

Annex 2 to Duncan Lewis CP Closing Written Submissions – Actions of Staff still working at Brook House IRC

It appears that those punished and dismissed by G4S and the Home Office in their subsequent investigations were restricted largely to those directly implicated by the footage that made the final edit of the Panorama documentary were. The material disclosed during the Inquiry – including un-broadcasted Panorama footage but also G4S body-cam and CCTV footage – has revealed concerning evidence of the conduct of other officers. Many of these officers not only still work at Serco, but they have been promoted to key senior positions. They have not only been able to act with impunity and without consequence, but have prospered in their roles at Brook House. That they have been able to do so serves as a crucial example to the Inquiry in the failures of the various investigations that have preceded this Inquiry and the flaws in accountability to date. The need for these individuals to be held accountable is particularly important given they are still responsible for the care and treatment of detained persons at Brook House and many are within the senior management team (SMT). They include 5 members of the SMT, 6 DCMs (or DOMs) and 2 DCOs set out below

It is important to highlight that the staff members highlighted here are not transitory in terms of their impact on the culture and running of the centre. Not only do they remain from the Relevant Period, but most were at Brook House long before. Five of the managers – Dan Haughton, Steve Loughton, Steve Dix, Dave Aldis and Chris Donnelly – have been at Brook House since it opened in 2009. Shane Farrell, Ben Shadbolt and Stewart Povey-Meier joined shortly thereafter in 2011. All eight of these were experienced managers during the Relevant Period and were involved in implementing day-to-day decisions on uses of force and segregation to manage the detainee population. All eight led use of force incidents heavily criticised by the Inquiry’s use of force expert, Jon Collier, in his live evidence

Brook House is currently being led by Centre Director Steve Hewer and Deputy Director Sarah Newland. Ms Newland was part of the SMT during the Relevant Period. The evidence related to her conduct is summarised below. Former SMT member Michelle Brown described in detail in her witness statement her concerns about the culture and regime under Mr Hewer and Ms Newland. She resigned from her position in November 2020 and raised a grievance for the first time in her 12 year career at Gatwick IRCs because she still observed “*bullying and abusive behaviour towards myself, staff and Detainees*”¹. She notes offering to “*supply evidence*” to assist Serco but was informed “*not to expect an outcome*” (para 12). She directly references comments by Mr Hewer himself about a detainee (“*what lies is he telling you*”) that was witnessed but not challenged by Ms Newland.² Both Mr Hewer and Ms Newland denied this comment, despite there being no motivation as to why Ms Brown would make this up.³ In the recently disclosed grievance letter when she resigned in 2020, Ms Brown also explained how both Mr Hewer and Ms Newland were involved in further bullying of staff. She referred to offensive nicknames and ‘sing songs’ about staff which were “*led by Sarah and others seemed to follow.*”⁴ She described staff meetings led by Mr Hewer as “*cringeworthy, secret jokes being*

¹ [Michelle Brown Witness Statement dated 24 February 2022](#), para 12 – INQ000164_0009

² para 72 – INQ000164_0043

³ [Steve Hewer 1 April 2022, 82/12-15](#), [Sarah Newland 21 March 2022 208/4-5](#)

⁴ SER000461_0008

shared and the laddish culture continued.” She specifically references Mr Hewer making inappropriate and sexist comments about the new Facilities Manager.⁵

Ms Brown ended her witness statement by summarising her concerns that *“I fully expect current employees to close rank and it would take a brave person at Gatwick to speak the truth about current conditions for Detainees and staff.”*⁶ There is thus a greater need for the Inquiry to give particular scrutiny to these individuals not least because if they remain in post they are not only responsible for the continued welfare of detained persons but will be the individuals who in practice may be responsible for implementing several of the Inquiry’s recommendations.

We therefore set out below a summary of the evidence related to those staff members during the Relevant Period and their current roles at Brook House, as well as any available comments from Mr Hewer and Ms Newland in their evidence in defence of these individuals on behalf of Serco.

Senior Management Team

1. Steve Skitt

Steve Skitt was the Deputy Director of Gatwick IRCs during the Relevant Period. He has been at Gatwick IRCs since May 2015, having previously had 25 years’ experience in the prison service. He remains in the SMT as the Assistant Director of Operations which he describes in his witness statement as “managing the day to day operations of Brook House”⁷. his responsibilities include visiting “every area of the centre” daily, checking on handovers and staffing levels, visiting those in segregation, attending meetings of the SMT and reviewing uses of force.

That Mr Skitt is still in charge of how Brook House runs day-to-day should concern the Inquiry as to whether the culture at Brook House has really changed under Serco. Several officers of various levels were critical of Mr Skitt’s approach to running Brook House including the following:

- Former DCO Dave Waldock:
 - *“16. The culture at Brook House was very hierarchal in the sense that you had Steve Skitt running the show. He had 30 years’ in the prison service and Brook House was run very much as I imagine a prison is run. Although Ben Saunders was technically at the top, from my perspective it was Steve Skitt who shaped the culture of Brook House. Beneath him you had a circle of favoured officers who were protected in the instance of any complaints being made against them, either by colleagues or detainees... In my view the officers who thrived at Brook House were bullies who enjoyed working in a culture which not only failed to punish bullying behaviours but actively promoted and encouraged them...”*⁸

⁵ Ibid.

⁶ para 126, INQ000164_0059

⁷ [SER000455_0003](#)

⁸ [Witness Statement of David Waldock dated 19 March 2022, BDP00007_0006](#)

- Waldock also describes Mr Skitt being “homophobic towards me” and how he “leant on a witness to change her story, was corrupt”⁹
- In a letter to G4S CEO Ashley Almanza on 15 April 2017,¹⁰ Mr Waldock raised *“the incomprehensive levels of bullying that is going on at Brook House and the levels of corruption being used by all levels of staff including DCO right through to the Brook House Directors and the unhealthy connections used between these people and the in-house Home Office”* He went on to note of Steve Skitt: *“Non-compliance of company procures [sic] and employment laws. Deliberate and purposeful bullying. Twisting facts to protect himself and others. Deliberate lying and falsifying evidence, Covering facts, figures to protect himself and others. Use of threats to undermine employees of the company. Non-compliance of company procedures and working laws. Deliberately holding up Procedures so to be able to make more time for bullying. Making up policies, rules and procedures for his own purpose. Colluding and setting up false statements to collude constructive dismissals. Lying during meetings to twist the facts in what he wants it to say. Refusing persons in his office their working rights, i.e. refusing them to give their side of a story, refusing them to see a complaint made against them and refusing to hold investigations in to complaints made, “if its in a complaint it must be true”. Holding a complaint meeting and refusing the other person to talk or say anything though [sic] out the whole meeting. Bullying of witnesses. Supplying no evidence to support anything he is saying during meetings even when asked to do so. Making speeches in the morning meeting which are clearly aimed a [sic] statements made in a grievance complaint. Ignoring clear CCTV everdance [sic]. Intimidation of officers. Calling an officer disgusting whiles in the visits hall and standing in corridors using intimidating behaviour to undermine officers. Homophobe and deliberate acts of discrimination. Refusal to take all accounts and facts into account i.e. only using the ones he wants to hear to fit his purpose. Handing out punishments in informal meeting. Non compliance of company disciplinary procedures. Handing out non company punishments i.e. his own made up punishments not within company policy Bringing up peoples home life and using it against them. Using irrelevant comments to help fulfil his own wishes. Taking inappropriate actions against officer to intimidate them. Using threatening behaviour towards officers. Receiving contraband and prohibited items. Breaking company policy and working rights of employees. Using unacceptable behaviour in order to intimidate, humiliate, undermine fellow employees and their working rights. Instructing with menace other officer to intimidate other in the company. Accepting bribes and inappropriate gifts.”*

- Former DCO Adel Hinder:

- Submitted a grievance against Mr Skitt in 2018 who had denied her access to use the Brook House gym as part of her rehabilitation from an injury caused in

⁹ para 22, BDP00007_0009

¹⁰ [VER000061_0002-0003](#)

the centre, then called her a lesbian saying “It’s my gym and I don’t like lesbians and you’re a lesbian.”¹¹ Mr Skitt was suspended pending the investigation before being allowed back to work in 2019¹². It is understood that Sarah Newland, who undertook the initial investigation against Mr Skitt, did not take into account the previous complaint of Dave Waldock accusing Mr Skitt of being homophobic despite it being a pattern¹³.

- Michelle Brown
 - Ms Brown was a long standing member of the SMT at Gatwick IRCs before quitting in 2020 owing to the continued abuse and bullying by staff. She sets out concerns relating to Mr Skitt at paragraph 7 of her witness statement.¹⁴ She sets out concerns about Mr Skitt relating everything to “*the prison system and continuously used the terminology*” and that she had to regularly remind him that not all detainees served a custodial sentence. She references him once calling her a “chav” and that she “*witnessed numerous occasions in meetings whereby Steve would make random / unrelated comments out of topic that caused confusion or awkwardness - which became an accepted custom. I sensed some frustration towards Steve from the Home Office as local personnel would come to me rather than Steve for clarity, information or to get things done.*”
- Owen Syred
 - The former DCO described Mr Skitt as having a “*condescending attitude towards colleagues*”. Describes being “*not treated sympathetically*” by Skitt after an injury outside work that damaged his hearing and that Syred found “*my confidence was significantly affected as a result*”.¹⁵
 - Mr Syred goes on to state that “*Skitt was wedded to the prison service way of doing things, which was not always appropriate within a detention centre setting where there is a need to be more flexible... This had a negative impact on life within the centre, for example they disparaged attempts to build positive relationships with detainees. Neither Deputy Director was approachable.*”¹⁶
- Former DCO Luke Instone-Brewer: recalls being told to “man up” by Steve Skitt after being assaulted by a detainee.¹⁷
- Former DCO Shayne Munroe: describes Mr Skitt having a problem with the length of her interactions with detainees: “*He looked at me as if having a lengthy discussion was a problem. It appeared to me that anybody who got on exceptionally well with*

¹¹ [CJS0073398_0003](#)

¹² SER000455_0107-0108

¹³ [see para 76 of Sarah Newland’s Witness Statement dated 11 March 2022, SER000458_0018](#)

¹⁴ from INQ000164_0006

¹⁵ [Owen Syred Witness Statement dated 16 November 2021, paragraph 101 - INN000007_0024](#)

¹⁶ Paragraph 102, INN000007_0024

¹⁷ [Luke Instone-Brewer 8 March 2022, page 35/8-23](#)

detainees was considered by a certain set of DCOs and DCMs to be displaying inappropriate behaviour.”¹⁸

- Former DCO Graham Matchett: notes he was referring to Steve Skitt when commenting that *“some members of the SMT appeared disinterested when approached by detainees and asked questions.”¹⁹*
- Former DCO Charles Smith: noted in his witness statement: *“Senior managers were both focused on being confrontational, aggressive and using scare tactics to try and push staff to work beyond their safe personal both physical and mental health wellbeing. With no support structure in place. They lied eg a meeting I had with the Brook House manager (at the time) Steve Skitt witness and written by HR (I requested all my files under freedom of information act) they said there was no record of that meeting.”²⁰*
- Sarah Newland:
 - Ms Newland was critical of Mr Skitt’s management and what made a good DCM, noting his preference for those who were ex-military/police/prison,²¹ setting out concerns that she believed Mr Skitt was chosen as Deputy Director over herself during to being part of *“an old boys network”* (para 246). She noted that he was someone who *“won’t admit to things when he has made the wrong decision”²²*
 - In her subsequent witness statement of 11 March 2022, prepared with the assistance of the Serco legal team, Ms Newland tried to temper her comments from Verita stating she had *“limited involvement”* with Mr Skitt during the Relevant Period but still found him at the time to be *“abrupt on occasion and indecisive”²³*. In her live evidence, she went further in trying to row back from her comments to Verita about Mr Skitt: *“No, I think the views I offered at the time were obviously some time ago now and based on limited interaction... Steve Skitt spent a long time in the Prison Service before he – both with the public and then – public sector and then with G4S before he came to Gatwick. I think he did – there was a period of transition for Steve, and I just don’t think he was given sufficient support and guidance to make that transition more easy for him.”²⁴*. Ms Newland’s live evidence brings to mind Ms Brown’s concerns that current employees would close rank. Ms Newland’s defence of Mr Skitt – that her views given to Verita were based on limited interaction with him and that Mr Skitt appeared to be an inexperienced individual who need support and guidance to assimilate – are not credible. Her comments to Verita show a clear familiarity with Mr Skitt and his skill set and that they worked with each other for a prolonged time and would have regular contact (e.g. in SMT meetings,

¹⁸ [Shayne Munroe Witness Statement dated 7 February 2022, para 42 – INN000013_0014](#)

¹⁹ [Graham Matchett Witness Statement dated 10 January 2022, para 2 – BDP000001_0001](#)

²⁰ [Charles Smith Witness Statement dated 8 February 2022, para 40 INQ000122_0006](#)

²¹ [Sarah Newland Verita Interview, para 234 - VER000223_0017](#)

²² para 339 – VER000223_0023

²³ para 22, SER000458_0006

²⁴ Sarah Newland 21 March 2022, 217/4-19

during recruitment decisions etc). They accord with the views of several other former staff members and were made to Verita at a time when she believed she was speaking anonymously (she says of her comments about the ‘old boys’ network “*Please be careful. It could be career limiting for me to have said that.*”²⁵), not when speaking in a Public Inquiry upon the legal advice of her employer. Her evidence to Verita appears to reflect her actual views of Mr Skitt.

