

# DSI Mustafa Dawood

Investigation into immigration enforcement officers'  
contact with Mr Dawood

> Independent investigation report

## > Investigation information

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Investigation name:	Mustafa Dawood
IOPC reference:	2018/105557
Investigation type:	Death or Serious Injury (DSI)
IOPC office:	Cardiff
Lead investigator:	Bethan Watkins
Case supervisor:	Richard Reynolds
Director General delegate (Decision Maker):	Catrin Evans
Status of report:	Finalised
Date finalised:	2.7.2019

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## > Introduction

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### The purpose of this report

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1. I was appointed by the IOPC to carry out an independent investigation into the death of Mr Mustafa Dawood on 30 June 2018 during an immigration enforcement visit to a car wash in Newport. This matter came to the attention of the IOPC on 30 June 2018 as a Death or Serious Injury (DSI) referral. IOPC Investigators were deployed to the scene of the incident together with a Crime Scene Manager from Gwent Police. The IOPC obtained initial accounts from the immigration officers in attendance on the day of the incident and interviewed them as significant witnesses to the investigation.
2. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Director for Wales Catrin Evans.
3. In this report, I will provide an accurate summary of the evidence, and attach or refer to any relevant documents. I will also set out the evidence available relating to:
  - (i) the nature and extent of the immigration officers contact prior to Mr Dawood's death; and
  - (ii) whether the immigration officers may have caused or contributed to Mr Dawood's death
4. I will provide sufficient information to enable the decision maker to reach a decision as to whether:
  - There is an indication that any person serving with the Home Office may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings. If so, those matters will be investigated.

### > Background information about Mr Dawood

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5. Mr Dawood's mother, Ms 'Z', stated that Mr Dawood was born in the Al Fashir region of Darfur, Sudan, in 1995. She stated that he was of Zaghawa ethnicity and that he was the third eldest of her six children. She stated that he loved football, loved his siblings and that he had many friends in Sudan, who were greatly affected by his death.

6. Ms 'Z' stated that Mr Dawood had problems with the authorities in Sudan due to his ethnicity, that the authorities detained him on many occasions and that he was worried about what would happen to him.
7. She stated that Mr Dawood left Sudan in 2013 and that she never saw him again after this point. She stated that Mr Dawood contacted her in 2015 to tell her that he had arrived in the UK.
8. Ms 'Z' stated that Mr Dawood told her that his asylum claim had been refused and his appeal had been dismissed. She stated that at the time of his death, he was awaiting a further decision from the Home Office regarding his status in the UK. She stated that Mr Dawood was hoping to obtain immigration status in the UK, as many other people of Darfuri ethnicity had done so.
9. A friend of Mr Dawood in the UK, 'Witness A', also provided a witness statement to the investigation. He stated that he was a friend of Mr Dawood whilst in Sudan and stated he understood that Mr Dawood had arrived in the UK in July 2015. He further added that he was concerned about the impact of the refusal of Mr Dawood's asylum claim on his mental health and that he tried to support him in managing this impact.

## > **The investigation**

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### > **Terms of reference**

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10. IOPC Director for Wales Catrin Evans approved the terms of reference for this investigation on 24 July 2018. In brief, they are to investigate:
  - a) the planning and organisation, by immigration officers, in advance of the operation
  - b) the immigration officers' contact with Mr Dawood on 30 June 2018
  - c) the actions and decisions of attending immigration officers on 30 June 2018
  - d) whether law and national guidance were complied with
  - e) the appropriateness of post incident actions employed by immigration officers

### > **Family concerns**

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11. Ms 'Z' indicated in her witness statement and communications with the IOPC and correspondence through her solicitor that she wished the investigation to

establish what happened prior to her son's death including the actions of the immigration officers.

## > IOPC jurisdiction in relation to relevant officers and officials working for the Home Office

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12. The jurisdiction of the IOPC in relation to Immigration Officers is set out in full in the UK Border Agency (Complaints and Misconduct) Regulations 2010.<sup>1</sup>
13. Regulation 2 (2) of these regulations lists the "*specified enforcement functions*" in relation to which the IOPC has jurisdiction in relation to relevant officers and officials, including Immigration Officers. These functions are:
  - a) Powers of entry
  - b) Powers to search persons and property
  - c) Powers to seize or detain property
  - d) Powers to arrest persons
  - e) Powers to detain persons
  - f) Powers to examine persons or otherwise obtain information (including powers to take fingerprints or to acquire other personal data)
  - g) Powers in connection with the removal of persons from the United Kingdom
  - h) and include the exercise of such functions in connection with any authorisation granted under Part 2 (surveillance and covert human intelligence sources) of the Regulation of Investigatory Powers Act 2000
14. Regulation 2 (3) states that:

*"the following shall not be regarded as an enforcement function:*

  - (i) The making of an immigration decision*
  - (ii) The making of any decision to grant or refuse asylum; or*
  - (iii) The giving of any direction to remove persons from the United Kingdom."*
15. Therefore, matters concerning Mr Dawood's immigration status and his asylum claim and related decisions are outside the jurisdiction of the IOPC and the scope of this investigation.

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<sup>1</sup> The UK Border Agency was abolished as a separate agency of the Home Office in March 2013. However, the regulations continue to have effect in relation to Immigration Officers and officials of the Secretary of State (Home Secretary) exercising "specified enforcement functions".

## > **Summary and analysis of the evidence**

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16. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the evidence gathered in the investigation is referred to in this report.

### > **a) The planning and organisation, by immigration officers, in advance of the operation**

#### > **Legislation, Policies and procedures**

17. In order to consider the planning of the operation which resulted in immigration officers interacting with Mr Dawood, I have considered relevant policies, procedures and legislation, relevant aspects of which are summarised below.

