

## 10. Investigation Report

Detainee Custody Officer  
Derek Murphy

Image of DCO Derek Murphy

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Investigator John Howgate / Stephen Cotter Authorised by Nick Sheppard

**Section 1: Matter to be investigated**

The BBC raised allegations which may constitute misconduct in a letter dated the 24<sup>th</sup> August 2017 to G4s about DCO Derek Murphy's alleged involvement in the following incidents: (Allegations below as per letter)

1. On the 8<sup>th</sup> of May you said that, while on shift the previous week, you had chopped with your open hand or punched a detainee on E Wing under the chin, causing him to spit out a razor blade which the detainee had concealed in his mouth.
2. On the 14<sup>th</sup> of June you said of detainee D1275 who had taken spice "look at the state of that", "imagine bringing that home to mother" and "absolutely no sympathy for them at all...if he dies he dies".
3. On the 14<sup>th</sup> of June you threatened a detainee with serious pre-existing mental health issues who was later sectioned in a psychiatric hospital, by saying "clean this window", "tell him if he keeps going I'm going to smash the fucking shit out of him", "listen listen stop fucking about you understand stop" And "I don't want to come back in this room again you'll be in trouble all right".
4. On the 6<sup>th</sup> of July you mouthed that you wanted to strike a detainee on E wing.
5. On an unknown date you are alleged to have punched a detainee on the jaw after previously being bitten by him. A senior manager asked what had happened to the detainee and neither you nor the other officers present stated what had actually taken place.
6. In early 2017 (exact date unknown) you are alleged to have seen that a detainee D275 had self-harmed, by cutting at the site of a recent hernia operation causing himself to bleed, but took no action. Mr D275 was left in his room bleeding for at least thirty minutes.

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**Section 2: Scope of Investigation**

To investigate the allegations made by the BBC against G4S staff working at Gatwick Immigration Removal Centre, Brook House.

Interview individual members of staff where allegations have been made

Interview witnesses

Review local documentary evidence and other records

Examine CCTV and Body Worn Video Camera footage

Review Panorama footage

To report findings and conclusions to the Commissioning Authority

**Section 3: Summary of interview with the alleged wrong doer (where applicable)****Allegation 1:**

*On the 8<sup>th</sup> of May you said that, while on shift the previous week, you had chopped with your open hand or punched a detainee on E Wing under the chin, causing him to spit out a razor blade which the detainee had concealed in his mouth*

The interview took place on the 7<sup>th</sup> September 14.00hrs at Tinsley House Immigration Centre Gatwick.

Present were John Howgate, Stephen Cotter from the Investigation Team and DCO's Derek Murphy (accused) and Joseph Marshall POA Union representative

DCO Derek Murphy stated that he has been employed by G4S for approximately 18 months working at Brook House IRC and his current role is a Residential DCO on Eden Wing.

Eden Wing houses a variety of detainees including those who are "Removed from Association" (RFA), admitted on a detox, found under the influence, requiring Methadone, on ACDT requiring constant watch or are due to be deported the next day. The unit assists with detainees who come from CSU and form part of the reintegration intervention.

DCO Murphy confirmed he completed the ITC prior to commencing work within the Centre and stated that he is trained and in date, in the approved method "Use of Force" known as Control & Restraint (C&R)

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When asked about the allegation DCO Murphy denied making the comment mentioned in Allegation 1, and any such action suggested around the allegation. He was unable to recall any specific incident stating he "can't say for definite" if he had restrained a detainee who had placed a razor blade in their mouth.

DCO Murphy denies allegation 1 and when pressed stated that he does not know where the allegation has come from.

#### **Allegation 2:**

***On the 14<sup>th</sup> of June you said of detainee D1275 who had taken spice, "look at the state of that", "imagine bringing that home to mother" and "absolutely no sympathy for them at all...if he dies he dies".***

In regard to the comments ***"absolutely no sympathy for them at all...if he dies he dies"***. DCO Murphy admitted making these comments as these can be clearly seen and heard in the documentary (footage from the documentary shown).

DCO Murphy pointed out the fact that although he said the comments they were not said in the context that they were shown, in fact he believed the footage had been cut and put together to make it look like it was one sentence.

We reviewed the footage several times with DCO Murphy and he pointed out a slight flicker in the footage affecting the lighting and he believes that this is where the edit had taken place.

