

Re 9/6/17

PSU

Drum Anderson

(US 13100148675)

For Official Use Only	
Unique Reference Number:	Case Owner Team: CCD Leeds
Date Complaint Received: 8/6/17	unsub
Family Name: D720	First Name(s): D720
Date of Birth: DPA	Nationality: GRENADA
CID Reference Number: 7720436	Current Location (IRC or STHF name, other): BROOK HOUSE
HO Reference Number: R1173902	
NOMIS Number:	
Location where the incident you are referring to in your complaint occurred (IRC, STHF, other): A wing	
Contact details – email address and mobile telephone number: DPA	

Have you previously spoken to anyone about your complaint? Yes ☒ No ☐

If 'Yes', to whom did you speak?

OFFICER ~~PIXXE~~ PIXIE OFFICER Leah OFFICER ROXIE

OFFICER Jack OFFICER sean ~~PIXXE~~ Yes ☐ No ☒

Is this a complaint about healthcare services or staff?

If your complaint is about an incident in which you were injured, the investigating officer may wish to examine your medical records. Do you give permission for the investigating officer to have access to your medical records?

Yes ☒ No ☐

Please provide a telephone number/forwarding address/email address if you wish to receive a reply after you have left detention. Any reply by email will not be encrypted.

A copy of your complaint and response, unless the complaint is marked as a healthcare complaint, will automatically be shared with the Independent Monitoring Board (IMB) to allow them to monitor the way in which the complaint was handled. If you **do not wish** the IMB to see a copy of your complaint or response please tick this box: ☐

The submission of a complaint will not affect consideration of your immigration status and will not prevent you from being removed from the United Kingdom, unless it is a complaint of a serious assault and involves a police investigation.

The submission of a complaint will have no influence as to whether or not you will be transferred to another immigration removal centre.

Details of your complaint and what you would like to see done about it:

(Continue on a separate page if necessary)

Today at about 4:55pm officer graham used excessive force on me for no reason i went to speak to someone on ALFA wing i recognised officer graham from a previous dispute that happened ~~the previous~~ day i went to call another member of staff and he physically put hands on me i responded "don't touch me" there was no need to touch me because if i wanted to i would push my way onto the wing then he stopped touching me stood back and said im not touching you anymore ~~what~~ what you gonna do i then proceeded to sit on the table and then officer graham.

Signature:

Date: 6/6/17

PLACE COMPLETED FORM IN THE YELLOW IMMIGRATION ENFORCEMENT COMPLAINTS BOX

① grabbed my arm and ~~she~~ proceeded to twist it
i pulled my arm away by this point i was raging
and started shouting until another member of staff came
out the office and calmed me down. Now this is
"unacceptable" behavior by a "guy" member of staff

as other members of staff have stated if i was
being violent "first response" would have been called
and i would be in the ~~the~~ "seg" you can check
A using ~~some~~ CCTV to validate what i'm saying
if i had bruised a member of staff criminal
charges would be brought against me. Several
members of staff have seen the bruise on
the inside of my right bicep. I will also be
speaking to my legal representative about this matter
this again is unacceptable behaviour from any member
of staff. ~~Thank you.~~ Thank you.

SIGNATURE

SIGNATURE

SIGNATURE

SIGNATURE

6/6/17



Home Office

HOME OFFICE

Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding an allegation made by Mr D720 that DCO Graham Matchett assaulted him on 06 June 2017 by twisting his arm unnecessarily.

IMG Ref: IMG/17/1557/1555/4

Investigating Officer

Samantha Bennett

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1. INTRODUCTION

- 1.1 This report outlines the circumstances and events of Mr [D720]'s allegation that excessive force was used on him by DCO Graham Matchett on 06 June 2017 at Brook House Immigration Removal Centre (IRC).
- 1.2 Mr [D720] claimed that Officer Matchett twisted his arm unnecessarily when he tried to gain access to A Wing at Brook House IRC.