#### > **Summary of relevant Immigration powers and offences**

18. Paragraph 24A of Schedule 2 to the Immigration Act 1971 establishes the criminal offence of entering the UK illegally.
19. Section 34 of the Immigration Act 2016 inserted Section 24B of the Immigration Act 1971. This legislation makes it a criminal offence for a person who is subject to immigration control and who is disqualified from working due to their immigration status to work in the UK.
20. Regarding entry to business premises, Paragraph 17 (2) of Schedule 2 provides that a magistrate may grant a warrant to enable immigration officers to enter a premises if they are satisfied by written information on oath that there is reasonable ground for suspecting that such a person is to be found on the premises in question.
21. Paragraph 16 of schedule 2 to the Immigration Act 1971 provides, among other matters, that immigration officers have the power to detain a person where there are reasonable grounds to suspect that the person is someone in respect of whom directions for their removal from the United Kingdom may be given.
22. Paragraph 17 (1) of Schedule 2 provides immigration officers with the power to arrest a person liable to be detained under paragraph 16.
23. Section 28CA of the Immigration Act 1971 states that:

*“(1) A constable or immigration officer may enter and search any business premises for the purpose of arresting a person—*

*(a) for an offence under section 24 [illegal entry into the United Kingdom and similar offences],*

*(b) for an offence under section 24A [deception], or*

*(ba) for an offence under section 24B [illegal working]*

*(c) under paragraph 17 of Schedule 2 [entry with a warrant].*

*(2) The power under subsection (1) may be exercised only—*

*(a) to the extent that it is reasonably required for a purpose specified in subsection (1),*

*(b) if the constable or immigration officer has reasonable grounds for believing that the person whom he is seeking is on the premises,*

*(c) with the authority of the Secretary of State (in the case of an immigration officer) or a Chief Superintendent (in the case of a constable), and*

*(d) if the constable or immigration officer produces identification showing his status.*

*(3) Authority for the purposes of subsection (2)(c)—*

*(a) may be given on behalf of the Secretary of State only by a civil servant of the rank of at least Assistant Director, and*

*(b) shall expire at the end of the period of seven days beginning with the day on which it is given.*

*(4) Subsection (2)(d) applies—*

*(a) whether or not a constable or immigration officer is asked to produce identification, but*

*(b) only where premises are occupied.”*

24. Section 146 of the Immigration and Asylum Act 1999 provides immigration officers with the power to use reasonable force when executing any power conferred on them under the immigration acts.

25. Section 76 of the Criminal Justice and Immigration Act 2008 clarifies the considerations that apply when assessing the reasonableness of a use of force for the purposes of self-defence, preventing crime or effecting a lawful arrest. Section 76(3) states that the assessment of whether a use of force was reasonable must be based on the circumstances as the person who used the force believed them to be at the time. Section 76(4) enables a person to rely on a genuinely held, but mistaken belief, about the circumstances in which they used force. It clarifies that the reasonableness or otherwise of that belief is relevant to whether it was genuinely held. Therefore, in criminal cases a person can rely on a genuinely held, but mistaken, belief regarding the circumstances. The IOPC decision maker will apply this test when analysing any potentially criminal behaviour.

26. In civil matters, a person can rely on a mistaken belief if the mistake was an objectively reasonable one to have made. The IOPC decision maker will apply this test in forming case to answer conclusions.
27. Sub-paragraph (7) of Section 76 of the Criminal Justice and Immigration Act 2008 sets out two considerations that must be taken into account when assessing whether the force used was reasonable. These considerations are:  
*"(a) that a person acting for a legitimate purpose may not be able to weigh to a nicety the exact measure of any necessary action; and*  
*(b) that evidence of a person's having only done what the person honestly and instinctively thought was necessary for a legitimate purpose constitutes strong evidence that only reasonable action was taken by that person for that purpose."*

### > Home Office procedures

28. The Home Office guidance on risk assessments for immigration enforcement visits states:  
*"A health and safety risk assessment of all work activities is a legal requirement. A generic risk assessment exists for enforcement visits with and without police. However, all individual enforcement visits must still be risk assessed, the significant findings recorded, and the relevant staff informed. A written risk assessment must always be done before a visit is undertaken. The assessment will include consideration of immigration and police information on the person and the premises, as well as approaching the premises, gaining entry and what may occur during the visit. It must consider the risks to others, not just Home Office staff. The person responsible for collating the risk information will vary. It could be the officer in charge (OIC) of the visit, an Immigration Officer (IO) in an intelligence unit or a police officer. This person must submit their findings to the officer authorising the visit (Chief Immigration Officer (CIO) or above). The authorising officer must assess the risk and ensure that necessary control measures are in place to eliminate the risk or reduce it to an acceptable level."*
29. A section of the guidance entitled 'Dynamic Risk Assessment' states:  
*"It is important to remember that the assessment of risk may change throughout the visit and all staff must be aware of the need to reassess the risk information on a continual basis. All enforcement officers must continue the dynamic risk assessment during the course of the visit and either notify the OIC or take action as appropriate should an unforeseen situation arise."*
30. The guidance further states that where officers are carrying out a visit to premises with the *"informed consent"* of the occupier, they must show their warrant card to the person from whom they are requesting consent. The guidance cites the following definition of informed consent: *"where a person agrees something having been informed of the risks associated with giving that consent"*.

31. Ms 'X', provided the IOPC with a statement outlining the powers and operational procedures governing how immigration officers are deployed.
32. She stated that the decision as to whether to carry out an enforcement visit at a particular premises is made at the Tasking and Co-ordination Group (TCG) meeting and that this decision is recorded on the tasking form. She added that planning forms are then completed in relation to each visit relating to the details of the operation, any pre-visit checks and the available intelligence leading to the decision to conduct an enforcement visit. She stated that officers then use this information to complete the "*operational order*", which includes details of the intelligence, expectations and staff deployment.
33. When asked if officers would carry out a reconnaissance visit or "recce" prior to an enforcement visit on the basis of informed consent, Ms 'X' stated that:  
*"It is not a requirement to do a 'recce' of the target premises prior to the operation taking place however some officers undertake these particularly where warrants are obtained and there may be a requirement for MOE.<sup>2</sup> If the premises are known to officers, then there is little value in completing a 'recce'. If a 'recce' had been done on the premises in question, there should have been a form filled out noting this. This would show what the officers had found and would assist in risk assessing the operation."*
34. Ms 'X' stated that: *"A written risk assessment is done before a visit is undertaken and would consider immigration and police information relating to the operation, premises, method of entry and what could occur during the operation. Generic Risk assessments are referred to in the operational order but specific risks relating to individual premises should also be included in the operational order. Community Impact Assessments would also be included in this process as an additional consideration if this was appropriate."* She added that immigration officers are expected to dynamically assess risk throughout enforcement operations.
35. Chief Immigration Officer (CIO) 'Y' stated that immigration officers, including the officers on her team who were involved in the enforcement visit to the car wash, had received training regarding modern slavery. She added that the immigration officers were aware that they had to be "*alive*" to matters other than immigration enforcement when carrying out visits to premises for the purpose of immigration enforcement.
36. The IOPC has obtained a copy of a training schedule relating to training on modern slavery completed by immigration officers, although the document does not specify the names of the individuals who attended the training.