With regard to the comment ***"if he dies he dies"*** DCO Murphy explained that whilst he said this he was referring to a "Rocky" movie in which Dolph Lundgren (actor) makes this comment.

DCO Murphy stated that he said this in an accent attempting to imitate this actor. Upon reviewing the CCTV footage with DCO Murphy there would appear to be a slight deviation in DCO Murphy's accent as he makes this comment.

DCO Murphy admits he has no sympathy for detainees who take illicit drugs such as spice and suffer an attack; he stated "that is their choice".

When challenged about his comments he said he does care for detainees in general but has no sympathy for them when they take drugs but this does not mean he does not act in a professional manner. He stated he didn't want anyone to die.

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When asked if these comments were made in the same room as the detainee at the time he was vulnerable and under the influence of an illicit drug, DCO Murphy said yes.

DCO Murphy acknowledged that his comments as shown in the documentary were unacceptable.

The comments listed in Allegation 2, which are not shown in the programme; ***"look at the state of that", "imagine bringing that home to mother"*** DCO Murphy denies saying this.

When asked if this is the sort of language he may use, DCO Murphy stated that it was irrelevant and he would not be pressed any further.

### **Allegation 3:**

***On the 14<sup>th</sup> June you threatened a detainee with serious pre-existing mental health issues who was later sectioned in a psychiatric hospital, by saying "clean this window", "tell him if he keeps going I'm going to smash the fucking shit out of him", "listen listen stop fucking about you understand stop" and "I don't want to come back in this room again you'll be in trouble alright"***

DCO Murphy was asked to explain his actions as again this evidence is clearly seen and heard in the documentary.

DCO Murphy stated that the detainee had been playing up banging on the door. He went and closed the glass panel in the door and this is when the detainee spat at the glass and some spit hit DCO Murphy in the face. He described himself as becoming more frustrated at this.

DCO Murphy said this is when he is seen on footage to turn and look over his shoulder and make these comments to DCO Tulley (Callum Tulley). DCO Murphy went on to say that while these comments were said, he had no intention of actually acting them out.

We asked DCO Murphy why he would make such comments to a vulnerable person and threaten a detainee.

DCO Murphy denied it as being a threat but accepted that it did not look good. He said that it was not said directly to the detainee but admitted, when pressed, that it was said immediately outside the detainee's room and in earshot of the detainee and in this case accepted that it may have been perceived as a threat by the detainee.

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When challenged about making this statement DCO Murphy admitted that it was neither professional nor acceptable.

DCO Murphy went on to say that although his comments were not professional he had a good rapport with the detainee and following this incident some time later he was asked to accompany the detainee to a psychiatric hospital, which he did, reassuring the detainee that everything would be okay.

DCO Murphy stated that although he was a big man he had a soft side to him and he cares and takes his job seriously.

Allegation 3 was not contested by DCO Murphy.

**Allegation 4:**

***On the 6<sup>th</sup> of July you mouthed that you wanted to strike a detainee on E wing.***

DCO Murphy does not recall this and denies mouthing such a comment.

Without any CCTV there is no evidence to support this allegation.

**Allegation 5:**

***On an unknown date you are alleged to have punched a detainee on the jaw after previously being bitten by him. A senior manager asked what had happened to the detainee and neither you nor the other officers present stated what had actually taken place.***

DCO Murphy denies Allegation 5 punching a detainee on the jaw, but does remember the incident, which was a use of force. On this date, which he can't remember, this was a response call to B wing; two other officers were there,

DCO Murphy went to control the detainees head and his finger was bitten. This he says was documented on the use of force paperwork. The detainee was then taken to the CSU and DCO Murphy went to Healthcare.

DCO Murphy does not remember a senior manager talking to him about this allegation.

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DCO Murphy stated that he had been bitten one other time by a detainee during C&R and this was on his leg.

DCO Murphy denies Allegation 5 and does not recall or remember a senior manager talking to him about this allegation.

DCO Murphy stated that he had been bitten twice before by detainees during C&R once on his leg and another on his finger.

DCO Murphy stated that he cannot recall who the detainees were who bit him but this will be documented on his UOF paperwork.

