


REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION/INVESTIGATIVE ADVICE

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REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)

Suspect 1		Gender: Male		Anticipated Plea: Select: Proposed charge(s):	
Surname:	PASHALI				
Forename(s):	IOANNIS				
Date of Birth	DPA				
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	
Suspect 2		Gender:		Anticipated Plea: Select: Proposed charge(s):	
Surname:					
Forename(s):					
Date of Birth					
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	
Suspect 3		Gender:		Anticipated Plea: Select: Proposed charge(s):	
Surname:					
Forename(s):					
Date of Birth					
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	

Officer completing:	Rank:	Collar No:	Job Title:
Email:	Telephone Number:		
Mobile			
Station:			
Signature:		Date:	

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Suspect 4		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:
Suspect 5		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:
Suspect 6		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:

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Suspect 7		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:	Return Bail Date:	
Suspect 8		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:	Return Bail Date:	
Suspect 9		Gender:	Anticipated Plea:	
Surname:			Select:	
Forename(s):			Proposed charge(s):	
Date of Birth				
Custody Ref:				
Ethnicity Code (self-defined):				
PPO: <input type="checkbox"/>	YO: <input type="checkbox"/>			
Bad Character Evidence: Select:		Dangerous Offender: Select:	Return Bail Date:	

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Suspect 10		Gender:		Anticipated Plea:	
Surname:				Select:	
Forename(s):				Proposed charge(s):	
Date of Birth					
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	
Suspect 11		Gender:		Anticipated Plea:	
Surname:				Select:	
Forename(s):				Proposed charge(s):	
Date of Birth					
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	
Suspect 12		Gender:		Anticipated Plea:	
Surname:				Select:	
Forename(s):				Proposed charge(s):	
Date of Birth					
Custody Ref:					
Ethnicity Code (self-defined):					
PPO: <input type="checkbox"/>			YO: <input type="checkbox"/>		
Bad Character Evidence: Select:		Dangerous Offender: Select:		Return Bail Date:	

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REPORT TO CROWN PROSECUTOR (FOR POLICE COMPLETION)
Material Provided to CPS (indicate if attached)

	Date of Item		Date of Item
MG2 Special Measures Assessment (VIW)		Statement of:	
Statement of:		Pocket note book/Incident report book:	
Statement of:		Police incident log:	
Statement of:		Video/photographs:	
Statement of:		Previous convictions/disposals:	
Statement of:		MG17 POCA Property or Financial Gain	
Statement of:		Interview record:	
Statement of:		Interview record:	
Statement of:		Interview record:	
Statement of:		Interview record:	
Statement of:		Interview record:	
Statement of:		Forensic/expert evidence:	
Statement of:		Other	

Type of case	Domestic Violence <input type="checkbox"/>	Hate crime <input type="checkbox"/>	Racially Aggravated <input type="checkbox"/>
Decision / Advice sought	Charging Decision <input type="checkbox"/>	Investigative Advice <input checked="" type="checkbox"/>	

Outline of circumstances and decision/advice sought [** If you have already completed a summary on form MG5, paste the contents into the relevant areas of the MG3*]

Brook House Immigration Removal Centre is run by G4S on behalf of the Home Office.

The Centre detains a number of foreign nationals who are either awaiting deportation following conviction or finishing their sentence or those who are applying for asylum in the UK.

One of the Detention Officers contacted the BBC during their employment and was latterly employed as an undercover reporter to film incidents inside.

A BBC Panorama Programme was subsequently made from the undercover reporters filming and broadcast on the 4th September 2017.

A Police investigation was instigated with the full corporation of the Home Office and G4S and from the filming a potential 14 offences were identified varying in seriousness from verbal abuse to strangulation.

These potential offences were committed by detainees on detainees and staff on detainees and following a review of them only 3 were deemed to warrant further investigation; all of which related to staff on detainees.

These however are still being investigated and are not yet in a position to be referred to the CPS for a charging decision.