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<sup>2</sup> This refers to the use of "method of entry" equipment used to force entry to premises.

## > The planning of the enforcement visit

37. Enquiries with the Home Office confirmed they were in receipt of information relating to the alleged illegal employment of migrants at the Shaftesbury Car Wash and the Best Hand Car Wash, located at each end of Albany Street, Newport. It was recorded that a man had been illegally employing Iranian nationals and that he was "*paying them little money*". It was also recorded that the same individual had previously been reported as illegally employing Somali and Sudanese nationals.
38. On 6 June 2018, the information received was discussed at a tasking and co-ordination meeting. The minutes of the meeting indicate that it was decided that immigration officers would conduct an enforcement visit at the two car washes and that they would attempt to enter the premises with the consent of the occupier.
39. CIO 'Y', who was the silver commander on the day of the incident involving Mr Dawood, explained that intelligence packages are discussed at tasking meetings and that an Immigration Inspector decides which intelligence will be actioned through carrying out an enforcement visit. She stated that the usual practice is to allocate an Officer in Charge (OIC) following the tasking meeting who will then prepare the Operational Order for the visit.
40. CIO 'Y' stated that immigration enforcement visits typically involve four or five immigration officers (IOs) who work in teams. She stated that the immigration officers who are on the same team as the OIC typically attended the visit with the OIC. She stated that an OIC who has responsibility for arranging an enforcement visit can ask for additional immigration officers to assist them if they are dealing with a particularly large premises requiring additional officers for containment or if the risk assessment indicates that extra assistance is required. However, she reiterated that generally four or five immigration officers will be involved, depending on the size of the premises and any previous knowledge of the premises that they may have.
41. She stated that conducting enforcement visits at car washes is generally difficult to manage as they are outdoor premises. She explained that she and her colleagues try to assess exit routes for containment purposes where they can access the premises.
42. She further stated that visits to car washes are generally completed based on the "*informed consent*" of the owner or manager of a premises. She stated that the decision to conduct the visit based on "*informed consent*" is made at the tasking meeting and that this decision is not the responsibility of the OIC. She stated that, in this case, there was insufficient intelligence to obtain a warrant and there were no named offenders, which means that "*informed consent*" was the only option.
43. CIO 'Y' stated that she did not know how it came to be decided that the car washes would be visited simultaneously, although she did not think that this

decision was made at the tasking meeting. She stated that it was possible that the intelligence team may have suggested that simultaneous visits were sensible as the car washes were so close together.

44. CIO 'Y' confirmed that IO 'A' was allocated as the OIC for this particular enforcement visit. She stated that the OIC is usually allocated a "prep day" to complete preparations for the enforcement visits which are due to take place during the coming week.
45. CIO 'Y' stated that a CIO at the tasking meeting would authorise the enforcement visit, although she could not recall whether she was present at the meeting where the visits to these car washes were authorised.
46. IO 'A' stated that relevant planning considerations for enforcement visits include the number of staff required, carrying out a "recce" visit to become familiar with the layout of the location, any location specific risks and obtaining details of people encountered during previous visits to the location.
47. IO 'A' stated that he did not conduct a physical "recce" of the location and that he "relied on Google". He stated that "some of the officers involved had been to the premises before so they were able to tell me the set up and potential cover points."
48. IO's 'G' and 'C' stated that they had been involved with a previous enforcement visit to the two car washes. IO 'C' stated that she was familiar with the layout of the two car washes. She added that there had been no difficulties during her previous visit to the car washes and that she was not anticipating any problems on this occasion, although she was aware that the people working at the premises may have changed.
49. IO 'B' stated that it was common for information from "recces" for previous enforcement visits to particular locations to be reused, together with images from Google Earth. She stated that an immigration officer in a vehicle would sometimes drive past a location to check that nothing had changed prior to making a further visit to a location which had been visited previously, although this did not always happen for logistical reasons such as other work commitments.
50. IO 'B' stated that: "*In hindsight we could have done with more information for this visit. I think it would have been better if a vehicle had done a recce round the warehouse, so we knew the full extent of the area.*"
51. IO 'D' stated that he did not know why no "recce" was done for this enforcement visit, and that "*most of the officers will agree that it is better to have eyes on the ground. Google is two years old now and not the best. If we had done a recce we could have seen the extent of the site we were visiting. Whether we could have handled it in a different way I don't know.*"
52. IO 'A' recorded in the Operational Order that the team conducting the visit to the Shaftesbury Hand Car Wash consisted of:

