



# **INVESTIGATION REPORT**

## **Inappropriate conduct and behaviour towards a detainee 21<sup>st</sup> April 2017**

Michelle Brown  
May 2017

## CONTENTS

1. Introduction
2. Investigation
3. Method
4. Summary of Events
5. Conclusion
6. Recommendations

## ENCLOSURES

1. Letter of complaint from detainee D119
2. Letter of complaint from detainee D720
3. Copy of SIR (BH791/17) submitted by DCO Fagbo on 22/04/17.
4. DAT Observations noted for D119
5. Interview notes with DCO B Fagbo.
6. Interview notes with detainee D119
7. Interview notes with detainee D720
8. Interview notes with DCO J Rowley.
9. Interview notes with DCO V Moore.
10. Interview notes with DCO N Walia.
11. Interview notes with DCO J Edon.
12. Interview notes with DCO Hutton-Mawdsley.
13. Interview notes with DCO S Williams.
23. Detention Centre Rule 41 / 45.
24. C & R annual refresher training register and package including Betari box.
24. Employee Charter.
25. CCTV footage – D Wing 21.00 onwards – 21/04/17
26. Substantiated complaint detainee: D4125 13/05/16

## **Investigation into inappropriate behaviour during night shifts 18/19<sup>th</sup> October 2012 and 19<sup>th</sup>/20<sup>th</sup> October 2012**

### **1. Introduction:**

This report outlines the results of a fact-finding investigation carried out by Michelle Brown, Head of Care and Regimes within Gatwick IRC, into the allegation that between the 18<sup>th</sup> - 20<sup>th</sup> October 2012, whilst on night shift, staff at Brook House IRC, acted inappropriately.

### **2. Investigation:**

The scope of this investigation is to establish the facts of the allegation, the staff who were involved and their account of the incident. This investigation is of a 'fact finding' nature but interviewees were made aware that the outcome could result in further action being taken.

### **3. Method:**

This investigation so far has been conducted using recognised methods such as interviews with the aggrieved and employees on duty. CCTV footage has been viewed and references have been made to official ACDT, Rule 40, 41 and 42 paperwork as well as training records. All information was evaluated and analysed before any conclusion was drawn.

To facilitate this investigation the following staff were interviewed:

1. DCO Bobby Bryant
2. DCO Jess Culleton
3. DCO David Grant
4. DCO Angela O'Conner
5. DCO Rebecca Willoughby
6. DCM Adam Clayton
7. DCO Ryan Yems
8. DCO Tom Austin
9. DCO Lynne Tyrell

Interviews also conducted with:

1. D4289

### **4. Summary of events:**

On the 18<sup>th</sup> / 19<sup>th</sup> October 2012, ten Detainee Custody Officers and two Detainee Custody Managers were rostered to work a night shift at Brook House IRC. The current roster consists of seven night duties starting at 21.00 and finishing at 08.00. Wednesday night/Thursday morning, the 18<sup>th</sup> /19<sup>th</sup> October would have been the 4th consecutive shift that the officers would be on duty together.

On this particular evening, detainee **D4289** was located in Echo Wing. He had been in Echo Wing since the 17<sup>th</sup> October 2012 to maintain his own safety as he was deemed vulnerable. At 00:48 on the 19<sup>th</sup> October 2012, **D4289** made a ligature and was placed on constant supervision. At that time, DCM Clayton and DCO Willoughby used force on **D4829** to prevent further self-harm.

CCTV footage recalled from the 19<sup>th</sup> October at 01:27 shows DCO Yems throwing and bouncing a tennis ball outside **D4289**'s room. DCO Willoughby is supervising **D4289** at this time, who was displaying volatile behaviour and by 01:33 **D4289** was "attempting to push his fingers into his ribs." At 01:49 DCO Willoughby is observed throwing a bottle and other items with another Officer within a minute, at 01:50 DCO Yems reported that **D4289** requested a cigarette and was physically shaking. At 01:55 **D4289** head butted the wall.

At approx. 03.11 DCO Grant, DCO Yems, DCO Austin and DCM Clayton throw and kick a tennis ball to and at each other across the length of Echo Wing. During this period, DCO Grant was not observing the detainee.

No further incidents were reported on the 19<sup>th</sup> October 2012 and **D4829** slept for the majority of the day.