In addition, Mr Skitt’s own evidence shows concerning views in which he perceives and manages detainees based on racist stereotypes he’s developed. This can be seen in his Verita interview: “*We can probably track our different populations so we know exactly what the Albanians are like. They come from Albania. If you get 50 or 60 Albanians in the centre, the dynamics will change. We got ready for a Jamaican charter. "Question: In what way with the Albanians? "Answer: They have no respect, the way culturally they are. In their own country they work in clans, depending on which family you're from. If you take one Albanian on, you take them all on, very similar to my experiences from Vietnamese in prisons, a population like that. Then you get the Nigerian Ghanaians who, in my opinion, are historically quite litigate... "*” Page 19: “*the Chinese, as an example, are quite happy to have three people in a room because that's the way they are, they keep within themselves as a group*”.²⁶

Mr Skitt responded to this allegation of stereotyping in his live evidence: “*A. I was trying to give an overview of what – I’m not sure what the original question was about – the different populations and how they present as groups, not stereotyping... we knew if we were getting a large intake of people from Albania in, we’d know what type of problems they’d cause. A lot of our incidents were related – you know, netting incidents were related to certain groups of individuals.*”²⁷ Professor Mary Bosworth’s first report at 3.12 notes concerns about this type of stereotyping – “*officers end up relying on other proxies, including race and national stereotypes, in making sense of detainees and their jobs.*”²⁸ When asked in live evidence about officers using such stereotypes, Bosworth clarified: “*A. So here I’m talking about how – I mean, I suppose I’m basically talking about racism...*”²⁹

2. Dan Haughton

Dan Haughton was a Duty Director during the Relevant Period. He has since been promoted to an Assistant Director. He has worked for G4S since January 2009 and was there when Brook House opened in March 2009, becoming a DCM in September/October 2009. He has been there ever since.

He was accused by Michelle Brown of failing to carry out a disciplinary against DCO Instone-Brewer and DCO Fagbo after a complaint by a detainee of poor behaviour in 2016.³⁰

²⁵ VER000223_0017

²⁶ VER000248_0016

²⁷ Steve Skitt 25 March 2022, 177/13-25

²⁸ INQ000064_0015

²⁹ Professor Mary Bosworth 29 March 2022, 35/7-8

³⁰ CJS0073663

Like with Mr Skitt, Sarah Newland was also critical of Mr Haughton in her Verita interview³¹. She described him as lazy and too easy to please Mr Skitt (paras 340-345). Again as with Mr Skitt, Ms Newland sought to distance herself from her Verita interview in respect of comments she made about Mr Haughton³². This is further evidence of Serco staff closing ranks and as already set out above, her live evidence should be treated with caution.

Mr Haughton was responsible for the use of force incident on 13 May 2017 against D687 where he used a fish knife to cut the ligature around D687 who had tied himself around the toilet area in the waiting room pending his transfer out of BH³³. This was on Panorama. The Inquiry's expert on use of force, Jon Collier, had several concerns regarding Mr Haughton's actions and the way force was used – see Jon Collier live evidence 30 March 2022, from page 90:

- Should have been considered a planned incident – *“there was no immediate need to use force immediately... they had ample time for somebody to start planning how to resolve the incident, which should have been through persuasion and negotiation, and because of that, it was a planned incident, somebody should have brought some handheld device or a body cam, healthcare should have been in attendance and it should have been managed by at least a DCM grade”*³⁴
- Did not believe force was last resort – see first report at para 238: *“staff were engaging with D687 and it appears that once DD Haughton arrives he is intent on resolving the situation by any means possible, evidenced by him taking a colleagues fish knife and using a diversionary tactic to cut the noose. Staff appeared surprised by his actions which lead me to assume there was no warning of his intentions. Negotiation and persuasion should have continued, especially as the incident was contained and not effecting the regime.”*³⁵
- Para 242 of report: *“The means used to initiate force do not in my opinion represent the professional standards expected of staff, let alone a senior manager [Haughton]. The additional use of the leg restraint raises concerns as to why staff feel this is a default position when there is no evidence to suggest additional control was required. More time should have been given to address the needs of D687 and consideration for alternate ways of resolving the situation.”*³⁶
- Live evidence: *“A. The actions, I felt, of the deputy director was something that -- rather than engage with someone and trying to get a peaceful resolution, it almost seemed that he was intent on just turning up and ending the situation, because in all of my experience, I've never known a senior manager to take somebody's fish knife, rescue knife, off a colleague in order to carry out an action. For me, I just got the impression that he was intent on getting the incident done and dusted, for want of a better term”*³⁷

³¹ VER000223_0024

³² Sarah Newland 21 March 2022, 217/4-19

³³ [CJS005652](#)

³⁴ [Jonathan Collier 30 March 2022, 91/22-25, 92/1-8](#)

³⁵ [INQ000111_0060](#)

³⁶ Ibid

³⁷ Jonathan Collier 30 March 2022, 94/12-21

3. Sarah Newland

Sarah Newland was Head of Tinsley House during the Relevant Period. She has since been promoted to Deputy Director of Gatwick IRCs. She started as a DCM in Colnbrook IRC in 2004, joined G4S in December 2007 as an operations manager for overseas escort team – managing the team that killed Jimmy Mubenga. She became Head of Cedars in May 2011, the Head of Tinsley House in October 2016.

Sarah Newland in her live evidence accepted the coroner’s findings into Jimmy Mubenga’s death that there was pervasive racism in G4S³⁸. However, she stated *‘I don’t know how I could have dealt with racist texts that didn’t come to light until after’*³⁹ and *‘you can only deal with what you know or what people are able to provide you with evidence of’*. Nathan Ward recalls being *“taken a back at the lack of responsibility as an operations manager”* when he first met her and asked her about Mr Mubenga’s death.⁴⁰

Michelle Brown at para 100 of her statement accuses Ms Newland of trying to pressure her in 2019 not to declare historic audit failings: *“Upon taking on the role of Business Intelligence Manager in 2019, I was pressured not to declare audit failings to the Home Office or wider G4S going back as far as 10 years that had historically been signed off as “compliant”. I felt in an untenable position as I was not prepared to put my name to falsifying documents which resulted in accusations from Sarah Newland, my Line Manager at the time, of not delivering in my role and being awkward.”*⁴¹ Ms Brown at para 72 also notes Newland being present when current Serco Director Steve Hower responded to Brown’s concern about an unwell detainee by saying *“well, what lies is he tell you then”*.⁴²

In her live evidence, Ms Newland denied Ms Brown’s allegations including failing to declare contractual failings in audits⁴³. However Ms Newland did accept to Verita that she was aware of the “daily” practice of moving staff to Brook House from Tinsley House when short-staffed because *“[161] Commercially it is better to have staffing penalties at Tinsley because, frankly, it costs less. A hundred points at Tinsley is, I think, a half to a third of what it would be at Brook”*⁴⁴, a practice which only stopped at the time she were interviewed by Verita (March 2018) *“because we were in quarantine, so they are not allowed to cross-deploy [163]”*. She also confirmed in her witness statement that G4S were paid a fixed fee per month by the Home Office which would include salary costs. Brook House would *“run below staffing headcount, with staff vacancies left open”* and that *“the practice meant that salary costs were saved by G4S. From the Trading Reviews I attended, I got the impression that there was pressure from those higher in the management structure to make these saving where possible, so that such savings could be offset against other more onerous contracts held by G4S.”*⁴⁵

When questioned about these practices in her live evidence, Ms Newland agreed that they were *“a manipulation of the true staffing figures done by G4S in order to reduce the financial*

³⁸ Sarah Newland, 21 March 2022 164/17-20 and 169/19-20

³⁹ Ibid, 164/17-20

⁴⁰ [Nathan Ward 1st statement, para 10 – DL0000141_0004](#)

⁴¹ INQ000164_0052-0053

⁴² INQ000164_0043

⁴³ Sarah Newland 21 March 2022, 193/6

⁴⁴ VER000223_0012

⁴⁵ paras 125-126 - SER000458_0028

penalties”,⁴⁶ and agreed that it was evidence of “prioritising profit by G4S over detainee welfare”.⁴⁷ However crucially, Ms Newland confirmed she never raised “any concerns about the lawfulness or the ethics of these being a deliberate understaffing in terms of – in order to make profits”, stating “I don’t recall anything specific, no.”⁴⁸

In his witness statement to the Inquiry, Conway Edwards (the only black member of the SMT) set out at paragraphs 67 to 81 a section on ‘Incidents involving racism and racial abuse towards staff’. He gave examples where he believes he was racially abused or treated differently because of his race. He states the following at paragraph 81: “I also recall one time when there was a position opened up for a secondment into the Safeguarding role. I submitted my interest, as it was required. The interviews were to be held by HR Manager Shaun Collins and Deputy Director Sarah Newland. I know that I was going away on holiday and would not be in the country so I told them that I would be happy to have the interview before 10 August 2019 or after 24 August 2019. On my return home following holiday, I found that I have received a letter dated 16 August 2019 in the post inviting me to an interview on the 21 August 2019. The moment I saw the date, I strongly believed that this was a deliberate attempt to give the position to one of their favourite staff members. Upon my return to work following my holiday, I recall that I also overheard the Detail Manager asking if he should move the successful candidate’s shift pattern line over to suit the new role. This was weeks before the outcome of the interviews was announced to everyone who applied. I do believe this however was more about favouritism rather than racism.”⁴⁹

4. Steve Dix

Steve Dix was a DCM during the Relevant Period. He has since been promoted by Serco to Assistant Director. Mr Dix was a DCO upon Brook House opening in 2009, being promoted to a DCM in 2010. He had 7 years’ experience as a DCM before the Relevant Period. He became a Use of Force Instructor in 2019 meaning he currently trains others at Gatwick IRC.

He frequently used force and rule 40 and 42 seemingly without authority, and with the improper end of managing detainee behaviour and without proper regard to the physical and mental impact on each detained person he used these on. Below are some illustrations of his conduct.

- D1527
 - 25 April 2017 choking incident
 - G4S Investigation Report:⁵⁰ – Mr Dix was the first manager on scene following the choking incident by DCO Yan Paschali. Mr Dix is seen on CCTV in discussion with Paschali for several minutes. He is said to attempt to speak with D1527 on arrival. He failed to record his

⁴⁶ Sarah Newland 21 March 2022, 190/24-25 - 191/1-2

⁴⁷ Sarah Newland 21 March 2022, 192/7-15

⁴⁸ Sarah Newland 21 March 2022, 191/17-23

⁴⁹ [SER000459_0016](#)

⁵⁰ CJS004302

attendance and observations on the ACDT log despite it being a basic and mandatory requirement.

- G4S findings: *“There are no records of any actions taken by DCM Dix in the aftercare of Mr D1527 a detainee on constant supervision following his act of self-harm on this date. DCM Dix stated that “If there is none, there is none”. “It is clear that DCM Dix failed to enquire appropriately in to the circumstances surrounding the incident that had taken place.”*⁵¹
- 4 May 2017 netting incident – authorised Rule 40 and led transfer to E-wing by force.⁵²
 - DCM Steve Dix when asked by Callum Tulley about what if D1527 attempts to jump off the netting: *“Oh well, its his own choice innit”*⁵³.
 - Mr Dix unlawfully authorised removal from association of D1527 under Rule 40(2) for these reasons: *“Detainee D1527 has been relocated to Care and Separation Unit on rule 40 after jumping on Delta Wing netting. Mr D1527 removed himself after approximately 30 minutes, he went to a friends room to calm down...”*⁵⁴. See further the section on rule 40 and 42 in the main submissions (contributory factor 7).
 - The Rule 40 decision was unlawful in that:
 - It was unlawful to use the urgency procedure of R40(2) – there was no urgency. D1527 had calmed down and posed no immediate risk to safety of security. Authority should have been sought from the Home Office under R40(1).
 - Even if the urgency procedure could be relied upon under R40(2), Mr Dix as a DCM had no authority to authorise removal from association. He was not the manager under the Detention Centre Rules or s148 Immigration and Asylum Act 1999 (i.e. Ben Saunders), and there is no evidence of a scheme of delegation under R65 DCRs. The decision pre-dated the coming into force of DSO 02/2017 which from 18 July 2017 allowed urgent R40(2) decisions to be undertaken by *“the centre/duty manager”*. He was neither in any event, a duty manager being a Duty Director.
 - It did not comply with the necessity test of Rule 40. By Mr Dix’s own words, he had allowed D1527 to go to a friend’s room *“to calm down”*.