- Bronze - Immigration Officer (IO) 'A'
  - Arrest 1 - IO 'B'
  - Cover 1 – IO 'C'
  - Arrest 2 – IO 'D'
53. IO 'A' recorded that the team conducting the visit to the Albany Best Hand Car Wash consisted of:
- Officer in Charge (OIC) – Deputy Bronze – IO 'E'
  - Arrest 1 – IO 'F'
  - Cover 1 – IO 'G'
54. IO 'A' stated *"I feel that four officers was [sic] enough for that car wash [the Shaftesbury Car Wash]. This decision was based on my experience and speaking to colleagues who had been there before."*
55. IO 'D' stated that he did not know the size of the premises until they arrived and that this was not apparent from the images taken from Google. However, he stated that that the Cardiff Immigration Enforcement Team were one of the last teams within the Home Office who conducted any physical "recces" prior to enforcement visits. He added that: *"This is the strangest set up I've been to as they [car washes] are normally on the forecourt of a petrol garage. It was a strange place to have a car wash."*
56. IO 'B' stated that, on reflection, she believed that more than four immigration officers should have attended the Shaftesbury Car Wash, given the size of the car wash, the warehouse and the number of vehicles at the location. She stated that she was unsure of the exact reason why the visits to the two car washes were conducted at the same time, but that she understood that there was a link between the two premises, possibly relating to the owner. She stated that, had she been the OIC for the visit, she would have wanted between six and ten immigration officers to cover an area the size of the Shaftesbury Car Wash and that she would have given consideration to conducting the visits one after another, rather than at the same time. However, she stated that *"hindsight is a wonderful thing"*.
57. IO 'G' (who drove from the Albany car wash to the Shaftesbury car wash after being alerted that Mr Dawood had fled from his colleague) stated that the numbers of staff attending such visits are based on the risk assessment. He stated that he understood that fewer people (three IOs) were sent to the Albany Car wash compared to the Shaftesbury Car Wash (four IOs) as the Albany Car Wash was a more enclosed location. He stated that, with hindsight, he did not believe that four immigration officers were sufficient to carry out an enforcement visit to a car wash, due to the possibility that people may run from immigration officers. However, he also stated that this was a *"consent operation"* which is *"meant to be low-key"*.
58. In the section of the Operational Order relating to risk and warning markers, IO 'A' recorded: *"ONF [Operational Notification Form used to request police*

*checks prior to an immigration enforcement visit] returned – no warning markers".*

59. Regarding risk assessments prior to carrying out enforcement visits, IO 'A' stated that most of the staff with whom he works have been immigration officers for at least six years and that they are well aware of the types of risks that they face in different environments. He stated that there are "*generic risk assessments*" for different types of locations which are displayed in briefing rooms for immigration officers to read. He stated that, for example, the generic risk assessment for restaurants referred to risks from knives and the risk assessment for car washes would refer to potential risks from slips, the use of electrical equipment such as jet washers and the use of chemicals.
60. Both IO's 'G' and 'C' stated that, in general, visits to car washes could be challenging as they were an open environment and people often ran in all directions. IO 'C' stated that they would only pursue a person who was running away from them when it was safe to do so.
61. The "*Deployment*" section of the Operational Order document requires officers to record "*who gets consent [to enter the premises] and where officers are deployed*". The information recorded in this section of the document was: "*from this briefing all officers will proceed in vehicles as directed by the OIC. OIC, Arrest 1 pairing and A2 [arrest 2] will then enter, and OIC will locate person in charge and explain reason for visit to owner/occupier and attempt to obtain fully informed consent. Premises to be contained during this process. Arrest 1 pairing to immediately sweep premises with all details of subject's encountered to be taken by officers on consent. All officers to positively identify themselves with the use of their personal warrant cards.*"
62. All of the IOs stated that they were aware that they required the informed consent of a manager or owner at the car wash premises to be on the premises in order to conduct the enforcement visits, as they had not obtained a warrant. IO 'A' stated that the intelligence was considered insufficient for them to be able to obtain a warrant from a court.
63. IO 'A' explained that obtaining fully informed consent involves speaking to the owner or manager of the premises and requesting consent for immigration officers to speak to staff, as well as informing them of the possibility that anyone found working illegally may be arrested and that the business may be fined if any illegal workers are located.
64. IO 'C' stated that "*with car washes whilst we are trying to obtain consent we are still on public property. It is not private as such as it is a car wash so anybody can walk on there. It is not like somebody's back yard.*"
65. IO 'D' stated that: "*The way it has been explained to me is that implied residency means that if a person can walk onto your premises to post a letter and walk off then it is implied residency because it is open to the public. With the Shaftesbury car wash the gates were open. It was open to members of the public to bring their cars there to get their cars washed.*"

66. IO 'B' stated that, when attending car washes, there was often a delay in finding a manager at the car wash to obtain informed consent for the enforcement visit. She concurred her colleague's explanations that obtaining informed consent requires an immigration officer to speak to the owner or manager and explaining that they do not have to consent to the visit, that illegal workers may be arrested or that the business may be fined if they are found to be employing illegal workers.
67. IO 'B' stated: *"We run after people when we haven't obtained informed consent because there's a suspicion that the person who's running is going to be an immigration offender or someone who's not got permission to work. When we run after them and catch them we've then got power to enter the premises once they've been arrested. Until we've caught them we have no powers to be on the premises, so when the officers ran into the warehouse after Mr Dawood they didn't have consent to be there. The IOPC investigators asked me how we have the powers to chase people if we don't have their consent. I think that there is a power to go into the warehouse if we see someone who has run away go into it when there is a suspicion they are working illegally but I don't know what it is because I don't use it, as I don't run after the people."*
68. IOs 'G', 'F' and 'E', who attended the Albany Car Wash (and who were not present during the initial interactions of immigration officers with Mr Dawood) also gave an account of their understanding of the process of obtaining informed consent and whether they had a right to be on the premises prior to obtaining consent.
69. IO 'G' stated that he and his colleagues had a right to pursue individuals if they had a reasonable suspicion that they were an immigration offender.
70. IO 'F' stated that they could not engage in such pursuits prior to obtaining consent to be on the premises unless they had already made an arrest, although he stated that in the case of car washes it was difficult to know what land belonged to which business premises. He continued: *"An adverse reaction by an individual can justify a pursuit. It is then up to the officer to provide a rationale for their decisions and to explain why consent was not obtained. When justifying a decision, I have made I always consider 'if a man in the street would deem it reasonable'. In my view if a man in the street would deem the pursuit reasonable then that rational should be sufficient."*
71. IO 'E' stated: *"If there is no consent, no arrest and no warrant then theoretically we have no power to be on the premises. However, there is assumed consent when we attend premises which any member of the public can attend. So as any member of the public can walk into one of these car washes there is assumed consent until we are asked to leave or are refused consent."*
72. In the Operational Order, IO 'A' recorded his assessment that the enforcement visit was proportionate, lawful, accountable and necessary, as follows:  
Proportionate

- A total of seven officers will be conducting the visit to the two premises. The total number of officers is required to contain and secure the premises.
- Visit will be conducted when the business is open and trading.
- All reasonable checks have been carried out to ensure there are no risk associated with the premises.