That evening, 19<sup>th</sup> / 20<sup>th</sup> October would be the fifth consecutive shift for the night staff. On the 20<sup>th</sup> October, at 00:18, DCO Willoughby walks through CSU wearing a paper Derek Trotter mask (a character from TV sitcom Only Fools and Horses) and passes two colleagues, DCO Grant and DCO Limbachia, she then goes through the gate and enters Echo Wing, where she relieves DCO Culleton from his duties. DCO Willoughby then continues to wear the mask whilst performing Constant Supervision on detainee **D4289**. DCO O'Connor and DCO Tyrell also see this.

The mask is removed at 00:19 and left hanging on the door, within view of **D4289**. **D4289** On one occasion, at 00:20 DCO Willoughby holds it up against the glass window of the door of **D4289** room.

At approx. 01:28 DCO Tom Austin is supervising **D4289** the mask remains hanging over the door. During this time, DCO Austin is interacting with colleagues and **D4289** is not within eyesight of DCO Austin. DCO O'Connor approaches DCO Austin at 02:19, removes the mask from the door and places it over DCO Austin's head.

DCO Austin looks in the direction of **D4289** and then proceeds to remove the mask just as DCM Clayton and DCM Jones arrives into E Wing.

On the morning of the 21<sup>st</sup> October 2012, **D4289** tells a Registered Mental Nurse that he has been "woken up by Officers with masked face a couple of nights ago" and complained that Officers had been noisy and keeping him awake.

## 5. Conclusion:

It is clear from CCTV footage and interviewing staff that during the night shifts of the 18<sup>th</sup> /19<sup>th</sup> and 19<sup>th</sup> /20<sup>th</sup> October 2012, inappropriate conduct was displayed by staff in varying degrees.

On the 19<sup>th</sup> October 2012, at approx. 03:07 DCO Grant, DCO Austin, DCO Yems and DCM Clayton threw and kicked a tennis ball across the length of Echo Wing.

During interview, DCO's Grant, Yems and Austin admit to "messaging around with the tennis ball". DCM Clayton stated in interview that although he did throw the ball, he also told the DCO's to "stop mucking around please or words to that effect." When I asked DCM Clayton if he felt his actions could be confusing, DCM Clayton recognised that by throwing the tennis ball as well as shouting "get rid of it or words to that effect" could give a mixed message to officers." During interview, DCO Grant, Yems and Austin all state that at no point did DCM Clayton tell them to stop or "get rid of it". This would conclude with the CCTV footage as all three DCO's continue to thrash the ball around despite DCM Clayton remaining in the vicinity. DCM Clayton states in interview that he was unaware of that the Officers continued as he was in [D4289] room. In view that the tennis ball was not removed and the ball throwing continues, it is in my opinion that the Officer's behaviour was not challenged by DCM Clayton.

During the incident, DCO Grant was tasked with supervising [D4289] – it is apparent that at times, due to his participation and observing others play ball, DCO Grant is not within eyesight of [D4289]. On the 30<sup>th</sup> March 2012, DCO Grant attended a DCO Refresher course, the contents of this course includes guidance of Constant Supervision. The requirement states –

"Constant Supervision - is where a detainee is supervised by a designated member of staff on a one to one basis, remaining within eyesight at all times and within suitable distance to be able to physically intervene quickly"

In interview DCO Grant confirmed that on the 19<sup>th</sup> October, he failed to do this and therefore, it is my opinion that he failed in his duties.

The CCTV shows at least one member of staff was hit with the ball with some force, which would undoubtedly have created some noise. Throughout the footage, the television at the far end of Echo Wing remains on. The officers on duty in Echo Wing all see this is common practice and according to one officer "helps keep them awake at night". On the 19<sup>th</sup> October, some Officers recall the music channel being played - others cannot recall what was on. DCM Clayton states that the "music" (channel) was on and "I had to tell them to turn it down several times during nights" – DCO Lynne Tyrell states that she was never told to do this and upon viewing CCTV footage throughout the twelve hour shift – the television does not appear to have been altered.