2. TERMS OF REFERENCE

- 2.1 To investigate the allegation made by Mr [D720] that on 06 June 2017 excessive force was used on him by DCO Graham Matchett when he tried to enter Arun Wing (A Wing) at Brook House IRC.
- 2.2 To make recommendations about any learning for any individual or organisational learning, including whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated.
- 2.3 To make recommendations for line management to consider the conduct of any officer subject to investigation in light of the report.
- 2.4 To make recommendations on whether the incident highlights any good practice that should be disseminated.

3. HOME OFFICE POLICY & GUIDANCE

- 3.1 Detention Service Order 03/2011 - Handling of Complaints

Detention Services Complaints Guidance ensures that the investigation of complaints is dealt with effectively and efficiently. This investigation and report has been conducted in line with the formal investigation procedures set out in the Complaints Guidance.

4. OFFICER SUBJECT TO INVESTIGATION

- 4.1 Detention Custody Officer (DCO) Graham Matchett

5. SUMMARY/CHRONOLOGY OF INVESTIGATION

- 5.1 Mr [D720] made his complaint on 06 June 2017 (**Appendix A**). The complaint was received by the Central Referral Team (CRT) on 08 June 2017 who passed it to the Professional Standards Unit (PSU) on 09 June 2017 for investigation.
- 5.2 On 09 June 2017 the complaint was allocated to Investigating Officer Samantha Bennett and Assistant Investigating Officer Dawn Anderson.

OFFICIAL - SENSITIVE

- 5.3 On 09 June 2017 an acknowledgment letter was sent to Mr [D720] by the Assistant Investigating Officer (**Appendix B**). The Assistant Investigating Officer also requested CCTV evidence and copies of the Use of Force reports from Brook House IRC.
- 5.4 On 15 June 2017 the Assistant Investigating Officer requested and received the medical notes from Brook House IRC Healthcare (**Appendix C**). The Assistant Investigating Officer also completed a Transfer of Crime report for Sussex Police on the same day.
- 5.5 On 20 June 2017 the Incident Report and Use of Force reports were received from Brook House IRC (**Appendix D & E**). The Assistant Investigating Officer made further enquiries to Brook House to try and obtain the CCTV footage.
- 5.6 On 20 June 2017 the Assistant Investigating Officer spoke with Sussex Police who confirmed they were happy for PSU to continue their investigation and to be informed of the outcome.
- 5.7 On 22 June 2017 Ms Bennett arranged to attend Brook House IRC on 28 June 2017 to interview Mr [D720]. She also asked for an additional guard to be on duty outside the interview room due to Mr [D720]'s violent history.
- 5.8 On 28 June 2017 Ms Bennett attended Brook House IRC, however Mr [D720] refused to be interviewed as he said he woke up in a bad mood and asked Ms Bennett to come back another day. Ms Bennett informed Mr [D720] that this would be his only opportunity to speak with her as she did not accept that waking up in a bad mood was a good enough reason not to attend the interview. Mr [D720] accepted this information and still refused to be interviewed.
- 5.9 On 03 July 2017 CCTV was received from Brook House IRC however it could not be played using PSU equipment.
- 5.10 On 06 July 2017 Ms Bennett requested the shift pattern information for the officers involved (Officer Matchett and Officer Opoku who witnessed it and stepped in at the end of the incident). She advised Brook House IRC that she would be attending again on 11 July 2017 to view the CCTV footage and would like to interview the officers on that day.
- 5.11 On 11 July 2017 Ms Bennett attended Brook House IRC to view the CCTV. Upon reviewing the CCTV there appeared to be another officer (Officer Brown) who witnessed the incident and Ms Bennett asked for that officer's details. Ms Bennett was unable to interview Officer Matchett and Officer Opoku that day as they were on rest days.
- 5.12 On 13 July 2017 Ms Bennett sent Brook House IRC letters for Officer Matchett, Officer Opoku and Officer Brown and asked that they be given the letters as she wished to interview them by telephone on 18 July 2017. On 14 July 2017 Brook House IRC informed Ms Bennett that Officer Brown had gone on [IRRELEVANT AND SENSITIVE] leave and they did not know when to expect him back in work.
- 5.13 On 18 July 2017 Ms Bennett interviewed Officer Matchett by telephone. The interview

summary is at **Appendix F**. Ms Bennett was advised that Officer Opoku wanted to be interviewed on 24 July 2017 at 08:00 once he had finished his night shifts.