DCO Murphy denies such an allegation

**Allegation 6:**

***In early 2017 (exact date unknown) you are alleged to have seen that a detainee [D275] had self-harmed, by cutting at the site of a recent hernia operation causing himself to bleed, but took no action. Mr [D275] was left in his room bleeding for at least thirty minutes.***

DCO Murphy denies this allegation and recalls Mr [D275] aggravating his wound following his hernia operation by tearing off his wound dressing. He stated that he did not delay in referring this to Healthcare.

Records indicate that the only time Mr [D275] self-harmed was once following his operation and a F213 Injury Report Form supports this. DCO Murphy was not on duty at this time.

DCO Murphy remembers Mr [D275] and stated he had a good rapport with him; in fact Mr [D275] had given him information into alleged contraband coming in to the centre. This information proved successful and staff members were able to intercept the drugs which were secreted in the tongue of a pair of trainers brought in for a detainee.

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**Section 4: Summary of any third party interviews****BBC Annex A Transcript (Page 14 lines 1-3)**

***When on an unknown date, DCO Derek Murphy is alleged to have punched a detainee on the jaw. A senior manager called Juls Williams asked what had happened to the detainee. Neither DCO Derek Murphy nor the other officers present stated what had actually taken place.***

***(This cross references to DCO Derek Murphy Allegation 5)***

The interview took place on the 7<sup>th</sup> September 13.25hrs at Brook House Immigration Removal Centre Gatwick.

Present were John Howgate, Stephen Cotter from the Investigation Team Juls Williams.

Mr Williams was happy to proceed without either a union representative or a work place colleague.

The BBC transcript was read to Mr Williams. Mr Williams was made aware of the BBC allegations made against DCO Murphy and naming him.

Mr Williams stated he did not recall any incident occurring and he believed he would remember such an event.

Mr Williams stated he recalled having to speak with DCO Murphy over an allegation where it was alleged by a detainee that DCO Murphy had punched him.

Mr Williams stated if DCO Murphy "had hands-on, I would have asked for a use of force report to find out what he had done".

Mr Williams stated he did not know if this was the same incident being referred to by the BBC.

Mr Williams stated he spoke with DCO Murphy and viewed CCTV footage at the time. He concluded that there was no case to answer as DCO Murphy pushed a detainee who was coming out of his room back in. Mr Williams stated at the time he was happy and concluded there was nothing for DCO Murphy to answer to.

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**Section 5: Relevant evidence examined**

UOF Paperwork dated 4/5/17 Log No 113/17 (re Allegation 1)  
UOF CCTV dated 4/5/17 Log No BH 216/17 UOF 113/17 BWC (re Allegation 1)  
DC Rule 40 Paperwork Log No BH 258/17 (re Allegation 3)  
Accident H&S forms completed Injury on Duty BHS/2017 / (re Allegations)  
Panorama footage (01:02, 17:00, 22:11, 42:00)

**Section 6: Findings**

Several incidents were captured and featured on the BBC Panorama programme aired on Monday 4<sup>th</sup> September 2017 at 21:00.

**Allegation 1**      **Unsubstantiated**

A restraint occurred on 4<sup>th</sup> May 2017 UOF Log No 113/17, Incident Report Log No 322/17 on E Wing. During the restraint, body worn camera footage (BWC); which starts after the detainee is restrained, showing DCO Murphy in control of the detainee's head using approved Control & Restraint (C&R) Techniques.

The UOF paperwork refers to the detainee placing a razor in his mouth prior to being restrained which prompted the UOF. It also describes part of the razor falling out of the detainee's mouth.

Throughout the paperwork there is no reference to DCO Murphy "chopping with an open hand" or "punching a detainee"

Allegation 1 is that DCO Murphy acted inappropriately a week before the 8<sup>th</sup> May however there is no evidence available to support this and DCO Murphy denied any excessive use of force in this case.

**Allegation 2**      **Substantiated**

Footage from the documentary is clear on what DCO Murphy says in regards to ***"absolutely no sympathy for them at all...if he dies he dies"***. DCO Murphy does not deny this and accepted that it was both unprofessional and unacceptable. DCO Murphy's mitigation was that the film had been edited to look worse than it was and that he does care.

When questioned over Allegation 2 into comments made but not shown, we asked DCO Murphy if this was the sort of language he may use, rather than refuting this, DCO Murphy said "it's irrelevant" and was not willing to discuss further.