#### Lawful

- The visit is considered lawful because all officers are acting within Immigration law, Home Office Immigration Enforcement instructions, policy and guidance. Entry will be by [sic] fully informed consent.
- ONF has been returned with no warning markers. Visit has been authorised by CIO 'Y' on 07/06/2018.

#### Auditable

- The visit is accountable as it has been agreed by the AD during TCG and authorised by CIO signing of the pack. The visit is recorded on NOD [the Home Office Immigration Enforcement database] There is a clear audit trail of all decisions made on the visit pack.

#### Necessary

- This visit is considered necessary to maintain an effective immigration control. This visit has the primary objective of identifying and apprehending immigration offenders. All actions will be compliant with the Human Rights Act 1998.
- The visit is required as the subjects are believed to have failed to comply with Immigration laws and are currently illegally in the UK.

73. The Operational Order indicates that all of the immigration officers involved in the visits to both car washes signed the order.

### > Analysis

74. It will fall to the decision maker to consider whether the planning and preparation for the enforcement visit to the car washes was adequate and appropriate in the circumstances.
75. The decision maker may wish to consider whether the fact that no reconnaissance visit was conducted prior to the enforcement visit impacted the ability of the immigration officers to risk assess the enforcement activity and whether the use of Google Maps provided sufficient detail regarding the premises for risk assessment purposes.
76. The decision maker may wish to consider whether the generic risk assessment was adequate for the purposes of this visit.
77. The decision maker may wish to consider whether the decision that four immigration officers could safely conduct the visit to the Shaftesbury Car

Wash was reasonable in the circumstances. The decision maker may wish to take into account that there was no specific intelligence regarding the identity of the alleged illegal workers and that it was therefore not possible for them to conduct a risk assessment based on Mr Dawood as an individual.

78. The decision maker may further wish to consider whether the immigration officers could reasonably have anticipated that a worker at the car wash would climb onto the roof of the warehouse and whether any practical measures could reasonably have been put in place to mitigate against this happening.
79. It is noted that, as summarised at paragraphs 62-71 above, there appeared to be some variations in the terminology used by the immigration officers who were involved in the operation regarding the process of obtaining informed consent from the owners or managers of premises and whether they had powers to enter premises without informed consent to pursue people whom they suspected may be immigration offenders, or whether they were only permitted to pursue such individuals after making an arrest. The decision maker may wish to consider whether these variations may have had any impact on subsequent events.

> **b) The immigration officers contact with Mr Dawood on 30 June 2018; and**

> **c) The actions and decisions of attending immigration officers on 30 June 2018;**

> **Policies, procedures and training**

80. The Home Office guidance to immigration officers regarding conducting enforcement visits specifies the circumstances in which they should identify themselves to the person allowing entry to premises. The opening paragraph of this guidance states: *“This instruction constitutes a standing requirement to be followed in all cases unless it is impractical to do so because of safety or other overriding operational constraints, such as the need to preserve evidence or engage in pursuit.”*
81. The guidance states that: *“Officers entering with informed consent<sup>3</sup> must show their warrant card to the person allowing entry”*.
82. The guidance then cites material adapted from Code of Practice B to the Police and Criminal Evidence Act 1984 (PACE) as follows:  
*“It is unnecessary to obtain consent in writing or make enquiries as to whether the person is in a position to give the consent if this would cause*

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<sup>3</sup> As noted above, the Home Office The guidance risk assessment cites the following definition of “informed consent” quoted above in this report: “where a person agrees something having been informed of the risks associated with giving that consent”.

*disproportionate inconvenience to the person concerned - however, oral consent of the occupier must still be obtained<sup>4</sup> - this is intended to apply when it is reasonable to assume that innocent occupiers would agree to, and expect, officers to take the proposed action, for example if:*

- *A suspect has fled the scene to evade arrest and it is necessary quickly to check surrounding gardens and readily accessible places to see if the suspect is hiding.*
- *Officers arrest a suspect who had initially fled and it is necessary to make a brief check of gardens along the pursuit route to see if incriminating items have been thrown away.”*

83. The Home Office guidance on arrest and restraint provides guidance to immigration officers on the circumstances in which they may pursue an individual. The guidance states that immigration officers may pursue a person “where there are grounds to suspect that the person is:

- *Someone who may be liable to removal under paragraph 16(2) schedule 2, Immigration Act 1971.*
- *Suspected of having committed an offence under the immigration acts.”*

84. The guidance states that immigration officers must:

- *“Only pursue a person if you intend to arrest the person and you consider it safe to do so.”*
- *“Consider your personal safety, that of your colleagues, the public and the suspect.”*
- *“Weigh the risk against known dangers, such as those notified during briefing and those that can be readily determined at the scene.”*
- *“Not pursue a suspect if you are unable to maintain communications with the officer in charge (OIC) and other colleagues.”*
- *“Terminate the pursuit if communications with the OIC are lost or not otherwise possible.”*
- *“Terminate the pursuit if the OIC calls it off.”*

85. The guidance continues: “You are permitted to pursue a suspect who leaves or attempts to leave the scene of an operational visit where:

*There are reasonable grounds to suspect the person may be liable to removal from the UK (i.e. they have committed a breach of immigration law).*

*An attempt to leave the premises is not in itself grounds to suspect that a person is an immigration offender. A person who is not under arrest is free to leave the premises if they wish. However, the circumstances of the encounter*

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<sup>4</sup> However PACE Code B itself does not contain a requirement to obtain oral consent (see PACE Code B 2013 paragraph 5.1)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/306655/2013\\_PACE\\_Code\\_B.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306655/2013_PACE_Code_B.pdf)