- 5.14 On 24 July 2017 Officer Opoku failed to call Ms Bennett at the agreed time and went on rest days. Brook House IRC contacted him and arranged for him to call Ms Bennett on his rest day on 27 July 2017 at 14:00.
- 5.15 On 27 July 2017 Ms Bennett interviewed Officer Opoku by telephone. The interview summary is at **Appendix G**. Ms Bennett also checked with Brook House IRC to see if Officer Brown had returned from [IRRELEVANT AND SENSITIVE] absence. Brook House IRC confirmed he had not returned to work, therefore he was not interviewed as part of this investigation.

6. SUMMARY OF EVIDENCE

6.1 Mr [D720]'s Complaint:

- 6.1.1 Mr [D720] stated that at approximately 16:55 on 06 June 2017 Officer Matchett used excessive force on him for no reason when he tried to enter A Wing to speak to someone.
- 6.1.2 Mr [D720] stated Officer Matchett physically put his hands on him and he told Officer Matchett "don't touch me". Mr [D720] said he stated if he wanted he would push his way onto the wing, at which point Officer Matchett let go of him, stood back and said he was not touching him.
- 6.1.3 Mr [D720] stated he proceeded to sit on a table in A Wing and then Officer Matchett grabbed his arm and proceeded to twist it. He explained he pulled his arm away and by that point he was "raging" and he started to shout. Mr [D720] said another officer came to calm him down.
- 6.1.4 Mr [D720] stated he had a bruise on the inside of his right bicep due to the force used on him.
- 6.1.5 Mr [D720] stated he recognised Officer Matchett from a previous dispute which took place the day before.

6.2 Officer Matchett's Interview:

- 6.2.1 Officer Matchett stated on 05 June 2017 he was working on B Wing when Mr [D720] a detainee from C wing tried to gain access to use the fax machine. Officer Matchett stated he had already checked to ensure the fax machine on D Wing was working as it was next door to C wing. Officer Matchett stated he informed Mr [D720] that the fax machine was working on D wing however Mr [D720] just pushed past him and called him a "fucking pussy". Officer Matchett said he did not stop Mr [D720] on that occasion as he needed to use the fax machine.
- 6.2.2 Officer Matchett explained on 06 June 2017 he was working on the door that accepted detainees onto A wing. He explained that the door had to be manned by officers as detainees were not permitted to walk on and off the floor. Officer Matchett

stated on the day in question he opened the door and let a few of the detainees from A wing onto the wing floor, however he noticed Mr [D720], who was from C wing, trying to enter A wing. Officer Matchett stated he told Mr [D720] he could not come onto the wing as he was from C wing.

6.2.3 Officer Matchett explained Mr [D720] had pushed past him the previous day so on 06 June 2017 he blocked Mr [D720]'s way with his forearm but was not touching him in any way. Officer Matchett stated Mr [D720] shouted at him "you have no right to touch me" however he had not touched him at that point. Officer Matchett stated Mr [D720] pushed his chest into his (Officer Matchett's) arm to try and push him out of the way. Officer Matchett said Mr [D720] then went to the left of him and managed to get past him, so he grabbed Mr [D720]'s right bicep to stop him gaining access to the floor. Officer Matchett said Mr [D720] sat on a table where the fax machine was, next to the door, and he let go of his arm. Officer Matchett said he stood in front of Mr [D720] but was not touching him and Mr [D720] threatened to break his nose. Officer Matchett said Officer Opoku stepped in at that stage and took Mr [D720] off of the wing.