⁵¹ CJS004302_0005

⁵² [CJS005530](#)

⁵³ KENCOV1012 – V201705040022 clip 2

⁵⁴ [HOM000251](#)

- There was no consideration of the mental health impact on D1527 in segregating him. UOF 114.17 BWC B confirms Dix stating to D1527: “...your behaviour dictates what happens in your future, ok? No one wants that, ok. If you stay calm, [inaudible], but I told you, the way you’ve gone about things, jumping on the netting, is not the right way, you should’ve spoken to a manager but your problem is that you go from ok to [lose the plot] in 2 or 3 seconds and that’s what has landed you in trouble.”⁵⁵
 - See Dr Hard’s concerns that Rule 40 was “done for the convenience of the staff and not for the benefit of the detained person.”⁵⁶
 - It appeared to be authorised pursuant to a general policy at Brook House to segregate anyone who went on the netting: “1-3 A. At the time, obviously, when someone is on the netting, then obviously the procedure was for them to go to rule 40. 4 Q. That was a procedure, was it? 5 A. Yes. 6-8 Q. Where did this procedure come from? As in, who authorised this type of policy -- would you say it was a policy? 9-12 A. I'm not sure if it's a policy. It was, you know, due to the fact of the level of disruption he caused on the netting and the wing. You know, people that do that generally go -- move to the E wing/CSU department.”⁵⁷
- Mr Dix applied himself and authorised others to use unlawful force to transfer D1527 to E-wing.⁵⁸ An extensive response to why this force was unlawful was set out in detail in D1527’s Written Response to Rule 9 Questions⁵⁹ but the following summary is provided:
- Mr Dix applied force pursuant to an unlawful decision to remove D1527 from association under Rule 40. Any force was unlawful to transfer D1527 to E-wing because the segregation was unjustified.
 - Mr Dix claimed force used spontaneously to prevent apprehension of self-harm. His report contradicts those of Bromley, Shaukat and to a certain extent Yates.
 - Mr Dix claims force was unplanned but evidence confirms it was clearly a planned incident – officers were outside the cell ready to act, force was clearly anticipated. Mr Collier in his first report

⁵⁵ UOF 114.17 BWC B

⁵⁶ [Dr Jake Hard 28 March, 66/13-15](#)

⁵⁷ [Steve Dix 9 March 2022, 56/1-12](#)

⁵⁸ CJS005530

⁵⁹ [DL0000209_0033-0055](#)

criticises this and in turn a failure to use a BWC: *“I find it unacceptable that although DCM Dix had considered this would be a problematic engagement with D1527, based on him taking three additional staff with him and following the events earlier on that day, that DCM Dix did not active a BWVC.”*⁶⁰

- DCO Yates applied an unlawful pain infliction technique on D1527 in transferring him to E-wing. Mr Collier in live evidence found this to be unjustified and criticises Mr Dix for failing to mention this in his report: *“there is very little to state or to justify why that decision was made. But also why the supervising officer didn’t record it in their report, why it wasn’t reported there and why it wasn’t address by the supervising officer about why staff felt it necessary to use that technique.”*⁶¹

- Mr Dix then applied an unlawful use of a full search in breach of Detention Services Order 09/2012, Searching Policy. UOF 114.17 BWC B confirms Mr Dix further degraded D1527 by confiscating his trousers. Mr Dix also failed to record the full conversation between himself and D1527 during the search by ordering DCO Yates take the camera outside the E-wing cell meaning that the audio could not be picked up for several minutes. The camera should have remained in the cell (Mr Dix does not explain why the camera could not have remained in the cell but pointed away from D1527 if he wanted to protect his modesty during the search. He could have alternatively not conducted an unlawful full search.)

- D1914

- 27 May 2017 – Mr Dix led the control and restraint to transfer D1914 to E-wing in preparation for removal⁶².
- The transfer to CSU by force was done pursuant to an unlawful decision under Rule 40(2) to use the urgency procedures to remove him from association. That Rule 40 decision⁶³ appeared to be part of a coordinated action between DCMs London, Loughton, Dix and Ring. London authorised the Rule 40 decision, Loughton undertook the briefing, Dix executed the C+R transfer and Ring filmed the C+R.
- The Rule 40 decision was plainly unlawful. The reasons given were *“Mr D1914 was placed onto Rule 40 and constant supervision for refusing to relocate to Eden wing. Mr D1914 has medical issues so placed on constant supervision.*

⁶⁰ para 270 – INQ000111_0069

⁶¹ Jon Collier 30 March 2022, 135/22-25 – 136/1-2

⁶² [CJS005651](#)

⁶³ CJS001768

*D1914 was placed on Rule 40 to maintain good order and discipline*⁶⁴. It appears the decision to put him on Rule 40 was taken after his relocation to E-wing. It is not referenced in Loughton's C+R briefing⁶⁵ and Mr Dix's use of force report states the following after being placed into his E-wing cell: *"Healthcare then checked him over following the removal and stated they were happy, officers left the room and he was placed onto DC Rule 40 due to his non-compliance and to facilitate his removal directions. An ACDT was also opened and he was placed onto a Constant Supervision due to his previous self-harm history"*⁶⁶. There was no urgency that justified the Rule 40(2) procedure being implemented – It was 00:30am and D1914 was unwell and being kept in the E-wing cell under constant supervision, there was no reason or benefit to urgently place him under Rule 40 without waiting for the Home Office's approval. The reasons were irrational and there was no necessity either given he had already been transferred to E-wing and was under constant observation. It was purely punishment or consequential on his so-called 'non-compliance'. DCM London's reasons confirm this too, with him using the 'good order and discipline' test, being the wrong test (it is one applied for segregation in prison).

- DCMs Dix, London and Loughton had no authority to authorise removal from association under Rule 40(2) anyway. None of them were the manager under the Detention Centre Rules or s148 Immigration and Asylum Act 1999 (i.e. Ben Saunders), and there was no scheme of delegation under R65 DCRs. The decision pre-dated the coming into force of DSO 02/2017 which from 18 July 2017 allowed urgent R40(2) decisions to be undertaken by *"the centre/duty manager"*. In any event, none of them were a duty manager, being a Duty Director.
- In relation to the planned control and restraint, Jon Collier found this to be unjustified and unnecessary. He also criticises how the control and restraint was planned and led by Mr Dix. This included the decision for PPE to be used: *"I don't think it should have been used any time during that incident. It's clear there was no physical threat at the time. The staff – it was really evident later on that he offered no threat towards the staff as far as violence towards the staff. It was only about him feeling unwell at that time. So, again, it's one of those that, if an assessment, a proper assessment, had taken place beforehand, there would have been an assessment made the decision then should have been that staff just go in and try and explain what's happening and assist move again."*⁶⁷
- He also found Mr Dix's decision to place D1914 into handcuffs to be unnecessary: *"Yes, and I think the staff just needed to help him along rather than, as I say, use the cuffs as an extra measure of control."*⁶⁸

- D1234

⁶⁴ CJS001768_0002

⁶⁵ CJS005651_0008-0011

⁶⁶ CJS005651_0015

⁶⁷ Jon Collier 30 March 2022, 127/7-17

⁶⁸ Jon Collier 30 March 2022, 127/25 – 128/1-2

- Led a planned control and restraint of D1234 on 28 March 2017 to facilitate his removal from the UK by taking him from his cell and handing him to escorts.⁶⁹ Mr Collier criticises the force for the excessive pushing down of D1234's head, the application of handcuffs in a seated position and the technique of carrying D1234 from his cell to the waiting room – all techniques led and approved by Mr Dix.
 - Of the application of handcuffs in a seated position (which Mr Dix is recorded in the video footage instructing the officers to do it in his cell), Collier in live evidence confirms this was outlawed following the death of Jimmy Mubenga – it was the restraint the escorts used on him. It was removed from the manual in 2015 and it was an important training point for refreshers when the new manual came in. G4S should have been more heightened to the risk but this clearly did not get through to DCMs including Mr Dix.⁷⁰
- D1978
 - On 23 May 2017, Mr Dix led a planned control and restraint to transfer D1978 to CSU under Rule 40 removal from association
 - The handheld camera footage⁷¹ confirms Mr Dix asked D1978 if he would walk compliantly. D1978 appeared to confirm he would and walked towards door. However staff charged into the cell with full PPE and restrained D1978. Dix can be heard initially saying 'no, no, no' but then does nothing to prevent it and does not allow D1978 to subsequently walk compliantly.
 - In the de-brief video Mr Dix claimed that D1978 was non-compliant and encroached his space, which is inconsistent with what can be seen.
 - Mr Collier set out several criticisms of DCM Dix in respect of this in his live evidence on 30 March 2022:
 - *"He should have controlled that scene far better... he should have stayed at the door. He could have given clear instructions, as he was, and he was getting compliance at that stage... what was said on the debrief, as you say, doesn't reflect anything that was actually seen from the footage"*⁷²
 - *"I think, considering DCM Dix had been involved in quite a few incidents that I reviewed, and I'm going to assume that he'd supervised many other incidents in the period since he was promoted – I think that what was there probably wouldn't require any additional training. That's something that would be covered in basic training for all grades of officers. So I don't think that his failings there was anything to do*

⁶⁹ [HOM002496](#)

⁷⁰ Jon Collier 30 March 2022, 51/24-25, 52/1-25, 53/1-12

⁷¹ Disc 48, 20170523210142_E1606N_0013.MOV

⁷² Jon Collier 30 March 2022, 85/21-25, 86/1-7

*with not having specific training as a DCM, because that was basic training that everybody receives.”*⁷³

- *“... that wasn’t the truth, was it, what he said in the debrief? A. No, and it would bring into question his integrity.”*⁷⁴
 - It is notable that a few weeks prior to this control and restraint on 4 May 2017, Mr Dix was recorded describing D1978 as *“bald-headed Portuguese, bipolar nutter.”* After someone else responds *“Wait, the lunatic?”*, Dix responds: *“Yeah, it’s funny stuff”*⁷⁵. Mr Dix was thus both aware of D1978’s mental health issues and was entirely unsympathetic of them. This has parallels with his attitude towards D1527 on 4 May 2017 where he makes similarly unsympathetic comments about D1527’s suicide risk (*“oh well, its his own choice innit”*) before initiating unlawful R40 and use of force decisions against him.
 - On 1 April 2022 Current Centre Director Steve Hower was questioned about Mr Dix’s actions in respect of the C+R against D1978, and in particular Mr Dix giving an untruthful account in the de-brief. After claiming to have watched Mr Dix’s evidence, Mr Hower claimed that he had asked for an explanation of Mr Dix’s actions but crucially did not ask about why he gave an account in the de-brief that was inconsistent with what had happened (*“I haven’t asked him about that, no”*⁷⁶). When asked why he had not challenged Mr Dix about putting the responsibility on the detainee for an unauthorised use of force, Mr Hower then conceded *“I didn’t see every part of his evidence, I will be quite honest”*⁷⁷. Mr Hower confirmed he would subsequently speak to him but only committed to obtaining *“A full and frank understanding of the circumstances”* before going on to defend the culture of his SMT as *“open, honest and fully transparent now”*⁷⁸.
- D2159
 - Mr Dix led a planned control and restraint on 5 April 2017 to transfer D2159 to E-wing.
 - D2159 was a Pakistani national being relocated from D-wing to E-wing because healthcare had concerns about his mental health and food/fluid refusal. They wanted to observe him greater in E-wing and apparently Chrissie Williams (the clinical lead at Brook) authorised force being used to transfer him. It is clear upon arrival by the C+R team that D2159 is really unwell and incredibly weak, and cannot stand up on his own. They arrive in full PPE. Mr Dix directs them to place the shield on him whilst in bed. They then lift him. They ask if he’s going to walk compliantly. He’s non-responsive and clearly too weak to stand