CCTV footage also captures at 01:49 on the 19<sup>th</sup> October DCO Rebecca Willoughby throwing items including bottles and at 03:03 DCO Yems swinging the Constant Supervision stool outside [D4289]'s room. In interview DCO Grant states that [D4289] was abusive to him, saying things such as "I will f \*\*k your

mum” – to which DCO Grant replied “Good, she needs it” and when [D4289] “called me a bastard, I said, yeah my dad died recently”  
In interview, DCO Grant said he “I shouldn’t of said what I did.” In view of this, DCO Grant was not effectively interacting or trying to de-escalate [D4289]

DCO Bobby Bryant, who was assisting from Tinsley House, commented that during the night shift of the 19<sup>th</sup> October, “there was a lot of banter going on”. DCO Bryant states that no detainees were involved in this and it was just amongst the staff. In view that the television remained on, the ball playing, throwing of items and staff rowdiness, I believe that the noise levels in Echo Wing would cause disruption. In addition, on the 19<sup>th</sup> October 2012, DCO Grant, DCO Austin, DCO Willoughby, DCO Yems and DCM Clayton failed in their duty of care.

Having checked through [D4289]’s official ACDT and Rule 40 paperwork, no further incidents are recorded for the morning or afternoon on the 19<sup>th</sup> October 2012. Upon reviewing the paperwork, I found that that the original DCF1 was not signed / authorised by UKBA, there was no record that [D4289] received his one hour fresh air entitlement and hourly observations were not maintained and those that were recorded had incorrect date / times. In addition, according to the ACDT observations, between the hours of 23:16 and 23:37 [D4289] requested sleeping tablets, a TV and a pen, all of which were declined. I can see no reason why [D4289] [D4289] could not be issued a pen.

At 00:18 on the 20<sup>th</sup> October 2012, CCTV footage clearly shows DCO Jess Culleton reading whilst supervising [D4289] DCO Culleton completed the Initial Training Course in 2011. The content of the course includes Guidance on Constant Supervision and the requirement that the detainee remains in eye sight at all times. DCO Culleton has worked in CSU / Echo Wing for approx. 18 months and has completed Constant Supervisions before.

When shown the footage, DCO Culleton agrees that he is reading a newspaper and states that he is reading the TV guide to [D4289]

[D4289] had not been issued a television whilst under constant supervision. According to the ACDT record of observations, [D4289] requested earlier in the night to watch television. This request was declined by DCM Clayton, who explained in interview this was because the Centre was in lockdown state. During interview DCM Clayton stated that he was aware that detainees on Rule 40 and/or Constant Supervision can have a television but only at the authority of the Duty Director who was not on site at the time.

DCO Culleton claims that he was reading the TV guide in an attempt to engage with the detainee as he was “up at the door and pacing” This is a different account of what DCO Culleton recorded in [D4289] ACDT observations which states that at 00:00 “detainee is laying in his bed reading a book” and 00:15 “detainee still reading his book”. DCO Culleton claims that the detainee was able to view the television at the end of the wing, however, due to the location of the room and television, this is not possible. It is therefore in my opinion that DCO Culleton failed in his duties in supervising [D4289]

At approx.00:18, DCO Willoughby walks through CSU wearing a mask. She passes two Officers – DCO Limbachia and DCO Grant, who are completing Constant Supervisions on two other residents. Whilst they appear to notice her,

they remain on at the doors of the residents as DCO Willoughby passes them and enters Echo Wing. She approaches DCO Culleton still wearing the mask. During interview DCO Willoughby advises that the "mask is Angela O'Connors and i just found it in the office." When interviewed, DCO Angela O'Connor was not forthcoming with this information, however, DCO Tyrell confirms "DCO O'Connors had it on Tuesday" and DCM Adam Clayton suggested in interview that it was DCO O'Connor's and he "first saw it on the Tuesday night, possibly Monday night in the CSU office". DCM Clayton states that he took it away at the time and told her (DCO O'Connor) "to get rid of it"

However, it is clear that the mask remained on site. The Officers were not hiding or disguising use of the mask and in view that the mask was not removed by DCM Clayton when found again in a later incident, in my opinion this instruction did not occur.

DCO J Culleton is the officer that DCO Willoughby took over supervision duties from. In interview, DCO Culleton states that "it didn't click at the time, I don't think I even looked" however when asked a direct question of "Did you report it? DCO Culleton said "No, I didn't report it as I was tired, it's not my shift and the circumstances" When asked to "clarify in what circumstances?" – DCO Culleton stated "I had been up all day and then I was asked to cover a night shift. I was tired and struggling". In view of this, I believe DCO Culleton was aware of the inappropriate conduct and failed to do anything about it.