*may give rise to a reasonable suspicion that they are an immigration offender.”*

86. The guidance adds: *“It is not possible to detail all circumstances that might provide a reasonable suspicion that a person is an offender. Reasonable grounds can only be provided by a general assessment of the known facts, the situation as it is known at the time and a reasonable conclusion drawn from the many possible circumstances that exist. There may also be reasonable grounds to suspect that a person is an immigration offender based on their behaviour on being confronted by immigration officers who are clearly identifiable.”*
87. A later section of the Home Office guidance on arrest and restraint states that: *“If the suspect places themselves in danger (for example climbing onto a roof, crossing a railway line or motorway), you must cease the pursuit and inform the local police control room. The OIC must declare a critical incident through their gold, silver and bronze command.”*
88. Ms ‘X’, provided further information regarding her understanding of the relevant legislation and operational procedures relevant to conducting immigration enforcement visits.
89. Regarding the need for immigration officers to obtain consent, she stated that: *“Immigration Enforcement officers can carry out an operation at premises either if they have a warrant or if they have the consent of the owner/manager of that premises known as informed consent. Where there is no warrant in place it is expected that the officers will obtain consent prior to commencing the operation. Consent should be obtained at the time officers arrive at the premises and this consent is what allows officers to carry out their lawful activity. There is a lengthy form to fill in with owners/managers called Notice to Occupiers [..].”*
90. Regarding the pursuits policy, Ms ‘X’ stated:  
*“When officers arrive at a business premises and someone is fleeing from them, if some officers pursue, other officers still need to seek consent if they are continuing with their investigations against the business. In line with our pursuit policy, arrest trained officers may pursue a suspect that attempts to leave the scene of an operational visit where there are reasonable grounds to suspect the person may be liable to removal from the UK (where they have committed a breach of immigration law). The circumstances of the encounter may give rise to the reasonable suspicion that they are an immigration offender.”*
91. Regarding the enforcement visit to the two car washes, Ms ‘X’ stated:  
*“The operation in question, involving Mr Dawood, had no specific named subjects. In those circumstances ICE [immigration] officers would then simply turn up at the premises and ask to see the owner or manager of the car wash. In this particular instance the intelligence states that persons of Sudanese, Somalian and Iranian descent are believed to be working illegally at the car*

*wash. It is reasonable that Mr Dawood fitted the description of a Sudanese male having been spoken to and therefore on fleeing, that officers might regard him as a subject of the operation. They may also consider that he is fleeing because he is an immigration offender, known to the Home Office or not. It would therefore be considered reasonable that they access the premises in order to pursue Mr Dawood despite the fact that consent to be on the business premises had not been obtained by that point.”*

92. Ms ‘X’ stated that this would be considered reasonable because *“officers in a scenario where a subject flees can assume that a reasonable occupier would give consent or permission to enter each premises to apprehend the person if it was asked for. If pursuing an individual, there is no issue if they flee to public areas such as a street or public park. However, in theory if the subject moves from one business premises to another then it would if practical be expected that permission would be obtained from each business premises that the officers enter though that reasonableness test would apply.”*
93. Ms ‘X’ stated that immigration officers are issued with a baton, handcuffs, a torch and a face mask to assist with CPR. She stated that immigration officers are issued with basic first aid kits when deployed. She stated that immigration officers receive training in first aid (ELS –Emergency Life Support) and are required to complete annual refresher training in first aid and the use of the other equipment issued to them. She stated that immigration officers must be signed off as competent by an instructor.
94. The IOPC has reviewed the training records of the immigration officers involved in this incident. These records indicate that all of the officers were up to date with their training.
95. Regarding the use of force during the deployment of immigration officers, Ms ‘X’ stated that she could not comment on the specific rationale for a use of force by an individual immigration officer. However, she added: *“Without knowing the full details, I could only speculate that enhance[sic] officer presence can in terms of conflict resolution, gain compliance. Under general instructions issued in Enforcement visits: safety and personal protection states that a baton must be deployed in the manner consistent with the personal safety training programme. It is expected that following a deployment of a baton that the officer involved would complete a use of force form.”*
96. Ms ‘X’ explained that employers who are found to be employing illegal workers are subject to a civil financial penalty, but that illegal workers themselves are not. She stated that it was likely that, had the immigration officers been able to speak to Mr Dawood, he would have been asked to provide his fingerprints on a voluntary basis and then asked to leave the premises as he was not entitled to work there. She stated that it was unlikely that Mr Dawood would have been arrested or detained as his status in the UK was still under review.

## > Overview of the location

97. The events of 30 June 2018 which led to the death of Mr Dawood occurred in the Shaftesbury Car Wash, which is located within the premises of R. J. Mason Storage and Warehousing on Albany Street, Newport. The premises consist of an enclosed yard covering a large area. Within the yard, there is a large warehouse with a car wash immediately outside the warehouse entrance and a two-storey annex building attached to the warehouse. To the right of the annex building there is a single-storey entrance with a slanted roof made of corrugated plastic. It is understood that Mr Dawood fell through this roof. The premises also contain a lorry park, a coach park and a café as well as small office buildings and showering facilities. Aerial photographs taken by Gwent Police on the day of the incident indicate that there were a number of shipping containers in the yard.

## > Chronology of CCTV and audio evidence

98. The IOPC recovered CCTV footage from R J Mason with the assistance of Mr 'W', the self-employed engineer who installed the CCTV system at the premises. The CCTV footage contains no audio.
99. Mr 'W' stated that some of the cameras at the facility (cameras 1, 5, 7, 8 and 15) were equipped with motion sensors and would only record when motion had been detected. He stated that these cameras record footage from five seconds prior to motion being detected until fifteen seconds after motion has been detected. He explained that, because of this, there may be gaps in the footage recorded. He further added that cameras 4 and 8 show an office/internal storage area and therefore contain no relevant footage.
100. Mr 'W' also stated that two of the camera locations visible on a plan of the premises showing camera location (6 and 16) were not in service.
101. Mr 'W' stated that he had checked the CCTV system time against the time recorded on his mobile phone on 9 July 2018 and that the time stamp on the footage provided was one minute and thirty-five seconds slower than British Summer Time.
102. The IOPC has also obtained the recordings of the calls made to the emergency services regarding this incident.
103. The IOPC made enquiries with the Home Office regarding whether it was possible to obtain an audio recording of any radio and telephone communications between the immigration officers involved in the incident. The Home Office informed the IOPC that such communications are not recorded.