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DCO Murphy displayed little remorse in relation to these comments during interview.

**Allegation 3**      **Substantiated**

DCO Murphy accepted that his comments and actions had been both unprofessional and unacceptable. He admitted to making the threat but refuted that it was directed at the detainee.

In the DC Rule 40 Paperwork Log No BH 258/17 for Mr [D2951] on the 9<sup>th</sup> June 2017 DCO Murphy documented that Mr [D2951] had spat at his viewing panel and been putting things in his toilet throughout the morning. There is no supporting evidence via an Accident Report or H&S Report that DCO Murphy was hit by Mr [D2951] spitting during the incident.

Mr [D2951] was admitted to Langley Green Psychiatric hospital on the 16<sup>th</sup> June 2017 before returning to Brook House IRC 2<sup>nd</sup> August 2017, then deported on the 31<sup>st</sup> August 2017.

**Allegation 4**      **Unsubstantiated**

There is no evidence available to support this allegation

**Allegation 5**      **Unsubstantiated**

There is no evidence available to support this allegation

DCO Murphy denies this allegation and cannot recall a conversation between him and Senior Manager Juls Williams.

There is use of force paperwork dated 8<sup>th</sup> November 2016 Log No 126/16 which supports DCO Murphy's claim he had been bitten. CCTV footage shows DCO Murphy lifting his trouser leg to show a colleague where he had been bit. The paperwork refers to the detainee being aggressive throughout but does not demonstrate that DCO Murphy assaulted the detainee.

The F213 Injury Report Form completed at the time by RMN Jim Newlands records that the detainee refused any physical health check at the time however, 'he had a swollen right eye and there was spotting of blood around the nose.'

The nurse did not raise any concerns to his manager at the time.

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There is no record of a complaint being made by Mr **D182** for the above incident.



**D182**

Senior Manager Juls Williams named in allegation 5 does not recall the allegation.

However CCTV footage from the unit of the above use of force incident dated 8<sup>th</sup> November 2016 shows Mr Williams at the scene camera A Wing 2141 17.00hrs. Also caught in the footage at the time is DCO Callum Tulley. This may be the incident referred to by the BBC in their allegation.

Mr Williams recalls a different event when he had to speak with DCO Murphy following an allegation that he had punched a detainee.

There is no supporting evidence of this occurring as nothing was recorded and no action taken by Mr Williams except that he states he viewed CCTV footage at the time.

**Allegation 6**      **Unsubstantiated**

DCO Murphy recalls Mr **D275** and the self-harming incident mentioned following his hernia operation however there is no documented evidence of this occurring. DCO Murphy denies any wrongdoing in relation to this allegation, and was quick to state that he had a good rapport with Mr **D275**.

There is security evidence supporting that Mr **D275** cooperated with staff in the interception of illicit items coming in to the Centre (see attached SIR 103/17 & 111/17).

There is only one incident which refers to Mr **D275** self-harming following the hernia operation and this occurred when DCO Murphy was not on duty.

Separate to the six allegations made to DCO Murphy in the letter from the BBC dated 24<sup>th</sup> August 2017, we asked DCO Murphy to view further footage of the documentary where he appears and to explain what was happening in each scene. He refused, when asked why he said he hadn't prepared for that.

The footage we specifically wanted to discuss with him was a conversation, presumably in a staffroom, where DCO Paschali was talking about the 25/4/17

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incident with DCO Callum Tulley. DCO Murphy was listening in, sitting on an easy chair.

This raises a further concern. DCO Murphy believes there was no wrong-doing on his part, and he was an innocent party throughout the documentary, yet failed to take the opportunity to explain his involvement in this conversation.

There are no training issues raised. DCO Murphy had completed his initial training course and was up to date with his C&R refresher training.

#### Section 7: Conclusions

DCO Murphy was the subject of six allegations made by the BBC. Of the six allegations there was supporting evidence from the Panorama programme in relation to two of these.

On the basis of the evidence available the investigation team have found that there is insufficient evidence to substantiate the allegations made in four out of the six concerns.

In relation to allegations 2 and 3 made by the BBC there is sufficient evidence to substantiate all or some of these concerns which are therefore a matter for the Commissioning Authority to consider.

Completed by

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