6.2.4 Officer Matchett said he let go of Mr [D720]'s arm as soon as he sat down on the table. He confirmed that he only used an arm hold on Mr [D720] and did not twist his arm.

6.3 Officer Matchett's Use of Force Report:

6.3.1 Officer Matchett's Use of Force report corroborated what he said at interview, however there was further detail in his Use of Force report which was written immediately after the incident.

6.3.2 Officer Matchett stated Mr [D720] told him he wanted to talk to his friend upstairs on the first floor and he informed him that it was not possible as detainees were not allowed to go onto other wings for safety and security reasons. Officer Matchett said due to an incident that had happened the previous day on Beck wing where Mr [D720] forced his way past him, he put his right arm up against the door frame to prevent Mr [D720] from entering the wing.

6.3.3 Officer Matchett stated Mr [D720] told him to "get out of my fucking way" and said "don't touch me". He said he told Mr [D720] that the only way they would make contact was if he walked forwards into his arm. Officer Matchett stated Mr [D720] proceeded to attempt to walk forward to force his arm out of the way with his chest but this was unsuccessful so he quickly moved to the other side of him to try again. Officer Matchett stated that time he was able to get past him so he instinctively reacted by taking his hold of Mr [D720]'s right arm to prevent him from advancing further onto the wing.

6.3.4 Officer Matchett stated Mr [D720] then tried to shake his hand off of his arm by moving left and right and at this point he sat down on the table next to the fax machine. He said he then let go of Mr [D720]'s arm and Mr [D720] said "you don't want to cross me right now, you don't know what's going on, get out of my way otherwise you'll have a broken nose. I could break your nose really easy right now. Move out of my way, I don't care if I go to the Block". Officer Matchett stated at this point Officer Opoku told Mr [D720] to go with him so they could talk and he took him over to the serving area and then told Mr [D720] to follow him outside the wing so they could talk further.

6.4 Officer Opoku's Interview:

- 6.4.1 Officer Opoku stated at interview that he did not see the actual incident and only saw Mr [D720] shouting at Officer Matchett when he entered A Wing. He said he took Mr [D720] away at that point to calm him down. Officer Opoku confirmed that he did not see Officer Matchett grab or twist Mr [D720]'s arm from the time he witnessed the incident.
- 6.4.2 Officer Opoku confirmed Mr [D720] was angry and was shouting at Officer Matchett. He explained that when the fax machines on C and D wings were not working the detainees were allowed to go to another wing to use the fax machine there. Officer Opoku said Mr [D720] went back to his own wing once he had spoken with him in the corridor and had calmed down.

6.5 CCTV Footage:

- 6.5.1 16:49:00 – Mr [D720] attempted to enter A wing through a doorway. He was blocked by Officer Matchett putting his arm across the doorway to stop Mr [D720] from entering. Officer Chris Brown was also standing by the door when Mr [D720] attempted to enter A Wing.
- 6.5.2 16:49:23 – Mr [D720] pushed his body into Officer Matchett's arm in order to gain entry to the wing. Officer Matchett blocked Mr [D720] using his arm/body and both Mr [D720] and Officer Matchett moved from the doorway to their left until Mr [D720] reached a small table and sat on it. Officer Matchett stood in front of Mr [D720] however at that point a number of other detainees gathered around the table which blocked the full view of Officer Matchett's arms.
- 6.5.3 16:50:33 – Mr [D720] and Officer Matchett appeared to be talking whilst Mr [D720] sat on the table. Officer Opoku appeared and took Mr [D720] away from the table to the nearby serving area. Mr [D720] appeared unhappy and pointed his hands towards the door he entered and the further down the corridor of the wing.
- 6.5.4 16:51:59 – Officer Opoku took Mr [D720] back through the door through which he entered the wing to speak with him alone. CCTV of the corridor showed Mr [D720] appeared to still be explaining to Officer Opoku what happened.
- 6.5.6 16:56:22 – Mr [D720] and Officer Opoku finished speaking and Mr [D720] went down the corridor he originally came from. Officer Opoku went back through the door onto A wing.