During the investigation a question has arisen around whether some of the conduct by G4S staff falls within the offence of "Wilful Misconduct in a Public Office" or even whether the Senior Management installed such a culture of misconduct.

Having reviewed the footage I made the decision that their actions / inactions were not serious enough to mean they had committed this offence although your professional view would be appreciated.

I have also not identified anything to suggest the management installed this culture.

The most serious offence as mentioned above involved a Detainee appearing to be strangled whilst being restrained by three members of staff for being violent, one of whom is the undercover reporter (hence known as the Whistle blower).

Fuller details are in the next section however in summary I made the decision that those only involved in the restraint should be treated as a witness with the Detention Officer who actually committing the strangulation to be classed as the suspect.

Having had a number of conversation with the G4S SIO for their internal investigation, they are of the opinion the other Detention Officers involved in the restraint (including the Whistle blower) should be treated as suspects and prosecuted as well.

Your professional view would again be appreciated as to whether the witnesses should in fact be treated as suspects.

Brief chronological summary of evidence * (*which covers the points to prove*)

This investigation commenced as a result of the BBC broadcasting Panorama Undercover: Britain's Immigration service on the 4th September 2017. The programme revolved around Brook House Immigration Removal Centre at Gatwick.

The Whistle blower, Callum Tulley, was employed by G4S between 26th January 2015 and July 2017 and was documenting his shifts between 19th April and 6th July 2017 which was his last shift at Brook House.

Actual filming using a covert camera commenced on the 24th April 2017 and in total 35 shifts were filmed, occasionally with technical issues.

The programme identified a number of issues in the Detention Centre which included verbal abuse, racial comments, assaults and use of force.

G4S conducted an internal investigation to deal with the issues identified which led to 3 members of staff being dismissed with immediate effect (with being interviewed) and a number of staff being subject to disciplinary actions.

As stated in the initial section, the police viewed the programme and identified 14 potential offences and following these being reviewed only 3 of them are being progressed.

The most serious of these is the strangulation of a detainee by a G4S Detention Officer which they are being restrained on the ground.

The victim is identified as [D1527] who was named as Abbas in the BBC programme and he was subjected to two assaults which are detailed below:-

1. 24/04/17 - Victim banging his head against bed and sticking fingers in his own throat whilst being watched by DCO Sanders. Sanders claims that he stuck his head out of the door to make sure no one was watching them before he then pushed the victim's head into the bed and then takes his fingers and bends them back which he claims was to stop him from hurting himself. These are comments made on the 04/05/17 on camera.

2. 25/04/17 - Victim swallows a battery then attempts to hang himself which results in force being used to restrain him. 4 Detainee Custody Officers restrain him on the floor where the suspect YAN, (Ionnis Pashcali) kneels on the floor with the victim's head between his knees and exerts force onto the victim's neck and says " "

The victim [D1527] is supporting the Police in a prosecution however he is also progressing a civil claim against the Home Office and G4S for ECHR, assaults and false Imprisonment. His Law firm are in the progress of providing their notes in order to complete a victim statement which has yet to be completed.

Callum Tulley, the whistle blower, is also in the process of completing his statement and this is due to be signed this next week.

The BBC will be providing a statement covering their involvement, video footage (both edited and unedited) and Production notes. This will be completed towards the end of the investigation once the Police are in possession of all relevant material from them (They are following the lessons learnt from the Kent Investigation at Medway G4S) G4S have completed an internal investigation where a number of the staff were dismissed and have provided the full reports from the investigation - A statement from the Overseeing investigator is in the process of been obtained.

The Nursing and Midwifery Council are also conducting a separate investigation in to a member of the medical staff at Brook House, Nurse Jo Buss, who was present during the strangulation of [D1527] but appears to have failed to act appropriately. She has been suspended pending their full inquiry.

CALLUM TULLEY MG11 Draft:

I started my employment with G4S as an Assistant Custody officer (ACO) on 26th January 2015 and was based at Brook House Immigration detention Removal Centre, Perimeter Road South, Gatwick airport, West Sussex. During this time I applied for a position as a Detention Custody officer (DCO) and began training for this role on the 26th April 2015. I completed my training and went live as a DCO on the 15th June 2015.