⁷³ Jon Collier 30 March 2022, 87/10-20

⁷⁴ Jon Collier 30 March 2022, 89/11-13

⁷⁵ TRN0000099

⁷⁶ Steve Hower 1 April 2022 77/15

⁷⁷ Steve Hower 1 April 2022 77/19-20

⁷⁸ Steve Hower 1 April 2022 77/24, 78/5-7

up and walk on his own. Instead of trying to help him, Mr Dix says he's being non-compliant in refusing to walk and so they place handcuffs on him (unclear how handcuffs would help him walk). There is no risk to staff from him.. Mr Collier makes all kinds of criticisms in his live evidence including the lack of medical intervention, use of shield and handcuffs, and use of PPE.:

- *"I would have expected healthcare to have been in attendance with the DCM in the first instance. As you saw from the footage, the DCM looks through the observation panel and then just opens the door and sends staff in, which, again, in my view, was unnecessary. He could have gone in with a member of healthcare to check on the condition of the detained person, and I didn't feel there was any need for the shield to be used of for the staff to be in protective equipment of that nature."*⁷⁹
- *"Q. What about handcuffs? Were they appropriate? A. No. "* (Jon Collier 30 March 2022, 117/17-18)
- *"Q. I assume, from the video, you think that that wasn't just assisting somebody? A. No. The DCM actually has told the staff what techniques to use. He says, you know, "Apply figure fours". Then, when the handcuffs were put on, he said, "Apply wrist locks or final locks". So he's telling the staff to use a physical technique, yes."*⁸⁰
- *"I see no reason why the shield was necessary There was no – the shield is used to protect staff from levels of violence offered against them and, at that stage, the detained person was unresponsive. So there no threat, there was no risk. I think using the shield there was, as I said at the time, disproportionate and unnecessary."*⁸¹
- *"the efforts at engagement were very short. There was a short period from a few questions to ordering staff to restrain the detained person. So, again, it's that theme all the way along, that there isn't sufficient engagement and attempt at persuasion and negotiation, and even more so this time because of the unresponsive nature the detainee presented, then they should have looked at other methods and tried to sit down and explain more what was happening."*⁸²

In addition to the above, there were concerns during the Relevant Period by the Security team about Mr Dix's romantic link with Bonnie Spark resulting in him being on the Security teams' intelligence/corruption prevention list: *"ACO Bonnie Sparks had a former relationship with DCO Alex Parkworth that was short lived and this ended abruptly. There was professional standards concerns about ACO Sparks and suspicion she may well be trafficking into the centre. Security suspect that the break-up between ACO Sparks and DCO Parkworth may be*

⁷⁹ Jon Collier 30 March 2022, 117/4-12

⁸⁰ Jon Collier 30 March 2022, 119/13-19

⁸¹ Jon Collier 30 March 2022, 120/17-24

⁸² Jon Collier 30 March 2022, 121/11-20

linked to DCO Parkworth suspecting her involvement in trafficking and inappropriate relationships with detainees. DCM Steve Dix is linked to ACO Sparks and he has recently split from his wife who works in healthcare. DCM Dix gave a SIR to ACO Sparks offsite and this was discovered by security and he was subject to disciplinary procedures due to this. Intelligence received that ACO Sparks sent an image of herself 'selfie' to a detainee which is not permitted under Section 54 as staff are not allowed to make contact with any detainee. Security believe she has a prohibited phone or contact with detainee. ACO Sparks is believed to target new female officers and make them feel uncomfortable either by her comments or the way she acts towards them. She is believed to be territorial or keeping them away from finding out about her actions.”⁸³

5. Steve Loughton

Steve Loughton was a DCM during the Relevant Period. He has since been promoted by Serco to Assistant Director. He was a DCO when Brook House opened in 2009 and became a DCM around late 2009/2010.

- Mr Loughton was involved in the verbal abuse of D1527 on 25 April 2017, prior to the chokehold incident, calling him a “cock” after D1527 had attempted to ligature⁸⁴. At paragraph 75 of his witness statement, Mr Loughton whilst accepting the comment was inappropriate attempts to defend his comment stating “*I am sure that I made those comments whilst I was leaving the room. I would certainly never speak directly to a resident like that.*”⁸⁵. When challenged about his comment in live evidence and the fact it was clearly within ear shot of D1527 given that it was picked up by the recording of Callum Tulley who was directly opposite D1527, Mr Loughton continued to defend himself noting “*I said this to another officers.. It’s not the sort of the comment I would use... my adrenaline was going... He was screaming in my face... I regret it. But I didn’t say it to him, I said it to another officer... This is a one-off*”⁸⁶. When asked if his language and that of Nathan Ring was demeaning, Mr Loughton was only willing to go as far as to say “*Potentially*”⁸⁷. After stating his “cock” comment was a “one-off”, Mr Loughton was then questioned as to why he also described D1527 as “sulking” seeking to defend it⁸⁸. He was then asked why he called another detained person a “knobhead” and a “fucking arsehole” on 14 June 2017, again seeking to defend it on the basis that it was not said directly to the detainee⁸⁹.
- Steve Hewer was questioned on Mr Loughton’s derogatory comments about D1527 but sought to defend him and appeared to accept Mr Loughton’s explanation that it was out of shot of the detainee: “*Because I have challenged him – I have challenged him on this, on the wording, et cetera, and he tells me that the words were said when he closed the bedroom door and exited because he was frustrated - ... - at this time, and he said he apologised for that as well at the time.*”⁹⁰. It had to be pointed out to Mr Hewer by

⁸³ CJS0073809

⁸⁴ V2017042500020

⁸⁵ [SER000447_0017](#)

⁸⁶ [Steve Loughton 1 March 2022, 89/25 – 90/1-24](#)

⁸⁷ Ibid, 92/15

⁸⁸ Ibid, 95/1-16

⁸⁹ Ibid, 99/23-25

⁹⁰ Steve Hewer, 1 April 2022 69/19-25

CTI that Mr Loughton's comments were actually made in front of D1527 (*"Okay. I didn't see that"*⁹¹), suggesting not only that Mr Loughton had not told Mr Hewer about the true nature of the incident, but that Mr Hewer had not watched Mr Loughton's live evidence (as claimed) or indeed "challenged" Mr Loughton in any competent way as claimed.

- In the wake on Panorama, Mr Loughton took to Facebook to say of Callum Tulley: *"He's a fake. It's all an act. I worked with him. Don't be fooled."*⁹² In his live evidence, Mr Loughton sought to defend his comments *"I was just angry at what had happened. I felt let down. I had quite a good working relationship with Callum, but I felt quite let down."*⁹³ These comments reflect a common response and shared culture from officers involved in Panorama in that they vilified Mr Tulley for their perception that he had somehow betrayed staff, as opposed to acknowledging the importance of his uncovering abuse of detained persons. When asked directly by the Chair whether he had a view on the D1527 chokehold incident that Mr Tulley's undercover footage exposed, Mr Loughton refused to answer stating: *"I wasn't there, so I can't comment on that. You have spoken to people involved in that previously so it's down to them to comment on that"*⁹⁴. Steve Hewer was later questioned on 1 April 2022 about Mr Loughton's refusal to answer the Chair's question, agreeing that you did not need to be present at that event to have a view on it and that it was obviously unacceptable. Mr Hewer agreed it was *"fair to assume"* that Mr Loughton *"hadn't really reflected on the events he was involved in"* and when asked what he intended to do about it, Mr Hewer could only respond with *"Well, I will separately discuss with my senior management team on the matter"* – Mr Loughton being part of that team⁹⁵.
- Mr Loughton was also questioned in live evidence about his failure to report DCO Clayton Fraser on 25 April 2017 when it was DCO Fraser's failure to constantly observe D1527 that resulted in D1527 being able to enter the cell toilet and ligature. Mr Loughton had claimed he was angry during the events because of DCO Fraser's actions. Mr Loughton confirmed he took no action despite the clear risk to D1527's life as a result of DCO Fraser's failures: *"I didn't report him, no. I was frustrated at the time because I felt I did his job for him. A constant – if someone is on a constant supervision, it means what it says: you should be supervising them constantly. He didn't for a split – which is why I entered the room... I didn't speak to Clayton"*⁹⁶. Mr Hewer was again asked about Mr Loughton's admissions in his live evidence that he failed to report Fraser after Mr Hewer had confirmed he watched his live evidence. Mr Hewer accepted that: *"It is not something I follow up on, no... It does cause some concern, yes, because I would expect senior managers to address actions, particularly when there is a level of vulnerability of residents that need to be cared for as well."*⁹⁷

⁹¹ Ibid, 70/4

⁹² Steve Loughton 1 March 2022, 135/25

⁹³ Ibid, 137/2-5

⁹⁴ Ibid, 138/21-23

⁹⁵ Steve Hewer 1 April 2022, 72/3-25, 73/1-8

⁹⁶ Steve Loughton 1 March 2022, 98/1-25

⁹⁷ Steve Hewer, 1 April 2022, 71/16-21

- Mr Loughton was deemed by Michelle Brown to be part of the laddish culture within DCM/management level, in particular linking his stag-do and wedding in 2017 to part of a staff drugs culture. *“I think he [Juls Williams] went on a stag weekend last year, where — a perfect example — I think 15 or 16 of our managers went on the stag weekend, which left me two on duty. I was working, duty director at the weekend, and I had two managers left... Steve Loughton’s yes... they went to Magaluf. One DCM got a G4S tattooed on his chest.”*⁹⁸ Page 18, from para 268: *“I was invited to a wedding and I have worked with Steve for 10 years, and so I did go. However, I didn’t stay very long, because I was a little concerned. I don’t want to witness things. Where was it? East Sussex, or West Sussex? I wanted staff to be swabbed when they came into work on the next working day, to see whether there was anything in their system, but the police wouldn’t support us in that. Unless they think somebody is under the influence — Mr Marsden: Had drugs been used? A. I didn’t witness that, but do I think they were? Potentially, yes... Cocaine. My ears pricked up initially because they had obviously all gone on the stag do. I am not suggesting that anything was taken — I genuinely don’t know. However, my hunch is that, potentially, yes.”*
- Mr Loughton was asked about the repeated use by officers of the phrase “If he dies, he dies”, said to be a quote from a film but used by officers derogatorily when referring to detainees often when their health or life is at risk. He was asked specifically in reference to both DCO Dave Webb and DCO Dan Lake using it on 27 May 2017 in relation to an upcoming planned control and restraint against D1914, where concerns had been raised about D1914’s cardiac condition and the suitability of applying force on him to transfer him to the CSU. Mr Loughton had undertaken the briefing for the C+R against D1914. In live evidence, Mr Loughton denied this was part of a negative staffing culture that treated detainees’ health and welfare with contempt: *“No, it’s just said it was from a film. That’s all. I think — that’s all... [asked if it’s said in relation to use of force] I don’t think so... No one wants to see anyone die, do they”*⁹⁹. When questioned about Mr Loughton’s views on the use of this phrasing, Steve Hewer in his live evidence again sought to defend Mr Loughton: *“Q. Could it be seen by him as a denial of the seriousness of what was happening and a refusal to learn from mistakes at the time? A. knowing Mr Loughton, I wouldn’t think or see it as being a denial in any shape or form but probably not understanding the questioning at that point in time. Q. Do you think if he didn’t understand my question? A. I am not sure to be honest. Q. Do you know whether anything relating to his evidence has been taken up with him before, after he gave evidence? A. Not that I am aware of, no.”*¹⁰⁰
- Mr Loughton was later heard in the BBC transcripts on 27 May 2017 to use racist language against D1914, calling him a “traveller” on the basis of his Romanian heritage.¹⁰¹ Mr Loughton defended his comments in his live evidence: *“A. He was a traveller, I knew this guy. He was a Romanian gentleman. I had a lot of dealings with him. I got on really quite well with him, to be fair. He told me he was a traveller. Q. So you’re*

⁹⁸ VE0000221, from pg13 – para 162

⁹⁹ Steve Loughton, 1 March 2022 114-116

¹⁰⁰ Steve Hewer, 1 April 2022, 67/15-25, 68/1

¹⁰¹ [TRN0000090 0003](#)

referring to him in the way he would refer to himself? A. Yes”¹⁰². It is of course not a defence to call a person by a racist term if a person of that race uses that language to describe themselves. What is clear is that D1914 in his witness statement perceived it to be “racist” having viewed been shown the transcript¹⁰³.