The following table shows a chronological timeline of the relevant CCTV footage from RJ Mason:

Time	Event
10.00.00am	The CCTV shows the car wash area with workers, including Mr Dawood, cleaning a vehicle.
10.08.43am	A silver unmarked estate car and white marked van (stating Immigration Enforcement) containing the immigration officers arrived at RJ Mason. The silver car entered the yard and parked near the car wash area. The van stayed at the entrance gates. As the vehicles arrived a male worker in a blue check shirt (who had already made his way to the gates before seeing the vehicles) walked out of the yard onto the main road, turning right.
10.08.56am	The passenger door of the marked van opened and IO 'C' got out and walked towards the main road.
10.09.03am	IO 'D' and IO 'A', seen on Cam 14, approached the car wash area. Mr Dawood was stood in the car wash area and started walking away from the area as IO 'A' walked towards him.
10.09.07am	IO 'C' appeared to beckon the worker in the blue shirt.
10.09.10am	Mr Dawood walked towards the main open door of the warehouse with IO 'A' following at walking pace. As Mr Dawood got close to the door he started to run.
10.09.14am	Mr Dawood ran through the warehouse, seen on Cam 1, followed by IO 'A' who was also running.
10.09.17am	IO 'C' walked back into the yard with the worker in the blue shirt.
10.09.20am	Mr Dawood and IO 'A' carried on into the warehouse and out of sight of cameras.
10.09.30am	IO 'D' walked through the lorry park, seen on Cam 11.
10.09.33am	IO 'B' talked to the male in the check shirt near the marked van. IO 'C' moved off camera in the direction of the warehouse.
10.11.25am	IO 'D' appeared on the camera in the mid yard at the side of the warehouse near two large doors that appear to be locked. He ran to the right of these doors and then ran back

		in front of the doors. The male in the blue check shirt was also stood in the area outside the locked doors.
	10.11.38am	The top of the locked doors was prised open and Mr Dawood appeared at the very top of the doors approximately 20 feet above the ground, hanging from the doors by one arm, facing IO 'D.'
	10.11.42am	IO 'D' ran towards the doors, taking out an extendable baton as he moved, holding it in his raised right hand with the end resting on his right shoulder.
	10.11.44am	IO 'D' approached the doors and stopped at the base of the doors approximately 6 feet away from them. He looked up at Mr Dawood who climbed across the top of the doors. IO 'D' remained underneath and moved to the right as Mr Dawood moved to the right along the top of the doors.
	10.11.55am	A blue estate driven by IO 'G' entered the yard, drove to the mid yard and parked near the rear locked doors.
	10.12.12am	Mr Dawood went above the doors out of view of the camera. IO 'G' got out of the blue estate car and walked towards the warehouse doors.
	10.12.26am	IOs 'G' and 'D' ran around some coaches parked to the right of the doors towards the right-hand side of the warehouse. As they did so the male in the blue shirt pointed towards the roof of the warehouse.
	10.12.29am	IO 'D' ran around the side of the portacabin at the rear-right of the warehouse. IO 'G' returned to his vehicle, drove to the front of the warehouse and out of the yard, turning right.
	10.12.35am	Mr Dawood appeared on top of the warehouse roof (seen on Network Rail CAM7). He made his way to the corner of the warehouse. This is adjacent to the main street at the opposite end to the car wash yard.
	10.12.40am	IO 'C' exited the warehouse via the main front door.
	10.12.50am	Mr Dawood crouched at the edge of the roof and appeared to look for a way down before running up the roof towards the apex.
	10.13.10am	Mr Dawood lowered himself down from the warehouse roof onto the roof of the annex building. He then moved away from the camera and was obscured by the annex building's roof. This is the last point at which Mr Dawood appears in any of the footage made available to the investigation prior to him being taken into the ambulance at 11.25.23am.

	10.13.33am	IO 'A' ran through the lorry park area at the front of the warehouse, towards the mid yard.
	10.13.44am	IO 'D' returned to the mid yard with the male in the blue check shirt. He walked a distance away from the warehouse as he looked at the roof area.
	10.14.05am	A male in shorts and a blue vest in the yard gestured to IO 'D', indicating a location towards the annex building. IO 'D' ran back towards the toilet block. IO 'D' briefly looked into the annex building before he made his way to the back of the portacabin area. IO 'D' and the male in the blue vest looked around the annex buildings before going out of the camera view
	10.15.22am	IO 'A' arrived at mid yard and stood away from the warehouse towards the riverbank and looked towards the roof of the warehouse. The male in the check shirt walked towards him and then made his way back towards the annex where IO 'D' had been before he went out of the view of the camera.
	10.15am	According to the Gwent Police incident log, IO 'A' called the police via 999. <sup>5</sup>
		According to the call audio, IO 'A' called 999 and requested police assistance. He explained that he and his colleagues had attended the two car washes on Albany Street and that a man had run away from them and climbed onto one of the industrial roofs. He added that the roof " <i>doesn't look the most stable</i> " and provided a description of Mr Dawood.
		IO 'A' added that: " <i>We got it [the roof] pretty much surrounded now. I mean the way he got out was absolutely ridiculous there's no way any of my officers even capable of following him um in terms of um, he like climbed up like a big metal door. We kept shouting at him to come down but he wouldn't come down at all so [...]</i> ".
		IO 'A' requested confirmation from the call handler that a police incident log had been opened and that officers would be dispatched. The call handler stated that officers would be dispatched shortly.