DCO Willoughby wears the mask whilst performing her duties for one minute and then takes it off and hangs it over the door. After a further minute she adjusts the mask so it is facing into the room. In interview, DCO Willoughby says "both staff and the detainee were laughing at me" and "he was laughing and asked to see the mask again"

DCO Tyrell and DCO O'Connor both confirm in interview that they found the situation funny and therefore did not feel the need to report it. [D2489] says in interview that he was "sleeping, lying in bed" and "I couldn't move I was scared".

CCTV footage would concur with the above actions but cannot confirm [D2489]

[D2489] reaction to seeing the mask which DCO Willoughby and [D2489] dispute. DCO Willoughby states "that she had the detainees welfare at all times" and he "was giving me the thumbs up and asking for the TV to be turned up"

DCO Tyrell said that she was unable to see [D4289] through the door and the ADCT records only state "DCO Willoughby taking over constant watch" – It is worth noting that DCM Clayton said that he couldn't remember when but [D4289] [D4289] had requested to "come out and watch TV cause the Officers are making me laugh" however, this entry was at 22:47 and prior to the mask being produced.

The purpose of the investigation is not to ascertain how the detainee reacted but to establish if inappropriate conduct was displayed. The response of the detainee is irrelevant – DCO Willoughby still went to a vulnerable / high risk person's room, in the early hours wearing a mask and therefore breached Detention Centre Rule 41, section 2 –

"No officer shall act deliberately in a manner calculated to provoke a detained person"

By her own omission DCO Willoughby states that "He [D4289] has something against me". An entry made in the ACDT document at 02:50 by DCO Willoughby states "At 02:50 hours he told me to fuck off and stuck his middle finger up at me" When I asked "Why?" DCO Willoughby stated "Because he didn't want me on the constant watch" but when this was explored further during interview, she was unable to provide a reason why. Over the course of the 19<sup>th</sup> and 20<sup>th</sup> DCO Willoughby continued to perform her duties in observing him and did not notify any manager regarding her concerns.

DCO Willoughby continued to supervise [D4289] until 01:28, when DCO Austin is due to take over. CCTV footage shows that during this handover, there is a period of less than a minute that [D4289] is unsupervised.

DCO Willoughby has worked at Brook House for approx. four years and completed Constant Supervisions on a regular basis. On the 7<sup>th</sup> October 2011, DCO Willoughby attended a DCO Refresher Course. The contents of this course included Guidance on Constant Supervisions. When asked "Do you think you were fulfilling your duty of care towards the detainee?" DCO Willoughby replied "Yes", however, by leaving the detainee unattended, for any period of time (however minimal), she has failed to fulfil her duty of care towards the detainee.

When DCO Austin takes over observing [D4289] at 01.28, he states in interview, that he was aware that the mask was hanging in the door and aware that it was inappropriate but did not report it. When asked "why?" Tom could not provide an answer. During his duties, DCO Austin is seen on CCTV turning away from the door of [D4289] and engaging with other staff. When asked interview, "Are you watching him now?" DCO Austin replies "No". Therefore DCO Austin failed in his duty of care.

DCO O'Connor then approaches DCO Austin. She removes the mask from the door and places it over DCO Austin's head. In interview, DCO O'Connor was unable to recall the incident; she stating "I can't remember doing that; I remember putting the mask on myself". In interview DCO Tyrell confirms that DCO O'Connor had worn the mask and also stated that "I put the mask on at one point, as a staff joke" Both DCO O'Connor and DCO Tyrell state in interview that wearing the mask was not appropriate.

DCO Austin wears the mask for a matter of seconds, glancing into the room of Mr [D4289] and then removes it. DCO Austin states in interview he took it off by his own accord as "he didn't want to lose my job over something like that". This is an admission that DCO Austin was aware that wearing the mask was inappropriate. As DCO Austin is in the process of removing the mask, DCM Clayton arrives from CSU to Echo Wing. DCM Clayton states in interview "I came out because of the amount of noise going on, I saw Tom Austin wearing it on the constant watch, I told him to get rid of it but I think he had already started to remove it. I did laugh as it was funny; I think I said do you want me to define constant watch?" DCO Austin states in interview that he was never told to take it off and DCM Clayton "just laughed". DCO Tyrell and DCO O'Connor can neither recall what, if anything, was said but state in interview "not a lot was said" and "I can't remember".