- Mr Loughton also led the dangerous and unlawful control and restraint against D149 on 31 May 2017¹⁰⁴ where the Inquiry’s expert Jon Collier raised serious concerns about how D149 was kept in the prone position for longer than necessary; about how staff did not ensure a safe exit on a figure-four leg restraint, and in relation to an unjustified pain-inducing technique:
 - Concerns about lack of negotiation and rush to initiate force: *“the detained person was asking a question that he wasn't getting an answer to. He kept saying, "For what reason? For what reason?" And there was no explanation given. Now, it may have been given earlier, but I think it would have been good practice to have actually explained to him why he was being moved at that stage. Now, it shouldn't be a secret, because the detained person would find out sooner or later about why they'd been moved anyway. And I think they have a justifiable right to be told why they're being moved. So, rather than, "You're being moved", it wasn't explanation enough. So I would have expected a little bit more engagement and a little bit more detail, giving the reasons for the removal.”* Asked about if 1:40min enough to negotiate him walking compliantly: *“A. No, and there was no obvious threat of risk to staff”*¹⁰⁵.
 - Notes handcuffs not applied correctly, noting one hand was *“almost turned face-in. So what that causes is pressure through the wrist, just with the cuff being applied, without even the staff putting their arms on or applying any kind of control of the arm”*.¹⁰⁶
 - Mr Collier notes that Mr Loughton had identified that the handcuffs were wrongly applied, looked at them but then failed correct it: *“A. It appears that somebody has identified that the cuffs have been incorrectly applied, and they have summoned the DCM to come in and adjust them. So they have looked as though they have gone and made some sort of effort to, but haven't actually changed anything.”*¹⁰⁷
 - Mr Collier notes the use of a wrist flexion pain-inducing technique by an officer (likely DCO Dave Webb), that doing so with handcuffs *“increases the pressure point”* and that the PIT should have only been used in *“extreme circumstances”* that weren’t met out here¹⁰⁸. Mr Loughton appeared to approve the technique and there is no evidence he challenged DCO Webb’s use of it.

¹⁰² Steve Loughton 1 March 2022, 118/10-16

¹⁰³ paragraph 182, [DL0000229_0052](#)

¹⁰⁴ [CJS005650](#)

¹⁰⁵ Jon Collier 30 March 2022, 34/10-25, 35/1-2

¹⁰⁶ Jon Collier 30 March 2022, 36/8-11

¹⁰⁷ Jon Collier 30 March 2022, 37/16-20

¹⁰⁸ Jon Collier 30 March 2022, 38/2-25, 39/1-7

- In dealing with the removal of handcuffs and exit from the CSU cell after relocating D149, Mr Collier heavily criticises the time taken to remove handcuffs: *“should have been... certainly less than about 30/45 seconds, maximum. I think we were nearly at 3 minutes there”*. He criticises Mr Loughton for allowing a DCO (Webb) to essentially talk through as a training exercise: *“I think, bearing in mind the complexities around this particular incident, bringing in someone who clearly was inexperienced, because the DCM at the door actually asked one of the staff to talk the member of staff through the removal of the handcuffs, I don't believe that was the right time or place, bearing in mind that incident and the difficulties they'd had and the duration of the incident, to put someone in who was inexperienced, when there was an experienced DCM there that should have been more than capable of removing them much swifter”*¹⁰⁹.
- Mr Collier was highly concerned about the amount of time D149 was left in the prone position before staff exited and ended the C+R: *“A. Being placed facedown for an extended period, so we have a prolonged prone restraint. We also have the added issue of the hands being behind the back and being controlled as well. So that, again, has an impact on the capabilities for normal function of breathing. So, again, it's something that's highlighted in training that should be held for the minimum period absolutely necessary at that time.”*¹¹⁰.
- Mr Collier sets out the risk of fatality in holding individuals for prolonged periods in the prone position, as Mr Loughton allowed his officers to hold D149: *“A. For a long period of time, obviously with all the anxiety and all the stress and the fatigue from the restraint, because he had been very active and very resistant, so there is that kind of fatigue and exhaustion there, in which case your breathing rate needs to increase, you need to inflate more oxygen into your body. So because of the inability to be able to perform that normally or at the level required at the time, possibly then he could start to experience some breathing difficulties. Extended periods has, unfortunately, in the past, led to fatalities”*¹¹¹.
- The use of force was further unlawful because it was done pursuant to an unlawful Rule 40 removal from association decision. It was improperly authorised under the urgency procedures under Rule 40(2) when it should have been authorised by the Home Office under Rule 40(1). The officers had time to plan a control and restraint, they there had time to seek the Home Office's authorisation. According to the use of force reports, force commenced at 17:16¹¹² but Mr Loughton in his report confirmed he had been informed by the Duty Director at *“half past two on the afternoon”* in relation to the need to move D149 for trying to steal an officer's keys¹¹³, that he at that time had tried to *“speak with him in the office and informed of what have had reported and that he needs*

¹⁰⁹ Jon Collier 30 March 2022, 40/14-25, 41/1-4

¹¹⁰ Jon Collier 30 March 2022, 41/22-25, 42/1-4

¹¹¹ Jon Collier 30 March 2022, 44/8-18

¹¹² CJS005650_0001

¹¹³ CJS005650_0008

to pack his belongings and walked down with me to our care and separation unit". When he refused, Loughton states in his report: "Because of the time of day I did not pursue the matter as the centre was on association time which means all the detainees in the centre were out of their rooms so I left it and spoke with Caz Dance-Jones and informed her that we would go back to Mr D149 room at approximately five o'clock when the centre was in lockdown for dinner time roll count." There was thus more than sufficient time to seek the Home Office's authorisation for Rule 40 prior to the planned C+R to move him to CSU. This decision in no way could meet the urgency requirements of Rule 40(2).

- It appears Mr Loughton did not complete any paperwork and it was not until 21:52 that DCM Stephen Pearson (presumably the DCM on the nightshift) picked this up and tried to authorise the Rule 40 decision¹¹⁴. DCM Pearson stated incorrectly (and it is difficult to see other than knowingly) that D149 was only located onto Rule 40 at 21.52. There was thus no authorisation for Rule 40 for almost 4.5 hours.
- DCM Pearson's authorisation in any event was unlawful because (a) it could not be justified under the urgency procedures of Rule 40(2), and (b) only the centre manager (Ben Saunders) had the power to authorise under that power in the absence of a scheme of delegation under R65 DCRs.
- On 31 May 2017, a couple of weeks later Mr Loughton subjected D149 to homophobic abuse. The unbroadcast Panorama footage – KENCOV1035 V2016061400023 Clip 6 – picks up Mr Loughton saying the following to D149 on 14 June 2017: *"My pretty boy?... why don't you go [inaudible] on that telephone sex again... Because I spoke to your boyfriend earlier."*¹¹⁵

DCMs

6. Chris Donnelly

Chris Donnelly remains in post as a DCM, as he was during the Relevant Period. He joined G4S in December 2008 and has been a DCM since Brook House opened in March 2009. He was involved in multiple instances of mistreatment of detained persons:

- D865
 - On 4 July 2017, D865 attempted suicide by placing ligature around his neck attached to the TV bracket in his cell. His cellmate D1538 had gone to the toilet at the time following which D865 had tried to ligature using the TV that was on the wall as a ligature point, but the TV collapsed from the weight of D865. Having heard the crash, D1538 describes in his witness statement at paragraph 76: *"I came out and the TV had fallen from the wall. My cellmate was lying on the floor, shaking, with something round his neck — I think shoe laces. It looked like he had tied the material around the TV bracket and his neck whilst I was in*

¹¹⁴ CJS001820_0001-0002

¹¹⁵ [TRN0000092_0030](#)

the bathroom. It was so distressing that I found it hard to look at him. I felt very scared.”¹¹⁶.

- D1538 screamed out for help, rang the bell in his cell and a first response was called following which officers arrived on scene, led by DCM Donnelly, and just stood outside D865’s cell looking on. Callum Tulley arrived moments later and pointed out the ligature but Donnelly delayed and it was not until Tulley prompted him again that Donnelly cut the ligature from D865’s neck. Tulley believed the delay by Donnelly was around 2 minutes. The incident is recorded in transcript KENCOV1043, V2017070400007 clip 1 and 2:

D1538 (Detainee):[Inaudible] banged his head on the floor. He shakes. I can't watch it like, I'm [Inaudible] changes.

Chris Donnelly: Yeah, yeah, yeah.

Callum Tulley: Has he tied something to the — ?

Chris Donnelly: No. It's not round his neck.

Callum Tulley: No, but what's that tied around the actual bracket?

Chris Donnelly: Is he — he's not charged[?] is he?

Callum Tulley: Do you want a fish knife?

Chris Donnelly: [Inaudible]

Callum Tulley: Here you are, use it.

Chris Donnelly: [01:24 — 01:36 Chris Donnelly produces a knife from his belt and

cuts a shoestring/cable from D865 's neck and discards it on the ground] That's all I need.

Chris Donnelly: Oh, that will help him.

Male Medical Staff1:[Inaudible] Need to get some air in him.

Male Medical Staff1: Is that D865?

Male Medical Staff2: Yeah, it is.”¹¹⁷

- Mr Donnelly gave live evidence to the Inquiry on 23 February 2022. When asked about this incident and the live evidence Callum Tulley gave about the incident, Mr Donnelly confirmed he was unaware Mr Tulley had given live evidence and that he was not following the Inquiry¹¹⁸. Having initially denied he delayed coming to D865’s aid, Mr Donnelly eventually agreed that he did delay¹¹⁹ before conceding: “*I should have checked for myself the minute I arrived in the room, and I didn’t... As soon as Callum mentioned that there was actually a ligature around his neck, I got my... fish knife out and removed it, but I accept that I didn’t do what I should have done*”¹²⁰. He also accepted that the delay could have been “*possibly two minutes*”¹²¹. Mr Donnelly then went on to accept he had been misleading in his use of force report, accepting he failed to

¹¹⁶ [DL0000231_0019](#)

¹¹⁷ [TRN0000033_0002](#)

¹¹⁸ [Chris Donnelly, 23 February 2022, 102/7-21](#)

¹¹⁹ *Ibid*, 115/11-12

¹²⁰ *Ibid*, 116/3-9

¹²¹ *Ibid*, 116/14

mention that he needed Mr Tulley to point out the ligature to him¹²² or that he delayed¹²³. When it was suggested by CTI that it looked like a cover-up, Mr Donnelly replied “Possibly.”¹²⁴ He then accepted he did it “*because I didn’t want to make myself look bad*”¹²⁵ and that it would not have been uncovered had it not been for Mr Tulley’s undercover reporting¹²⁶.

- Mr Donnelly also accepted in his live evidence that he failed to sufficiently follow up with D865’s cellmate, D1538, who was clearly traumatised by witnessing the suicide attempt: “*No, I honestly don’t. I think, in that incident, I didn’t do what I should have done, but that was an oversight*”¹²⁷.
- In his live evidence to the Inquiry, Steve Hower was asked about Mr Donnelly’s live evidence in respect of D865 on 1 April 2022, over 5 weeks later: “*Q... Have you been through this event with Mr Donnelly since you took over at Serco? A. I haven’t no. Q. Why not? A. I have not had the opportunity to discuss it with him. Q. You haven’t had the opportunity? A. No, I have not discussed it with him at all. Q. Do you intend to discuss it with him? A. yes, we will have a discussion with him, and part of my senior team will as well.*”¹²⁸ Mr Hower’s response again, like with Loughton and Dix, appears to be entirely reactionary to the Inquiry pointing out failures of current Serco staff in live evidence –there was no proactive approach to responding to Mr Donnelly’s evidence and there is no indication as to whether any disciplinary action will be taken against Mr Donnelly.

- D687

- During the D687 ligature incident on 13 May 2017, Mr Donnelly is recorded as saying to D687: “*Then we’ll wait a minute until you pass out and we’ll cut you down*”.¹²⁹
- Mr Donnelly in live evidence also accepted he failed to turn on his body-worn camera during the incident (“*I just simply forgot*”)¹³⁰.

- D1853

- On 11 June 2017, Mr Donnelly led a planned control and restraint to remove D1853 from the centre and hand him over to escorts¹³¹. The C+R is captured by footage UOF147.17 BWC.mp4 and S2150002.mp4. Mr Donnelly asks D1853 once if he was going to walk with the officers. D1853 responds, “I’ve got two blades in my mouth”. Mr Donnelly then direct the officers into his cell

¹²² Ibid, 125/12-13

¹²³ Ibid, 126/5

¹²⁴ Ibid, 126/11

¹²⁵ Ibid, 127/3

¹²⁶ Ibid, 127/6-8

¹²⁷ Ibid, 135/5-8

¹²⁸ Steve Hower 1 April 2022, 79/6-16

¹²⁹ [TRN0000095_0033](#)

¹³⁰ Chris Donnelly 23 February 2022, 143/19-21

¹³¹ [CJS005591](#)

to commence use of force despite the risk of the blade in his mouth. D1853 momentarily chokes and says [00:30 on BWC footage] that he swallowed a razor. Mr Donnelly responds, *"It doesn't matter about razors mate, swallow as many as you want"*. In his live evidence, Mr Donnelly reluctantly agreed this was inappropriate: *"A. I probably shouldn't have said, "Swallow as many as you like". Q. No "probably shouldn't have said"? A. Shouldn't have said"*¹³².

