes omit any reference to the force you used against D1527;
I RESTRAINED HIS LEGS TO PREVENT FROM KICKING
- (c) Please explain why the notes omit reference to the choking sounds you heard D1527 making.
YES I BELIEVE HE HAD A TELEPHONE BATTERY IN HIS MOUTH.
6. Please confirm on whether you were questioned by a DCM / Senior Manager on why your observation notes were incomplete. If so, provide details.
7. **HOM003038** includes multiple incident logs of D1527 attempting to self-harm.
- (a) Please provide details of any training that you had in relation to the welfare of D1527 specifically, in relation to his mental health; *I WAS JUST THERE AS A CONSTANT WATCH.*
- (b) Please provide details of any training that you received on how to manage the mental health and wellbeing of D1527 or any other detainee that you were observing under constant watch.
ANY REGULARITIES.
8. Please comment on whether you and your colleagues followed the correct process when you became aware that D1527 attempted to self-harm on 25 April 2017.
I CALLED FOR ASSISTANCE.
9. On reflection, would you have done anything differently to protect D1527's wellbeing on the incident of 25 April 2017? If yes, please provide details.
10. Please confirm whether comments similar to the below were made about detained persons on any occasions. If so, provide details.
- Jo Buss: "He is an arse" and "Acting like a 3 year old".
 - Nathan Ring: "Start bouncing around like a Duracell Bunny".

- Yan Paschali: "Don't fucking move you fucking piece of shit" and "I'm going to put you to fucking sleep".

Comment on 4 May 2017

11. Please review the transcript of video KENCOV1012 V2017050400014 (TRN0000076). It is recorded that you said you didn't get into any trouble after the incident with Yan in the toilet, that you were holding his feet with his back to him, that the detained person wouldn't look at you in the eye since the incident, and that Yan used to fight detained persons one-on-one.
 - (a) Do you accept having made these remarks?
 - (b) If so, please comment on what you said.
12. CJS004301_6 sets out the second allegation that on 04 May 2017 when DCO Tulley asked "*what is the best way to deal with [D1527]?*" you responded, "*What Yan did*". It is noted that your knowledge of DCO Paschali choking D1527 was gained from DCO Tulley after the incident since you did not witness the incident. See also footage at KENCOV1012 V2017050400022 (at 16:00).
 - (a) Please comment on whether you consider that the force used by DCO Paschali against D1527 on 25 April 2017 was reasonable and proportionate.
 - (b) Did you report DCO Paschali to a DCM or Senior Manager at Brook House once you had knowledge of him choking D1527? If not, please explain why.

*I COULD NOT SEE HIM DOING HIM CHOKING
SO NO I DID NOT REPORT HIM.*

Disciplinary Investigation and Outcome

13. Please confirm whether you received the following letters:
 - (a) HOM001 084 - Letter re suspension of certification as a DCO with immediate effect, dated 29 August 2017 *yes.*
 - (b) CJS004301 - Investigation report 14 September 2017
 - (c) HOM001080 - Letter regarding the outcome of your disciplinary hearing, dated 04 October 2017 *yes.*
 - (d) HOM001359 - Letter revoking your certification as a DCO with immediate effect, dated 14 November 2017 *yes*
14. HOM001080 records that the allegations against you were proven - namely that you had failed to follow the correct procedures following a use of force incident on 25 April 17 and that you had made an inappropriate comment relating to a DCO. The decision was taken that you should be summarily dismissed for gross misconduct.
 - (a) Please comment on the disciplinary process to which you were subject in the aftermath of Panorama.
 - (b) Please comment on the findings reached and the outcome.

15. Did you appeal against the outcome of the disciplinary hearing? If not, please explain why.

No BECAUSE I WAS NOT WANTED AT THE JOB.

Police investigation

16. **SXP000053_3** mentions that you were spoken to by the police but did not want to provide a statement to the police regarding the incident involving D1527 on 25 April 2017. Please explain why this was.

I WAS NOT SPOKEN TO BY POLICE.

17. Please provide any comments on:

- (a) The answers given by Van Paschali during his interview by the police on 12 February 18 (CPS000019).
- (b) The statement provided by Steve Loughton to the police on 03 February 18 (SXP000149)

Professional Standards Unit (PSU) Investigation

18. **CJS001107** is the report of the Professional Standards Unit (PSU) into the treatment of D1527.

- (a) **CJS001107_7** notes that you were invited to take part in the investigation but did not respond or agree to contribute.

- (i) Is that correct?

THIS MAY HAVE GONE TO MY PREVIOUS ADDRESS.

- (ii) If so, why did you not agree to contribute?

I WAS NOT AWARE OF IT.

- (b) Please provide any comments on the evidence and findings set out in the report.

URN	Document Description
CPS000019	MG15 Record of Interview Ioannis PAS MALI dated 12.2.2018.doc
	Letter from BBC Panorama to G4S dated 24/08/2017; Letter from BBC Panorama to Aaron Stokes dated 23/08/2017; Letter from BBC Panorama to Charlie Francis dated 21/08/2017; Letter from BBC Panorama to Christopher Donnelly dated 24/08/2017; Letter from BBC Panorama to Clayton Fraser dated 24/08/2017; Letter from BBC Panorama to David Webb dated 23/08/2107; Letter from BBC Panorama to Derek Murphy dated 24/08/2017; Letter from BBC Panorama to Jo Buss date23/08/2017; Letter from BBC Panorama to John Connolly dated 24/08/2017; Letter from BBC Panorama to Calvin Sanders dated 23/08/2017; Letter from BBC Panorama to Mark Earl dated 23/08/2017; Letter from BBC Panorama to Nathan Ring dated 23/08/2017; Letter from BBC Panorama to Ryan Bromley dated 23/08/2017; Letter from BBC Panorama to Sean Sayers dated 23/08/2017; Letter from BBC Panorama to Slim Bassoud dated 24/08/2017; Letter from BBC Panorama to Stephen Webb dated 24/08/2017.
CPS000026	
SXP000053	44. SIO Policy Decision on List of 14 Offences (004) 6/10/17
SXP000100	Sussex Police Report to Crown Prosecutor for Charging Decision/Investigative Advice - dated 13/11/2017 -
SXP000149	Sussex Police Witness Statement of Steve LOUGHTON - 03.02.18- D1527.

CJS001107	Home Office Security Professional Standards Unit Investigation Report on D1527 by Investigating Officer Julie Galvin, 22 February 2018.
CJS004301	Investigation Report on Detainee Custody Officer Fraser dated 14/9/17, from incidents of 25/4/17 and 4/5/17 - allegations substantiated
HOM001084	Letter from P Gasson, HO Immigration Manager to Clayton Fraser (Home address) re suspension of certification as a DCO with immediate affect, 29/08/2017
HOM001359	Letter from Immigration Enforcement Returns Directorate to Clayton Fraser re Detainee Custody Officer certification under Sections 155 and 156 of the Immigration and Asylum Act 1999, 14 November 2017
HOM005836	C&R and DBS expiry dates for multiple DCOs
TRN0000076	Transcript of KENCOV1012 V2017050400014

Footage Referred to in Annex B

<ul style="list-style-type: none"> • KENCOV1007 <ul style="list-style-type: none"> ○ V2017042500020 (08:47-26:36) ○ V2017042500021 (00:00-27:49) ○ V2017042500023 (00:00-01:00)
<ul style="list-style-type: none"> • KENCOV1012 V2017050400022 (at 16:00)