On Tuesday 25th April 2017 I was working my regular shift of 0815 to 2115 hours. During the latter part of my shift somewhere around 1930 hours I was on a constant supervision watch of a detainee on E wing in Segregation. The male detainee, I do not recall his name but he was from Eastern Europe and had recently been transferred from HMP Maghaberry. I was sat outside his room, number 8, observing his actions and chatting to him, although he was under constant supervision due to self-harm risks he was not restricted to stay in his room so was free to walk around the wing as long as I stayed with him.

As I sat outside his cell door which was open, this was to my left, to my right was another room, number 7 which

had the door closed, the detainee in there was being observed by another DCO named Clayton Fraser, the door has a large glass panel which is used to observe the actions inside. I could see that this detainee was stood at the glass panel and was head butting it. I knew the detainee by name, he was called [D1527]. I had known him for about 3 months. I turned my body towards the cell on my right in order to film what was happening whilst remaining in contact with the detainee I was observing. Clayton was not doing or saying much, he was just watching. It was at this point that the detainee I was supervising walked out of his cell and went towards the far end of the wing and sat down, I joined him and sat at a table near the servery and was next to another DCO named as Neeha.

Within a very short space of time I could hear noises coming from the far end of the wing, I also noticed that the door to [D1527]'s room was open. I thought that Clayton would need some help so I asked Neeha to take over the ACDT (Assessment, Care in Detention and Teamwork log) for the detainee I was supervising. I walked to the cell where [D1527] was. As I entered the room I could see Clayton in the middle of the room, and DCO Steve Laughton stood by the inner wall by the toilet area looking at [D1527] who was lying on the floor with his head by the toilet and legs toward the inner part of the room. The position he was lying in was a small space and movement was restricted due to the position of the toilet and the wall.

I think it was at this point that it became apparent that [D1527] was attempting to self-strangulate using something which looked like some cloth. It all happened quickly but I think DCO Laughton said something like "Get Staff" I exited the room and shouted at Neeha to get some staff here, I returned to the room and could see that DCO Laughton was using a piece of equipment could a Fish Knife to cut the ligature away from his neck to stop him from strangling himself. [D1527] was pulled from the area he was in and helped up onto the bed in order to calm him down, at this point no restraints had been used on him.

DCM Laughton then knelt in front of him and said something Like "What are you doing" I believe at this point DCO Charlie Francis also arrived in the room and Possibly the nurse named as Jo Buss arrived, I am unsure of exactly when she turned up though. I sat on the bed opposite him so I could film. [D1527] then stood up and went into a rage making demands, I do not recall what the demands were, but he was in a rage, he was visibly upset and angry

Then he sat back down and placed a battery into his mouth attempting to swallow it. I continued to sit on the bed opposite him. I cannot recall the exact timings but at some point whilst he had the battery in his mouth he spat at me due to him choking on the battery, he did not spit it out. I am sure that Steve Laughton and Clayton Fraser were still present along with Jo Buss. It was at this point that Detainee Custody Manager Nathan Ring arrived and was stood either just outside or inside the room. I left the room at the same time Steve Laughton left, he was going to complete a Use of Force form due to what had previously occurred with [D1527]. Nathan Ring made several comments upon his arrival, which is normal for him to do, they are derogatory. I am unsure at what point the battery was removed from his mouth. A short while later I was aware that [D1527] Room door was shut and locked so assume that everyone had left him. The battery was removed from him to ensure he did no swallow it again. I returned to Neeha at the far end to take over the ACDT log again.

Within a few minutes I was aware again of noise coming from the room where [D1527] was, I again handed over the ACDT log to Neeha so I could assist. As I walked towards his room I was joined by another DCO named as Yan, I had known Yan for about 9 months but only as a colleague at Brook House. We arrived at the same time. Already in the [D1527]'s room was Nathan Ring and Jo Buss, within a very short time period another nurse may have arrived, Charlie Francis was also there I believe.