- 3 July 2017

- On 3 July 2017, Mr Donnelly said of detainees who go on hunger strike *"I don't know if these guys here have all got overprotective mums", imitated a mother feeding a baby and said "they think we are all as soft as shite and we will let them out".*¹³³ When interviewed by G4S about these comments in September 2017 after they were exposed by Panorama, Mr Donnelly appeared to demonstrate anti-immigration sentiment in explaining his comments: *"When pressed further DCM Connelly [sic] accepted that he may well have made these comments to his colleagues. When asked why he stated, "this was relating to when they misbehave we just let them back out again" DCM Connelly [sic] acknowledged these comments were inappropriate and he appeared genuinely regretful."*¹³⁴ In his live evidence, Mr Donnelly appeared to try back-track on his regret: *"If I said them, they were inappropriate... I don't have any recollection of saying those words".*¹³⁵

- In his live evidence, Mr Donnelly also racially stereotyped Vietnamese and Chinese detainees claiming they all preferred to be in triple bunk cells.¹³⁶

- Remarks on Callum Tulley

- In his second witness statement, Mr Donnelly makes the following remarks about the actions of Callum Tulley despite the latter's actions helping to expose the abuse and mistreatment of detainees that Mr Donnelly committed and which is set out above:

"I believe Callum Tulley's remark comes from his preconceived political and professional agenda, and his naïve misunderstanding of the environment he worked in. I would further like to comment that I, unlike Callum Tulley, did not break the law, breach my contract with my employer, deliberately refuse to follow company and Home Office policies, fail in my duty of care towards detainees or betray the trust of my fellow officers for financial and professional gain. I find it ridiculous that someone like Callum Tulley is asked to comment on my inner thoughts and emotions, and his opinions are recorded and placed in the public domain, as if they carried some credibility, which I believe by the

¹³² Chris Donnelly 23 February 2022, 166/5-8

¹³³ [CJS005952_0002](#)

¹³⁴ CJS005952_0003

¹³⁵ Chris Donnelly 23 February 2022, 155/9-12

¹³⁶ Chris Donnelly 23 February 2022, 72/16-21

end of this inquiry is will be public knowledge that they do not. I have acted in good faith. Callum Tulley clearly did not”¹³⁷.

...

“13) At paragraph 85 of my initial statement, I say that my response to Panorama was “Devastatingly negative. Outraged. People felt betrayed, cheated and lied to. Overwhelmingly, every staff member said it was an outrageous travesty, unfair, biased and deceitful. They did not recognise it as the place where they worked.” These comments were about the reaction of G4S officers and managers to the programme. People were very angry about the totally one-sided and biased nature of the programme. It was obvious that Callum Tulley was not interested in an even-handed investigative description of Brook House, but was seeking to bolster only his pre-conceived political ideas and launch his career at the expense of the truth. Everyone was shocked at some of the things that Callum Tulley filmed, particularly the chokehold incident, but that was a fraction of what happened in the centre. The vast majority of the time he would have witnessed us doing our job and treating people well. The Panorama focussed entirely on negative things, not one positive, constructive, helpful, or decent interaction was shown.”¹³⁸

- It is understood that Mr Donnelly’s two statements were prepared with assistance from the Serco legal team and will have been approved by Serco before being submitted to the Inquiry (his first statement states ‘Serco Restricted and Sensitive – Legally Privileged and Confidential’).

7. Shane Farrell

Shane Farrell remains in post as a DCM (DOM), as he was during the Relevant Period. Mr Farrell joined a DCO in 2011 and became a DCM in 2016. He remains close to the SMT and attended the Brook House Inquiry to support Steve Dix when he gave his live evidence.

- He assaulted D1538 in arts + crafts room on 6 June 2017 after D1538 assaulted by another detainee¹³⁹. Caught by Tulley’s undercover filming. DCO Bromley and DCM London restraining D1538 by the arms as he’s annoyed and officers unclear what has gone on. DCM Farrell proceeds to grab D1538’s head despite there being no clear justification or risk posed by D1538. Serious concerns raised by Bromley and Tulley that the force was unjustified and disproportionate:
 - Ryan Bromley: “almost took [D1538’s] head clean off” (KENCOV1033, V201706100007)¹⁴⁰
 - Tulley: “his manager Shane just comes in and grabs his head and pulls it down. It’s just a complete overreaction, completely unnecessary...This detainee’s been

¹³⁷ [Witness Statement of Chris Donnelly dated 16 February 2022, para 11\(b\) - SER000442_0008](#)

¹³⁸ SER000442_0009

¹³⁹ [CJS005615](#)

¹⁴⁰ [TRN0000091_0006](#)

-- this detainee's been a victim of a completely unprovoked attack. He's then outraged. He's not been threatening to the staff. You can tell, he's got no qualms with the staff, he's all right with them, he's just angry and he wants to break free. But the staff have got control of his arms. Then this manager just comes in completely unnecessarily, and pulls his head down, just yanks it down...It inflamed the situation massively...Then all of a sudden, you've got this situation where you don't know if these other two detainees are going to become disruptive, and maybe they're going to have to be restrained. It was incredible to see that behaviour from a manager. It just -- it's -- it is ridiculous. It puts everyone at risk. This detainee's done nothing wrong, he's just been attacked for a start. So, it's really not necessary to put this guy in a headlock, he's not posing risk to the staff or anybody else at this point...If managers are behaving this way, how do you expect the officers to behave? Officers look up to these guys, and you're setting a shocking example." "What I find so surprising about Shane's head grab is that there are two cameras in the arts and crafts rooms, there are managers around, there are officers round, there are detainees around. And so clearly not just Shane but the staff around think that what he's done is an acceptable thing to do. And even once he's released control of this guy's head, even once he's out of the head lock, another manager comes in and just pushes him into the detainee once more encouraging him to do it again. And he takes encouragement. He grabs his head for a second time. And it's just mad that this culture exists so openly within the centre." "And I can't remember the entire conversation but the exact words that Shane -- fuck's sake. I can't remember the entire conversation but one thing that Ryan [Bromley] did say was that he almost took his head off..." (BBC000622 – KENCOV3047A¹⁴¹, BBC000624 – KENCOV3052, BBC000624 – KENCOV3052)

- D2416
 - Mr Farrell led a planned control and restraint against D2416 on 11 April 2017¹⁴². D2416 was being removed on the Germany Dublin III Charter flight. He was naked, having been asleep in his bed during the night when officers arrived, so Farrell directs the camera operator not to film directly at D2416. Jon Collier is highly critical of the C+R led by Farrell at page 9 of Collier's third report¹⁴³, finding D2416's treatment was degrading and expressing concerns about the veracity of their UOF reports:
 - "34... a short explanation takes place before the team are deployed. The timeline from starting the conversation to the team applying force is 00:13 to 00:39, approx. 26 seconds. This is not sufficient time to explain and try persuasion for compliance. My opinion on this being the last resort... has now changed due to the limited attempts made by the DCM"

¹⁴¹ [TRN0000064](#)

¹⁴² CJS005630

¹⁴³ [INQ000177](#)

- “35. I question why the DCM insisted for the head support to be applied for moving down the stairs when D2416 was compliant, although he was verbally challenging but not offering a threat or risk at the time. There is nothing to support the comment in paragraph 422 that D3416 was trying to use his feet on the railings to disrupt the movement at this stage and D2416 only attempted this when on the stairs (not seen on footage due to decency but referenced momentarily at 07:27)” – This is evidence of Mr Farrell and his team lying in their UOF reports
- “36... D2416 is left naked in the presence of at least seven staff from 08:50-17:35. This appears to be whilst a sheet is being found to cover him; if this is correct, I find it unacceptable and degrading. There was ample opportunity to arrange for clothing to be made available beforehand and for only the necessary staff to be present whilst D2416 was undressed.”¹⁴⁴

8. Stewart Povey-Meier

Stewart Povey-Meier remains in post as a DCM (DOM), as he was during the Relevant Period. He started as a DCO in May 2011, become a DCM in 2015.

- Jon Collier has criticised as unjustified planned control and restraint he led against D390/D1851 on 5 June 2017. See Mr Collier’s first report:¹⁴⁵
 - Notes that “No effort was made to open the room door and give D390 a chance to speak with DCM Povey-Meier face-to-face... Although the staff used minimum force, guiding holds, I believe it was not necessary and based on his demeanour he should have been released from holds and allowed to walk without force being used” (para 249)
 - Para 260: “Last resort – All reasonable efforts had not been made for D390 to comply with the instructions given. Further engagement should have been made before resorting to using force. Force was not used as the last resort”
- The unjustified control and restraint by Mr Povey-Meier was made worse by the mental health impact the experience caused to D185: “This has a huge impact on me because up until this point all of the difficulty I was facing was mental strife; in that the struggle was trying to keep a positive attitude in a very difficult environment. However, this took an a completely different aspect in that they had physically touched me, which added an additional fear of the officers. I had been physically assaulted without any justification. This was the first time in my life that I had been treated in this way... I cried a lot after this. I did not feel safe in my cell anymore and I already did not feel outside of it”¹⁴⁶

¹⁴⁴ IN0000177_0009

¹⁴⁵ INQ000111_0062

¹⁴⁶ Witness Statement of D1851 dated 19 November 2021, paragraph 46 - DL0000143_0012-0013

9. Dave Aldis

Dave Aldis remains in post as a DCM (DOM), as he was during the Relevant Period. He has been at Brook House since it opened in 2009, starting as a DCO before being promoted to DCM in 2016. He is seen leading a highly concerning planned control and restraint against D52 on 22 May 2017 in which officers took D52 by force from a visits room to E-wing in preparation for his removal directions¹⁴⁷. Officers stated force was initiated because D52 was non-compliant. BWC footage shows officers used force without clear instruction from Aldis who was leading the restraint and ‘negotiation’ with D52:

- The BWC footage shows Aldis intentionally covered up the BWC whilst officers used force against D52 to pin him down in visits room and take him to E-wing.
- Mr Collier address this in his live evidence on 30 March 2022:
 - Criticises attempts to negotiate by DCM Aldis: *“It was another clear example of inadequate engagement. There was, on the face of it, a very simple solution to this whole incident, which was to escort D52 to his room to collect his belongings, or at least stay there while staff assisted him to collect his belongings. That would have, on the face of it, been a simple solution. It was mutually agreed by both parties, which would have avoided force being used”*¹⁴⁸
 - Finds the use of force impossible to justify, particularly given the setting where D52 sat down in the visits room: *“So he was sat down at a table when the staff used force on him. So to use the risk of harm at that stage is very, very difficult to justify -- well, impossible to justify, in my conclusion. The fact he was offering no threat to anyone. He was just angry that he couldn't go and collect his possessions to take with him on transfer.”*¹⁴⁹
 - Mr Collier is deeply concerned at DCM Aldis covering the camera: *“The only thing I can think of was that someone has deliberately covered the camera. That's the only conclusion I can draw at that stage... it goes against everything that the use of body-worn video camera stands for: to gather evidence, to give a factual sight of what's actually happening, the events as they are happening. So it's almost as though it's obstructing that process”*¹⁵⁰
- Mr Aldis has provided two witness statements to the Inquiry, we understand with the assistance of his employer, Serco; both statements are on ‘Serco Business’ letter-headed paper.
- In his first witness statement, DCM Aldis failed to address the incident with D52 and his actions to cover up the body-cam footage, claiming at paragraph 88 that the body

¹⁴⁷ CJS005620

¹⁴⁸ Jon Collier 30 March 2022, 164/7-14

¹⁴⁹ Jon Collier 30 March 2022, 164/18-25

¹⁵⁰ Jon Collier 30 March 2022, 166/10-12

cam footage (UOF129.17 BWC) was “from DCM Brackenridge’s body worn camera” despite clearly being attached to DCM Aldis throughout his entire dealings with D52¹⁵¹.

- This resulted in the Inquiry having to obtain a second witness statement from him. In his second statement, DCM Aldis provides an entirely implausible and contradictory account of why the camera was covered:

“1(a)... It appears that I was wearing the body work camera up until around 8.49. I then hand it to another colleague. This may have been DCM Brackenridge but I cannot be sure.

(b) The Inquiry has asked me to provide a full explanation as to how the camera became covered from approximately 7.06 to 8.49, and why it was covered. I cannot recall this incident and, therefore, I do not know how or why the camera was covered. I do recall that, during the relevant period, the cameras had twistable heads. The head of the camera may have twisted when I passed it to a colleague.