The mask is placed back onto the door, facing into the room. In view of this and that DCM Clayton claims to have removed the mask earlier in the week but didn't do on this occasion, I do not believe that DCO Austin was challenged over the



mask. DCO Austin said in interview that he did not report the incident as a “manager was there”

In summary, the following events occurred during the 18<sup>th</sup>/19<sup>th</sup> October and 19<sup>th</sup>/20<sup>th</sup> October 2012 –

19<sup>th</sup> October 2012 at –

01:27, DCO Yems throwing ball / bouncing ball outside **D4289** room.  
01:49, DCO Willoughby throws bottle / items the length of Echo Wing.  
03:03, DCO Yems waving chair around outside **D4289** room.  
03:11, DCO Yems, DCO Grant, DCO Austin and DCM Clayton kicking and throwing ball length of Echo Wing. DCO Grant not observing **D4289**

20<sup>TH</sup> October 2012 at –

00:18, DCO Culleton reading newspaper whilst completing Constant Supervision  
00:18, DCO Willoughby completing Constant Supervision with wearing mask.  
00:20, DCO Willoughby turns mask facing into door.  
01:28, DCO Willoughby leaves **D4289** unsupervised.  
02:19, DCO O'Connor puts mask on DCO Austin with DCO Tyrell present.  
02:19, DCO Austin places mask placed back on door facing in.

By their own admissions DCO Tyrell and DCO O'Connor also state that they wore the mask during night shifts between 15<sup>th</sup> October and 20<sup>th</sup> October. In view of the above incidents, I conclude the following –

On the 19<sup>th</sup> / 20<sup>TH</sup> October 2012, DCO Willoughby failed in her duty of care and acted inappropriately. She breached Detention Centre Rule 41- section 2\*, Constant Supervision policy and procedure\*\* and G4S Employee Charter\*\*\*

On the 19<sup>th</sup> / 20<sup>TH</sup> October 2012, DCO O'Connor failed in her duty of care and acted inappropriately. She breached Detention Centre Rule 41 – section 2\* and the G4S Employee Charter\*\*\*

On the 19<sup>th</sup> / 20<sup>th</sup> October 2012, DCO Grant failed in his duty of care and acted inappropriately. He breached Detention Centre Rule 41 – section 2, Constant Supervision policy and procedure\*\* and the G4S Employee Charter\*\*\*

On the 19<sup>th</sup> / 20<sup>TH</sup> October 2012, DCO Yems failed in his duty of care and acted inappropriately. DCO Yems also breached the G4S Employee Charter\*\*\*

On the 20<sup>TH</sup> October 2012, DCO Culleton failed in his duty of care and acted inappropriately. DCO Culleton breached the Constant Supervision policy and procedure\*\* and the G4S Employee Charter\*\*\*

On the 19<sup>th</sup> / 20<sup>th</sup> October 2012, DCO Tyrell failed in her duty of care and acted inappropriately. DCO Tyrell breached the G4S Employee Charter\*\*\*

On the 19<sup>TH</sup> / 20<sup>TH</sup> October 2012, DCM Clayton failed in his duty of care and acted inappropriately. DCM Clayton did not effectively manage the staff and breached the G4S Employee Charter\*\*\*

On the 19<sup>th</sup> / 20<sup>th</sup> October 2012, DCO Austin failed in his duty of care and acted inappropriately. DCO Austin breached the Constant Supervision policy and procedure\*\* and the G4S Employee Charter\*\*\*

\*“No officer shall act deliberately in a manner calculated to provoke a detained person”

\*\* “Constant Supervision - is where a detainee is supervised by a designated member of staff on a one to one basis, remaining within eyesight at all times and within suitable distance to be able to physically intervene quickly”

\*\*\* What we are expected to do:

Challenge and report unacceptable behaviour and performance.

Comply with policies and procedures.

To treat everyone with dignity and respect.

Always perform to the highest possible standards.

Behave with honesty and integrity.

It is apparent from the investigation that a number of DCO's wore the mask during the course of the shifts. However, the defining difference is that DCO Willoughby chose to perform her duty of constant supervision whilst wearing the mask culminating in the subsequent complaint from: **D4289**

## **6. Recommendations**

1. Further investigation.
2. Every employee to receive a copy Constant Supervision Guidelines and clarify understanding.
3. The television on Echo Wing to be put on a timer and only on during the hours of unlock.
4. Toolbox talk on DCF1 and DCF3 paperwork to be reissued to DCM's clarifying what the requirements and expectations are.

Name: Michelle Brown

Date: 14<sup>th</sup> November 2012