Clayton Fraser was present throughout and was quickly joined by other staff arrived. I could hear Jo Buss say something "He is an Arse" and "Acting like a 3 year old." Nathan Ring said "Start Bouncing around like a Duracell Bunny" Normal.

I could not actual see him at this point as he was lying back in the same position as before, by the toilet, I could actually see him in the mirror but couldn't actual see if he was self-harming. There were other members of staff around me as well, I could hear him choking, he was heaving, gasping for breath, his own hands were around his throat, he was trying to choke himself. When I pulled his hands away from his throat he stopped gasping for breath, I then pulled him in to the middle of the room and said something like "What you doing, Stop It". I called for help by shouting "Get Staff Get Staff Need Staff" I was aware that Clayton was behind me, not doing anything, Charlie Francis arrived. I took hold of [D1527]'s left arm and Charlie took his right arm to stop him from choking himself, Clayton took hold of his legs for some reason, he should have taken control of his head. At this stage he

wasn't resisting just in a state. Yan then entered the room and knelt with [D1527]'s head between his knees and was leaning down towards his chest and his hands were around his throat, his thumbs were on the front of his neck around the Adams Apple area, the fingers were along the side and back of his neck, there was no pressure applied though, he should have just been supporting his head. [D1527] was not in a good way, still very angry and upset. Whilst we were all in this position [D1527] became very agitated and started to resist us whilst we were still on the floor with him. We continued to hold his arms and Yan exerted a high amount of pressure to [D1527]'s neck, it was a phenomenal amount of pressure onto his airway pressing down on his neck by his Adams apple, I could hear him gasping for breath. Because of the position of Yan, back to the door, [D1527]'s head between his knees and Yan was low down, leaning over his body with his elbows out he was hiding or disguising his actions to those behind, Yan then said, in quiet voice "Don't Fucking move you fucking piece of shit" and "I'm going to put you to fucking sleep"

I could see [D1527]'s eyes bulge from his head, they just sprung open really wide, his face went red. It was as though he was using his eyes to beg for him to stop, he was also frothing from the mouth. His eyes then rolled back and he fell silent. There was nothing coming out, there was no resistance. I would say that Yan had hold of his neck for a total of about 30 seconds, there was a minimum of 6 seconds of actual pressure. When he fell silent I really thought there was going to be a fatality. I said to Yan, "Take it easy, Take it easy", Yan then released the pressure from his neck. Jo Buss was stood behind just inside the door but I don't think she would have seen what Yan was doing though. As Yan eased off [D1527] started to make sounds, it sounded as though he was choking on the Froth coming from his mouth, he started to talk, his voice sounded odd, he was struggling to communicate, he was also trying to get his breath and his chest was heaving and was gasping for breath whilst trying to complain about a bad neck. I genuinely thought Yan was going to kill him.

We rolled him into the recovery position, I had let go of his arm and moved to the rear of the room where I saw that they cut his shirt off, mainly to stop him from self-harming again and he was then assessed by the nurse he gave him the OK.

As [D1527] was lying in the recovery position he was being noisy, hysterically crying in state of shock. I was at this point instructed to leave the room along with Clayton which left Charlie and Yan in the room, I think Charlie then left just before Yan who placed his hands on him and rolled him onto his back as though he was a piece of shit. I thought this was Yan showing real contempt for the detainee, and was happy for him to choke, however he was breathing OK now.

I was knelt about 50cm from Yan almost facing him, I had a totally unobstructed view of him. The room was illuminated with artificial lights built into the ceiling and there was also an amount of natural light coming through the window. I would say that from the time the first time I entered the cell till we all left was around 30 minutes. Once I had left the room I went to the toilet to compose myself as this upset me, I returned to the wing office where Yan was, I spoke to him and he then said "As it stands, No Use of Force" I repeated back to him, No Use of Force Report" He said "Yeah, as it stands hold fire" or words to that effect. Yan then left the office as Jo Buss entered who said to me "Are you writing that down as use of force?" I replied "According to what Yan said No as it stands"

Jo Buss replied to me stating she could not write due to a bad hand and then read out what she had written "Assessment by duty nurse, continued observations due to demeanour and attempted self-strangulation." She then informed me that's he was going to her office to write war and peace. I remained in the office for a while then left where I could see Clayton still observing [D1527], Yan was also sat down there too.