(c) I handed the camera to a colleague, possibly DCM Brackenridge, at the point that force was initiated.”¹⁵²

- His explanation is contradictory and illogical:
 - He claims to be wearing the camera up to 8.49 minutes when he passed it to a colleague, likely DCM Brackenridge;
 - His explanation as to how the camera was covered is that it had a twistable head that may have twisted when he passed it to a colleague. However by his own statement he passed the camera to a colleague at 8.49 minutes and the camera was covered at 7.06 minutes which is just the force was in fact starting.
 - He then states he passed the camera to a colleague at the point force was initiated which is plainly not true if he passed the camera at 8.49 minutes – force started at 7.06 minutes.
 - His claim that the head of the camera may have twisted itself is entirely implausible when DCM Aldis’ hand can be plainly seen moving towards the camera at 7.06 minutes.

10. Ben Shadbolt

Ben Shadbolt was a DCM during the Relevant Period and remains so under Serco. He started as a DCO in August 2011. He was involved in multiple control and restraints criticised by Jon Collier

- D390 – Mr Shadbolt was part of the team led by DCM Povey-Meier to take D390 from his cell by force to Tascor escorts on 5 June 2017. Mr Shadbolt made exaggerated claims about the kettle D390 was apparently boiling, asserting “you could see a large

¹⁵¹ [First Witness Statement of Dave Aldis dated 23 March 2022, INQ000181_0017](#)

¹⁵² Second Witness Statement of Dave Aldis, INQ000197_0001

amount of steam from outside the room”¹⁵³. The body-cam footage showed this was untrue (UOF 137.17(2)). This untrue claim was repeated at paragraph 198 of his witness statement¹⁵⁴ despite referencing the footage at paragraph 195. In an attempt to justify their actions, he adds a further claim at paragraph 198 of his statement that he did not see fit to add at the time in his use of force report: *“I believed that he was attempting to make a sugar and water mixture known as ‘napalm’”*. There is no evidence to suggest this was the case and Shadbolt appears to have added this detail for the first time when preparing his Serco-approved witness statement.

- D2054 – Mr Shadbolt was part of the team led by DCM Aldis who completed a planned control and restraint against D2054 on 28 June 2017 to hand him to escorts for a charter flight to Nigeria. D2054 was asleep naked in his bed when officers arrived in his room. D2054 is clearly distressed throughout the restraint and continually shouts “Jesus”. In his use of force report, Mr Shadbolt confirms he was the officer who directed when D2054 be placed in handcuffs which is at a point where D2054 is being held in a seated position by officers: *“Once DCO Murphy and DCO Martin announced that they had locks on it was then required that D2054 was sat up to where I asked for handcuffs to be applied at this point”*¹⁵⁵. In his first expert report, Jon Collier states of this decision at paragraph 300: *“The handcuffs are applied with D2054 in the seated position. This is a method that has been removed from the training syllabus due to the risks from compressing the chest and experiencing breathing difficulties associated with being bent forward for prolonged periods of time. If handcuffs are required to a detainee in the supine position staff should firstly stand them up and apply the handcuffs whilst standing upright.”*¹⁵⁶ Mr Collier in live evidence (discussing a similar decision by Mr Dix on D1234) confirms that the application of handcuffs in the seated position was outlawed following the death of Jimmy Mubenga – it was the restraint the escorts used on him. It was removed from the manual in 2015 and it was an important training point for refreshers when the new manual came in. G4S should have been more heightened to the risk but this clearly did not get through to DCMs including Mr Shadbolt.¹⁵⁷
- Mr Shadbolt is the head officer throughout the restraint¹⁵⁸. Mr Collier was critical of his role at paragraph 301: *“Although not clear there are times when the hand position of the head support officer appears close to the neck area. This is normally an inadvertent result of wearing protective gloves that are quite bulky. Another effort at de-escalation would have ben to remove the head support position. Staff had control over the arms and if the result was for an escalation the head support can be re-applied.”*¹⁵⁹. In his second report, Mr Collier confirmed that *“while the use of force in this instance was initially necessary and proportionate, the continued use of force beyond the point when D2054 no longer presented a risk, and when control had been*

¹⁵³ [CJS005624_0008](#)

¹⁵⁴ [First Witness Statement of Ben Shadbolt dated 10 February 2022, SER000441_0028](#)

¹⁵⁵ CJS005574_0009

¹⁵⁶ INQ000111_0075

¹⁵⁷ Jon Collier 30 March 2022, 51/24-25, 52/1-25, 53/1-12

¹⁵⁸ See at CJS005574_0009

¹⁵⁹ INQ000111_0076

gained, could be classed as excessive.”¹⁶⁰ When Mr Collier was asked about the incident in live evidence, CTI raised the fact of D2054’s known mental health issues and the fact this had not been taken into account by officers, including Shadbolt: “Q... We know from the detained person’s medical records that the detained person suffered from serious mental health issues at the time, was awaiting an urgent mental health assessment and, earlier that morning, had self-harmed and been moved to E wing on constant watch. He was naked, with only a towel covering his groin, for a long period of time and handed over to Tasscor, during which you noted, having seen the footage, that there was a lengthy pause in movement. You say that in your first report at page 76, paragraph 302. Do you accept that, in circumstances where the detainee who is subject to restraint whilst naked, and whilst they suffer from mental illness or other related vulnerabilities, that this would be an additional factor which would aggravate the nature and impact of this treatment as humiliating or degrading? A. Yes, it would, yes”¹⁶¹

- D2416 – Mr Shadbolt was part of the team led by Shane Farrell of a planned control and restraint against D2416 on 11 April 2017¹⁶². This is set out in detail above in Mr Farrell’s section and concerns another naked detainee being taken by force from his cell in the middle of the night for a charter flight and which again Mr Collier had concerns that the force was unjustified and excessive. As also set out in Mr Farrell’s section, Mr Collier set out the following concerns in his third report: “35. I question why the DCM insisted for the head support to be applied for moving down the stairs when D2416 was compliant, although he was verbally challenging but not offering a threat or risk at the time. There is nothing to support the comment in paragraph 422 that D3416 was trying to use his feet on the railings to disrupt the movement at this stage and D2416 only attempted this when on the stairs (not seen on footage due to decency but referenced momentarily at 07:27)”¹⁶³. Mr Shadbolt is one of the three officers (alongside Neil Timms and Ben Wright) to make this false claim suggesting there was collusion in the writing up of the officers’ reports.¹⁶⁴
- Like with D390, Mr Shadbolt in his witness statement includes detail not included in his original use of force report. He states at paragraph 158: “As far I remember, we did not attempt to put any clothing on the detainee due to his demeanour as it was not deemed safe enough to do so at the time.”¹⁶⁵ The body-cam footage (UOF 88.17 BWC) shows that D2416 was not a danger to officers. He could have been clothed. D2416 is asleep when officers arrive, still in bed under the sheets when Shadbolt places the shield on him, and when Farrell starts to speak with him when he’s lifted off the bed D2416 appears very calm and is quietly asking about his solicitor. This appears to be a further attempt by Shadbolt to bolster the justification of the force by falsely claiming that D2416 was a danger to staff.

¹⁶⁰ INQ000158_0009 at 1.4

¹⁶¹ Jon Collier 30 March 2022, 69/15-25, 70/1-7

¹⁶² CJS005630

¹⁶³ INQ000177_0009

¹⁶⁴ See CJS005630_0010, 0014 and 0019

¹⁶⁵ SER000441_0023

- Owen Syred identified Mr Shadbolt as being one of “three DCMs who stood out as being unprofessional... On one occasion when I was delivering training Ben Shadbolt and Kirsty Kane were sat in the training chatting and being disruptive, rather than setting an example to more junior members of staff, and I had to ask them to show some respect and courtesy.”¹⁶⁶. Shayne Munroe identified Mr Shadbolt as being part of a clique that involved: “Dave Killick, Jack Bannister, Bonnie Spark, Dave Roffey, Dave Aldis, Ben Shadbolt, Michelle Brown, Dan Haughton, and Steve Dix” and that “In my opinion, these relationships meant that officers and management were unable to separate their personal relationships from their professional behaviour. I felt that nothing was confidential, and if I raised any issues with management, it would become pub talk within the friendship group. If one member of the group had an issue with someone, the rest of the group also had an issue with that person. That was my experience and how they interacted with me.”¹⁶⁷. She goes on to describe Shadbolt as being one of the DCMs she was unable to approach after being racially bullied by Bonnie Spark “I sensed resentment in their tone when they spoke with me”¹⁶⁸.

- D687 also remembered Mr Shadbolt in his witness statement and stated the following at para 100¹⁶⁹:

“100. DCM Ben Shadbolt:

a. I remember DCO Fagbo and DCO Instone-Brewer were both friends with an officer called Ben. Ben was tall, maybe 6' 1" or 6' 2". He was chubby and probably weighed 15 or 16 stones. He was a white officer with dark hair; I think it was brown and a bit spiky. With my solicitors I have been able to identify the person I described to them as Ben Shadbolt. I would see Shadbolt and Instone-Brewer walking around a lot together, in the corridors or C Wing courtyard where they would watch us play football. Shadbolt, like Instone Brewer, would speak to detained people who I knew to be involved in the likes of supplying and using drugs in Brook House. This made me think he was also involved himself.

b. I remember Shadbolt being sarcastic and abusive to detained people. He'd sit at the door on a wing and make comments like, "oh, you're still here". There is a specific incident I recall because of how he reacted. I think it was during social whilst I was on A Wing. I was queuing up waiting for the pool table to become free. Shadbolt thought a pool ball was missing, but it was just stuck in the table — that happened all the time. He started screaming at everyone, "where the fuck is it? One of you fucking took it, you fucking cunts". There was a detained person next to me and he couldn't speak good English. He looked terrified and intimidated. He left, rather than wait to play pool. I also left as he was intimidating and I didn't want Shadbolt to talk his anger out on me.”

11. Bonnie Spark

¹⁶⁶ [Owen Syred 1st Witness Statement dated 16 November 2021, para 105 - INN000007_0025](#)

¹⁶⁷ [Shayne Munroe Witness Statement dated 7 February 2022, para 16 - INN000013_0006](#)

¹⁶⁸ [para 53 - INN000013_0017](#)

¹⁶⁹ [D687 Witness Statement dated 16 February 2022, DPG000021_0033-0034](#)

Bonnie Spark was a DCO during the Relevant Period, but has since been promoted to a DCM (DOM). She joined Brook House as a DCO in April 2014 and was promoted to a DCM in May 2018.

- There were concerns by the Security team about Spark resulting in her being on the Security teams' intelligence/corruption prevention list: *"ACO Bonnie Sparks had a former relationship with DCO Alex Parkworth that was short lived and this ended abruptly. There was professional standards concerns about ACO Sparks and suspicion she may well be trafficking into the centre. Security suspect that the break-up between ACO Sparks and DCO Parkworth may be linked to DCO Parkworth suspecting her involvement in trafficking and inappropriate relationships with detainees. DCM Steve Dix is linked to ACO Sparks and he has recently split from his wife who works in healthcare. DCM Dix gave a SIR to ACO Sparks offsite and this was discovered by security and he was subject to disciplinary procedures due to this. Intelligence received that ACO Sparks sent an image of herself 'selfie' to a detainee which is not permitted under Section 54 as staff are not allowed to make contact with any detainee. Security believe she has a prohibited phone or contact with detainee. ACO Sparks is believed to target new female officers and make them feel uncomfortable either by her comments or the way she acts towards them. She is believed to be territorial or keeping them away from finding out about her actions."*¹⁷⁰
- She was accused of racist bullying and abuse by Shayne Munroe¹⁷¹:
 - Para 52: *"When I first went into my DCO role in May 2016, DCO Bonnie Spark made my life hell at work by telling other members of staff that I was lazy and did not do my job."* She calls being told to report this to her line manager, DCM Roffey, but that *"Bonnie and DCM Roffey were friends"* so it was not investigated.
 - Para 54 – Munroe notes rumours spread by Spark of Munroe *"being in relationships with detainees"* and of bringing drugs into the centre – *"in my opinion, it was a form of racism and stereotyping. It was assumed that I was involved in drugs because I was a black woman from South London. It was very disturbing to hear"*
 - Para 55- in August 2016 Spark called Munroe *"a fucking black cunt in the presence of around six to eight other DCOs"*. Munroe describes Spark being encouraged by DCM Roffey to submit a SIR as Munroe reacted by saying she would slap Spark in her mouth. Munroe submitted a grievance and they were both suspended until December 2016. Other officers failed to support Munroe in the investigation meaning no action taken.

¹⁷⁰ CJS0073809

¹⁷¹ INN000013_0017

DCOs

12. Ryan Bromley

Ryan Bromley remains in post as a DCO, as he was during the Relevant Period. He started at Brook House in December 2016.