6.6 Medical Report:

- 6.6.1 The medical professional who attended to Mr [D720] stated the following in the medical report:

'I was called to C wing 101 by an officer to access a detainee who had verbal altercation with an officer and reported that the officer used force to restrain him. On examination, his upper right arm appears reddish, no significant injury occurred. He

was able to move his hand all over his body when asked to do so.'

7. CONSIDERATION OF EVIDENCE

7.1 To investigate the allegation made by Mr [D720] that on 06 June 2017 excessive force was used on him by DCO Graham Matchett when he tried to enter Arun Wing at Brook House IRC.

- 7.1.1 Officer Matchett stated in his Use of Force report that Mr [D720] tried to gain access to A Wing by forcing his way past him after being told he could not enter the wing. Officer Matchett claimed that he grabbed Mr [D720]'s right bicep after he tried to push past him to prevent him from entering the wing. Mr [D720] claimed that Officer Matchett grabbed his right bicep when he was sat on the table next to the door.
- 7.1.2 CCTV footage showed Officer Matchett put his arm across the doorway to stop Mr [D720] entering the wing however it was unclear whether he grabbed Mr [D720]'s bicep at that point as the camera was too far away from the doorway for a clear view. It was also unclear from the CCTV whether Officer Matchett grabbed Mr [D720]'s arm when he was sat on the table by the door, as Mr [D720] alleged. This was due to the number of other detainees crowding the table to watch the incident and cutting off a clear view of Officer Matchett's arms. However, it did not appear to the Investigating Officer as though Officer Matchett made any obvious movements to suggest he reached out to grab Mr [D720]'s arm.
- 7.1.3 The Investigating Officer was unable to interview Officer Brown due to him being on [IRRELEVANT AND SENSITIVE] leave and as he was the only first hand witness it was not possible to establish exactly what happened. It was not considered proportionate to wait for Officer's Brown's return to work on an unknown date.
- 7.1.4 The Investigating Officer considered Officer Matchett's statement at interview, his Use of Force report and what could be seen on the CCTV to be consistent. Although it could not be seen on the CCTV, Officer Matchett confirmed that he took hold of Mr [D720]'s right arm to prevent him from advancing onto A wing, where he was not permitted. Officer Matchett's consistent account was considered credible on balance and his actions were considered reasonable, proportionate and necessary in the circumstances.
- 7.1.5 By Mr [D720]'s own admission he told Officer Matchett he would push his way onto the wing, and became very angry while shouting at Officer Matchett. Mr [D720] refused to be interviewed without reasonable explanation. It was considered this cast some doubt on his credibility and he did not use his opportunity to add more detail to his complaint. It was considered there was no evidence to support Mr [D720]'s allegation that the force used on him was excessive. Officer Opoku did not see the alleged incident but verified that Mr [D720] was shouting at Officer Matchett towards the end of the incident, which he witnessed. The Investigating Officer also considered the medical report in which it stated Mr [D720]'s upper right arm was reddish however there was no significant injury. This was considered as further evidence that excessive force had not been used on Mr [D720] as he would have sustained a more serious injury if excessive force had been used by Officer Matchett.

8. CONCLUSION

- 8.1 After careful consideration of the evidence and on the balance of probability, for the reasons outlined in the report, the allegation that DCO Matchett used excessive force on Mr [D720] was found to be **unsubstantiated**.

9. SUMMARY AND RECOMMENDATIONS

- 9.1 The Investigating Officer did not identify any recommendations during the course of this investigation.

Name: Samantha Bennett Name: Simone Parish

Grade: HEO Grade: SEO

Signed: _____ Signed: _____

Date: 31 August 2017 Date: 31 August 2017