I went down to where Yan was and spoke to him, I apologised for being a wimp about C & R, he then told me that when he was a Prison officer at HMP Wandsworth, that as a group of prison officers they would cut people to make it look as though they were self-Harming. He took pleasure in telling me this story it was as though he was trying to impress me. I said something similar to "Can't get away with that here" to which Yan replied something similar to "Yes you can with the right Management"

When speaking to [D1527] during the course of my day at Brook House I would refer to him as [D1527] which was his first name, for the purpose of the programme his was referred to as Abbas.

The above covers the main incident of the choking whilst the extracts below cover other events broadcast in the programme.

On Monday 24th April 2017 I was working my normal 13hour shift as Sports Officer which gave me the free range of all the wings within Brook House. At some point during this shift I walked into E Wing and went to Room 1 where I saw [D1527] lying face down on his bed and motionless. In the room with him was DCO Calvin Sanders who was sat on the desk between the 2 beds. I said to Calvin "What's wrong with him, what's he doing" Calvin said "[D1527] keeps digging his fingers into his neck" I can't remember what else was said apart from Calvin then saying "I would get through to him eventually." I did not really take any notice of this and left the room. I cannot recall if I actually spoke to [D1527] but know he was lying on the bed motionless.

On Thursday 4th May 2017 I was talking to a detainee named [D687] when I heard shouting coming from D Wing so I entered the wing and could see a male who I knew as [D1527] stood on the suicide netting which is suspended between the landings to prevent jumping down. [D1527] was threatening to jump off, I said to him "Don't be silly." I was stood next to DCO Clayton Fraser who was watching, I asked Clayton the best way to deal with someone on the netting, he replied "What Yan did" I took that to mean what he did on the 25th April in [D1527] room. Eventually he was talked off the netting by another detainee, I was also told by someone, I can't recall who that it was to do with him having an issue over some washing up.

Later the same day I was on escort duty with DCO Aaron Stokes and DCO Calvin Sanders. Whilst we were all together Calvin said something along the lines of I slammed his head on the desk and bent his fingers back" and during this conversation Aaron then said the comment "Hopefully swinging" This I took to mean hanging himself. On Monday 8th May 2017 whilst on duty I walked into the office of C wing where a female DCO who I don't know the name of and DCO Calvin Sanders were. I said "I was with your mate the other day" referring to [D1527]. Calvin then said "I went out of the room to make sure no one was watching" then said "When [D1527] was bouncing his head off the table" he demonstrated banging his hand on the table and made a reference to banging his head with his hand. At this point he paused and said "Locked his hands / arm" demonstrated twisting [D1527]'s fingers. Calvin went on to say that this stopped him doing it and then went on to say "Self-Harming, attention seeking and is a prick" or similar. It was as though he was bragging about what he had done to him.

On Sunday 7th May 2017 during the late afternoon I was tasked to get kitted up into riot gear as part of a team due to a detainee named [D275] who was protesting on the suicide netting. I was there in case we were needed to intervene to save life and we were standing in the stairwell out of view in case the Tactical National Response team did not arrive in time.

Whilst we were waiting in the stairwell John Connolly who was the staff safety trainer said to me "Call him a Nigger". At the time I did not process what he said as I was anxious about filming and what I was doing. However since then I have had time to process this and I was offended by what he said due to the nature of its meaning. In the end we did not need to intervene as [D275] was removed by the TNRT.