- Mr Bromley was part of the control and restraint teams for D1914¹⁷², D390¹⁷³, D87¹⁷⁴ and D1527¹⁷⁵, all instances of force found to be unjustified and disproportionate by Jon Collier. There is also evidence that he falsified use of force reports to cover for the unlawful actions of other officers.
- During the restraint of D1527 to move him to E-wing on 4 May 2017, DCO Bromley provided a report about force was initiated that could not be reconciled with that given by DCM Steve Dix and DCO Michael Yates¹⁷⁶. A detailed analysis of these inconsistencies can be found in D1527's Written Response to Rule 9 Questions¹⁷⁷. The irreconcilable inconsistencies were put to Mr Bromley when he gave live evidence to the Inquiry: "*Q... Do you have any explanation for why there might be two sets out accounts that have two different versions of events? A. Personally, no. I can only comment on my report and I stand by my report. Q. if, when you'd entered the room, Mr Dix already had hold of D1527, you would have recorded that, would you? A. That's correct. Q. And your report says force was used at the point he reached for the phone a second time. If, in fact, force had been used because he was reaching for, possibly, an unidentified weapon, you didn't know what it was, you would have recorded that, would you? A. I would have recorded that.*"¹⁷⁸ The only conclusion is that one of Mr Dix or Mr Bromley is lying, or they are both lying about the force used against D1527.
- Following the planned control and restraint against D390 on 5 June 2017, Mr Bromley appeared to collude with fellow officer DCO Sean Sayers to claim that D390 failed to listen to instructions from DCO Sayers to comply. It is assumed this was in an attempt to make their actions to act without further negotiation more justified. Mr Bromley's report stated: "*Immediately the team were instructed to advance into AWING room 209. D390 continued to ignore instructions from DCO Sayers, for the safety of the team DCO Sayers advanced placing the shield onto detainee D390 chest, placing him onto the bed on the rooms left side.*"¹⁷⁹ Mr Sayers' report stated: "*The team lead [sic] by DCO Sayers on the shield and DCO Shadbolt and Bromley as arm officers entered the room. D390 continued to stand at the far end of the room next to the desk and kettle. D390 didn't listen to me asking him to sit on the bed as I entered the room. I feared that myself and the team could be covered in boiling water I advanced with the team and*

¹⁷² CJS005651

¹⁷³ CJS005624

¹⁷⁴ CJS005592

¹⁷⁵ CJS005530

¹⁷⁶ CJS005530

¹⁷⁷ DL0000209_0033-0055

¹⁷⁸ [Ryan Bromley 7 March 2022, 106/1-14](#)

¹⁷⁹ CJS005624_0021

*place the shield onto the chest of D390...*¹⁸⁰ The body-worn camera footage of the incident – UOF 137.17(2) (1:20mins- 1:32 mins) showed Bromley and Sayers both made the same lie in their report and that D390 was given no opportunity to comply. In his live evidence, DCO Bromley continued to deny that he colluded with DCO Sayers and would not directly address the fact that what he said in his report was untrue.¹⁸¹

- On 6 June 2017, Mr Bromley responded to an incident response in the arts and crafts room after D1538 was assaulted by D197. Seemingly unaware initially that D1538 was the victim, officers entered the room and seeing that D1538 was visibly upset and angry, Mr Bromley and DCM Nick London put D1538 in arm restraints. Despite them having D1538 under control, DCM Shane Farrell proceeded to use excessive and unnecessary force to grab hold of D1538's head. The excessive head grab (done twice) was secretly filmed by Callum Tulley - KENCOV1031 – V2017060600011. Mr Bromley was later filmed by Mr Tulley discussing the incident - KENCOV1031 – V2017060600020 (there is an accompanying transcript¹⁸² - but it is vital the Chair reviews the footage itself to see Mr Bromley's facial reaction): *"Callum Tulley: I saw Shane put his head down. Ryan Bromley: [appears to make a knowing grimace of disapproval] I don't know. But the thing is it was in front of everyone."*
- A further filmed conversation between Mr Bromley and Mr Tulley took place on 10 June 2017 where Mr Bromley describes Mr Farrell's force on D1538 as excessive: *"He took his head clean off"*¹⁸³. Despite believing that Mr Farrell's use of force was excessive, Mr Bromley failed to report that and did not raise the matter in his use of force report: *"At this point for the safety of the detainee DCM Shane Farrell acted as head officer, to protect the detainee from throwing his head back and forth"*¹⁸⁴. In a witness statement prepared with Serco, the current employers of both Mr Bromley and Mr Farrell, Mr Bromley stated at paragraph 124: *"I had no concerns at all about DCO Farrell's actions. DCO Farrell is an experienced officer and from memory he carried out the control and Restraint in accordance with procedure in a professional way. He took D1538's head in exactly the way he should have done. For this reason I can only assume that Callum Tulley was mistaken in either his recollection or conversation."*¹⁸⁵ Having been shown the footage and transcripts of KENCOV1031 and KENCOV1033, Mr Bromley still maintained his support of his Serco colleague Mr Farrell, describing his actions as *"Textbook"*¹⁸⁶ and stating that *"I still stand by my report. And if there was any concerns, I would have reported it immediately... I have no idea why I said that to Callum Tulley... I have no knowledge of that incident and this conversation between me and Callum"*.¹⁸⁷ This in fact appears to be a 'textbook' example of Michelle Brown's concerns of current Brook House staff closing rank.

¹⁸⁰ CJS005624_0026

¹⁸¹ Ryan Bromley 7 March 2022, 114-117

¹⁸² [TRN0000089](#)

¹⁸³ [KENCOV1033 – V201706100007 – TRN0000091_0006](#)

¹⁸⁴ CJS005615_0015

¹⁸⁵ [Witness Statement of Ryan Bromley dated 2 February 2022, SER000434_0031](#)

¹⁸⁶ Ryan Bromley 7 March 2017, 124/1

¹⁸⁷ Ibid, 125/18-25, 126/1-5

- Mr Bromley was also complicit in failing to report DCO Sayers for assaulting D313. On 15 June 2017, DCO Sayers told and joked about his assault in the staff room to Callum Tulley and Mr Bromley. The conversation was filmed by Mr Tulley¹⁸⁸. After DCO Sayers described his assault, Mr Bromley is recorded as asking DCO Sayers whether he had a “good team” which may be inferred to inquire whether other officers would not expose the planned assault, to which Sayers responded: *“No that’s why I did it on my own”*. In his witness statement, Mr Bromley denies *“being involved in any conversation similar to the one described”*¹⁸⁹. After being shown the footage in his live evidence, Mr Bromley eventually accepted he was part of this conversation and that he made the “good team” comment¹⁹⁰ but denied it had the meaning that was implied and that he was distracted by watching the news about the Grenfell fire¹⁹¹. He went on to state *“Well after hearing and seeing the footage, then if I – at the time, if I was actually paying attention to that conversation, I would definitely have reported Sayers, but because I didn’t hear it, I didn’t report it”*¹⁹².
- The above incidents show a pattern of Mr Bromley being involved in excessive uses of force, reports which do not represent the facts and failing to report assaults to protect colleagues. Mr Bromley has faced no consequences for these actions. A post-Panorama investigation by G4S into his involvement in D313’s assault found no evidence from the BBC that he had made the “good team” comment and so no disciplinary action resulted¹⁹³. Mr Bromley remains in post as a DCO despite the evidence now being available and despite further revelations of misconduct in respect of excessive force against detainees.

13. Nathan Harris

Mr Harris is a DCO. He joined Brook House in October 2015 as a DCO, was then seconded to being a DCM between May 2017 and February 2018 following which he reverted back to being a DCO. He produced a witness statement with the assistance of Serco on 23 January 2022¹⁹⁴. In his witness statement, Mr Harris claims the following:

- Paragraph 17: *“I believe that all the residents at Brook House were treated as equals and with respect regardless of their background, culture or criminal history, as a team we strived to make it a safe environment for all that came into our care.”*¹⁹⁵
- Paragraph 19: *“I did not have any concerns that detained persons, especially vulnerable people, were not cared for by the staff and the processes put in place.”*¹⁹⁶

¹⁸⁸ KENCOV1036 – V2017061500019 Clip 3

¹⁸⁹ para 178 – SER000434_0043

¹⁹⁰ Ryan Bromley 7 March 2022, 138/8

¹⁹¹ Ibid, 138/10-20

¹⁹² Ibid, 139/3-6

¹⁹³ [CJS005955_0004](#)

¹⁹⁴ [SER000432](#)

¹⁹⁵ SER000432_0003

¹⁹⁶ SER000432_0004

- Paragraph 27: *“I do not recall experiencing, witnessing, or being made aware of any sort of racist attitudes or behaviours amongst staff or towards residents. If I had, it would have been reported immediately”*¹⁹⁷
- Paragraph 62: *“I do not recall having any concerns or being aware of any residents being subject to any verbal or physical abuse from staff whilst working at Brook House. If I had concerns, I would have reported it.”*¹⁹⁸

Mr Harris was captured by Callum Tulley making degrading and highly offensive comments about detainees in his care. This included the following conversations on 20 June 2017¹⁹⁹:

- V2017062000008 – Clip 2:²⁰⁰

“Nathan Harris: [Inaudible] do you remember when I brought him down for relocation and D269 put a complaint in saying I broke his wrist.

Derek Murphy: Yeah

Nathan Harris: ‘So he wrote a complaint with the wrist I apparently broke

Derek Murphy [Laughing]

Nathan Harris: ‘He’s broken my right-hand’

Derek Murphy: What this one [waves wrist round]

Nathan Harris: [Inaudible] writing the complaint out with his right hand, bellend. Fucking hell. I tried, I did try.

Derek Murphy: I felt sorry for D149 for about a –

Nathan Harris: What?

Derek Murphy: - millisecond

Nathan Harris: That long.”

Thus in a matter of a few lines of conversation, Mr Harris joked about causing a wrist injury to D269 and called him a “bellend”, then appears to speak of D149 as though he should be given no sympathy for a spice attack he suffered.

- Then at V2017062000008 – Clip 3:

“Nathan Harris: I reckon they should do what they do on Con Air masking tape, bag ‘em, job done... Just tape over the mouth, bag over the head [inaudible]

...

Nathan Harris: I was just saying to these guys do what they don in Con Air, just fucking tape ‘em and bag ‘em

...

Derek Murphy: [Inaudible] in America. Put them in the chair, facing the wall [Inaudible] they can’t fucking move.

Nathan Harris: They’ve got cuffs on the arms and that, haven’t they

Derek Murphy: When it comes to taken them out, can’t even walk and they’re crying. [Inaudible] put them in a chair... Andrew, Andy, Jesus Andy that’s vile

¹⁹⁷ SER000432_0005

¹⁹⁸ SER000432_0011

¹⁹⁹ KENCOV1038 – TRN00000084

²⁰⁰ TRN00000084_0008

Nathan Harris: We should – We should just go, we should just go back to putting them to sleep mate really. [Mimics injecting himself] put em all to sleep... Get the gas, chuck in there, they're all knocked out [inaudible] needle in, he wakes up in fucking wherever. [Inaudible] ain't it."

In his defence of these comments, prepared with the assistance of Serco, Mr Harris addresses these comments at paragraphs 86-97 of his witness statement²⁰¹. He fails to address his own derogatory comments at V2017062000008 – Clip 2 simply choosing to correct the Inquiry at paragraphs 87-89 to state that Derek Murphy was the one who did an impression of D149 on spice. Mr Harris has either chosen to avoid addressing his own derogatory comments of D269 and D149 or he does not understand that they are derogatory.

In respect of V2017062000008 – Clip 3, Mr Harris states he does “not remember the conversation” (para 91) before stating:

“92. The process of removing detainees can be an incredibly stressful and physical one. I have been injured on a number of occasions because of detainee behaviour such as this, including one time where my ribs were broken. If a removal like this has failed because of the behaviour of a detainee, such as spitting, it is a frustrating amount of mental, physical and administrative effort for what amounted to a failed removal and all you can think about is that you are going to have to go through that all over again, and all of that effort was for nothing. However, I accept that if I did say this, it would have been inappropriate and I am embarrassed that I have made a comment like this.

93. If I did make this comment, it would have been out of frustration. I was likely trying to make light of an extremely stressful and frustrating situation by making a joke, which I accept to be inappropriate, by reference to a film. It is very difficult to think about what I may have been thinking if I said this.”

Mr Harris’ apology is limited and qualified and he appears to in some part blame detainee behaviour for why he would make such comments. Mr Harris has faced no consequences for his offensive and derogatory comments and he appears to continue to be supported and defended by Serco who assisted him with the preparation of his witness statement.

²⁰¹ SER004320017-0019