John Connolly on a number of occasions has shown complete contempt and hatred towards the Detainees. About 3 days before I started filming John Connolly ordered the strip search of a detainee for no real reason, Connolly said "Take his fucking clothes off" he was stripped of his clothing as all the DCO's stood around laughing at him, he was shown no dignity and John Connolly referred to him as a "Cunt." This was the normal verbal abuse shown to detainees.

On 4th July 2017 I was working my normal 13 hour shift, at some point during the shift a First response was called to a self-harming incident. I arrived after about 30 seconds of the 1st Response being called. As I arrived I could see 3 or 4 other DCO'S stood outside the detainee's room, I knew the detainee as [D865]. The other DCO's were just looking at him. I could see that he had something similar to a thick lace tied around his neck. It was obvious that there was something around his neck and I could not understand why no one else could see it. One of the DCO's present at the time was Chris Donnelly, he was stood directly in front of me and had direct sight of [D865] he said "There is nothing around his neck" I could not really understand why no one could see the ligature around his neck, I was still stood outside the room. I said "No, what's that tied around his neck" At this point Chris Donnelly took his fish knife from his belt and cut the ligature off. I was stood about 2 meters away and could clearly see the ligature. [D865] was lying on his front, head to the side and was motionless on the floor and appeared unconscious. I could see that the thick lace was tied to a bracket which would have been fixed to the wall around 7 feet up and would have held the TV which was not also on the floor with the bracket. He tried to use the bracket to hang himself. Chris Donnelly hated the Detainees I am sure he was content on letting the detainee suffer. I would say that it was at least 2 minutes between the first response being called and Chris Donnelly removing the ligature from his neck. The nurse came in soon after to check him over, at this point [D865] was sat on the bed and tried to

establish why he appeared down, Connolly said "Are you trying to kill himself".

On 8th July 2017 whilst on duty in E Wing playing pool with DCO Daniel Lake. Dan told me that he had watched Sean Sayers, who is also a DCO at Brook House Back-hand a detainee across the face. I took this as to slap him with the back of his hand. Dan Lake did not go into any other detail. About one hour later I found DCO Sean Sayers in the staff room and spoke to him about what I had been told earlier. DCO Sayers in a very formal and almost Black and white way said "I picked him up, took him into the room and fell on him and accidentally used his face to get up" the tone of his voice was very sarcastic and he was smiling.

On 8th May 2017 I was sat in the E wing office with DCO Derek Murphy and a second one who I only know as Jordan. Derek Murphy was relaying a story about about a detainee who was refusing to pack his stuff up as he was about to be removed from the centre. He told us that the detainee had placed razor blades into his mouth so he used a chopping motion with his hand striking the detainee around the neck area. I took this to mean that he used force to get the detainee to spit the razor blades from his mouth, however, it could have been taken that he just hit him. The method used is not taught in control and restraint so is not an approved technique. Any decision to remove items like this should be made by a manager and would be based on a dynamic risk assessment at the time.

COUNTER ARGUMENT G4S:

Peter Small from G4S is the SIO for their internal investigation and has concerns regarding the Whistle blower and believes that he has committed offences.

Small has emailed a reasoned argument to DI Richardson where in essence he wants the 3 witnesses and Tulley to be treated as suspects as they are culpable in the offence as well as PASCHALI. His comments are:

I realise that ultimately the decision to prosecute rests with the Police and the CPS. I would like to point out that my concern is not solely with the fact that Mr Tulley has committed an offence by conveying covert recording equipment and disclosing information without authority. The issue for me that is of most concern is the fact that Mr Tulley took an active part in the restraint of a defenceless vulnerable person, and continued to apply that restraint whilst a colleague attempted to "put him to sleep" by strangling him.

The rules regarding use of force are extremely clear. Prison Service Order 1600 covers the Use of Force in Prisons. I have attached a couple of sections that I believe to be relevant, which clearly demonstrate that Mr Tulley, as well as others in the cell during the incident involving [D1527] were acting unlawfully. The opening statement in the policy states that:-

The use of force by one person on another without consent is unlawful unless it is justified.

The use of force will be justified, and therefore lawful, only:

If it is reasonable in the circumstances

If it is necessary

If no more force than is necessary is used

If it is proportionate to the seriousness of the circumstances

Mr Tulley restrained a prisoner who was clearly in extremis, and was being effectively strangled by a colleague. Despite this, he continued with his part in the restraint by taking control of the prisoners right arm, rendering him helpless in terms of being able to prevent himself being strangled by the officer in control of the head.

Mr Tulley was fully trained in the use of force, and as such would be conversant with the rules regarding any such application of restraint. Mr Tulley cannot argue that he did not realise that what was happening was wrong and dangerous. His own statements on the BBC programme are evidence of this. Not only did Mr Tulley continue to take part in the restraint of a prisoner in these circumstances, he failed to make any report of his part in the restraint of

[D1527]

I realise that it can be argued that medical staff and the other officers present also failed in their duty, but Mr Tulley had an individual responsibility to complete documentation about his use of force. This would have signposted in an auditable fashion that the detainee needed to be seen by medical staff and examined appropriately. No such documentation was completed, and as such there was no evidence of a medical examination

to [D1527] throat. He could have sustained any level of injury as a result of having his airway and windpipe restricted. My understanding is that the British Medical Council have issued a suspension order in relation to the nurse who was present at the scene, but failed to report the matter or demonstrate that an appropriate examination of the prisoner had taken place following this incident.

Lines of defence (*e.g. self-defence, ID, etc.*)

Acting within their role and reasonable force was being used.

Strengths of the case (*e.g. good quality CCTV, etc.*)

Camera footage from the covert camera worn by Tulley.

Has a victim personal statement been taken? If not explain why.

[D1527] will be requested to provide a VPS after completion of evidential statement.

Is defendant already on police bail or court bail for other matters? If yes, provide details.

No one has been arrested as of yet.

Weaknesses of the case (*e.g. victim/witness credibility, etc.*)

The victim [D1527] does not speak English very, has a lack of respect for authority, has capacity issues and possible short term memory problems although access to medical records is being sought. The victim has a number of convictions: 3 Offences: 5 - (08/06/16 - [Sensitive/Irrelevant] : 09/03/17 - [Sensitive/Irrelevant] Sensitive/Irrelevant

26/05/16; [Sensitive/Irrelevant]

There is a potential that the victim will lack any credibility if challenged in court due to the above mentioned.

In relation to the incident on the 24/04/17 when the victim was under constant supervision by DCO Sanders - This would appear when watching the film that SANDERS is actually acting within the boundaries of reasonable force by preventing the victim from causing injury to himself - the negative is when he states that he looks outside the cell to make sure no one is watching. This is a verbal comment made by him to colleagues and would appear to be "Biggering himself up". There is no corroboration of the offence.

Potentially the identified witness FRANCIS may provide conflicting account for defence as refused to provide statement.

Describe any relevant material that may undermine the prosecution case or assist the defence case:

At This stage I am unaware of any material that will undermine the investigation.

URN

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Details of any POCA matters (*e.g. applications for confiscation or restraint orders, referral to Financial Investigation Unit, timescale for submission of details etc.*)


None

Any other information which the Prosecutor should be made aware of:

BBC are releasing material as per Court Production Orders and are retaining all other material as Third party.

A number of former detainees including the Victim [D1527] are seeking legal advice and are progressing Judicial Reviews on their treatment at Brook House.

The Home Select Committee led by Amber Rudd has called in to question the processes of Brook House including staff / detainee treatment and financial issues surrounding the Home office funding.

Supervisors review and approval for referral to CPS:			
Supervisors Rationale	I have agreed this MG3 and after vewing the BBC programme I would appreciate a face to face discussion as to whether the witnesses to the strangulation should continue to be treated as witnesses (and not suspects) and whether offences of wilfull misconduct in a public office have been committed.		
Signature:		Date:	13 th November 2017
Rank:	D/Inspector	No:	CR949
Email address	<div style="border: 1px dashed black; padding: 2px; display: inline-block;">DPA</div>		