<sup>5</sup> The exact point in the sequence of events depicted in the CCTV footage when the 999 call was made cannot be confirmed because the CCTV footage does not include audio and because the entire site is not covered by CCTV. However, the police log indicates that the call was made at 10.15am. The CCTV engineer who recovered the CCTV footage stated that the CCTV system time was one minute and thirty-five seconds behind BST (see statement S1).

10.17.05am	IO 'D' came back into view of Camera 16 as he checked under and around the toilet block. He also checked inside a commercial wheelie bin. He then went back around the toilet/shower block area to the rear of the annex building.
10.18.10am	IO 'D' walked back to mid yard and stood towards the river bank end of the yard as he looked up to the roof of the warehouse.
10.19.05am	IO 'G' walked back from the mid-yard area around the corner to the car wash area
10.20.15am	IO 'A' Walked around the toilet block, then out of sight behind the toilet block.
10.23.04am	IO 'A' walked towards the double warehouse doors and looked around parked cars. He took what appears to be a mobile phone out of his pocket and looked at this as he walked away from the warehouse doors. He then made a call.
10.24.50am	IO 'A' looked around the toilet block with the male in the blue t-shirt and another male in a light brown t-shirt and shorts.
10.26.45am	IO 'A' and IO 'D' talked to the two males in shorts in the mid yard before going out of view towards the annex building.
10.27.30am	IO's 'D' and 'A' moved to an area where there were International Standards Organisation (ISO) containers located at the rear of the warehouse. They then searched the area, at one-point IO 'D' was carrying a ladder but was lost from view.
10.30.00am	IO 'A' returned from the rear of the toilet/shower area followed by IO 'D' and disappeared from view towards the annex building.
10.30.30am	IO 'A' spoke to members of the public stood in the top yard. They pointed towards the roof area of the warehouse. IO 'D' came to the same area and another male member of the public appeared and moved off camera back towards the warehouse.
10.32.00am	IO 'A' came back to the top yard area and the male who went with IO 'D' walked with IO 'A' back to the mid yard area. IO 'A' then made his way back towards the front of the warehouse where IO 'G' was located.
10.33.00am	IO 'A' and IO 'G' talked to three males at the car wash area.
10.33.41am	IO 'A' and IO 'G' made their way back to the mid yard area.

10.34.15am	IO 'D' reappeared at the shower block area. IO 'D' and IO 'A' made their way towards the same area. IO 'A' gestured to IO 'G' which appears to indicate somewhere to the rear of the annex building.
10.34.45am	IO 'D' emerged from around the rear of the annex building and walked towards IO 'A' and IO 'G' in front of the toilet block. A member of the public spoke to IO 'A'. All three officers and the member of the public went out of the camera view into the toilet block area.
10.35.19am	A member of the public (bald, wearing a light blue t-shirt and shorts with dark clothing over his right-hand shoulder) emerged from the toilet block. He made his way at an apparently quick pace towards the warehouse area, to the right of the camera view. IO 'A' followed him, looking at his mobile phone. He appeared to dial and then put the phone to his ear. IO 'A' walked around whilst apparently speaking on the phone, then walked out of the camera view to the right of the camera, towards the warehouse area.
	According to the audio of the 999 call to the Ambulance Service, IO 'A' explained the circumstances of the incident to the ambulance call handler. He stated that a man (later identified as Mr Dawood) had fallen through a roof and that they had found him after gaining entry to a locked room. He stated that they had found the man on the floor in a pool of blood and were giving him CPR (cardio-pulmonary resuscitation), which was not working. He stated that he believed that the man was dead, but that CPR was continuing. He then relayed the instructions of the ambulance call handler regarding how to carry out CPR. The call continued until the ambulance arrived.
10.36.16am	IO 'A', who was still on the phone, walked back towards the toilet block area. He then walked around the area while still on his phone.
10.37.18am	IO 'C' made her way to the toilet block area and stood near the toilet block using her phone. She then went off camera towards the toilet block.
10.46.50am	The Ambulance arrived. IO 'A' met with the ambulance staff and directed them to the annex building.
10.47.50am	A Paramedic car arrived.
10.48.20am	IO 'A' followed a male paramedic into the annex building. This is visible on the footage as the camera panned downwards.

10.48.45am	IO 'A' returned to the top yard area near the ambulance and appeared to talk on his phone. IO 'D' and IO 'B' stood near to the ambulance.
10.56.00am	Two marked police vehicles arrived at the top yard area and parked near the ambulance.
10.57.10am	A third marked police vehicle arrived.
10.57.50am	A fourth marked police vehicle arrived.
	IOs and police officers remained mostly in or around the annex building.
11.13.00am	The Air ambulance arrived.
11.25.23am	Mr Dawood was wheeled out on a stretcher from the annex building towards the ambulance.
11.30.10am	Mr Dawood was placed into the ambulance. IOs and police officers stood around the ambulance.
11.40.40am	The Air Ambulance departed.
11.51.44am	The Ambulance containing Mr Dawood departed.

### > Summary of Witness accounts

104. The investigation obtained accounts from witnesses who were present at the scene during the incident, including the manager of an onsite lorry garage, the lorry garage manager's father, a tyre technician who was working on site and from a member of the public who gave an account of witnessing the incident. The investigation also appealed for witnesses in the media, but this witness appeal did not receive any responses.
105. The investigation identified three vehicles from the CCTV footage. Vehicle checks resulted in two of the three vehicle owners being identified. The IOPC contacted these individuals by letter and asked them if they wished to provide a statement to the investigation. However, the owners of the vehicles did not respond.
106. The investigation identified two lorry drivers that were present at the time of the incident. Their details were obtained during the IOPC initial call out to the scene. Both lorry drivers were not from the UK, spoke limited English and were reluctant to talk to the IOPC. However, they provided initial accounts which are included in the body of this report. Contact details were obtained for both lorry drivers on the 30 June 2018. The drivers were contacted by phone on numerous occasions with messages left. However, despite these

numerous attempts to contact them, the IOPC have been unsuccessful in reaching them to obtain evidential accounts.

107. On the date of the incident the Police made contact with an individual working in the car wash that date. He stated that he was not working in the car wash on the 30 June 2018 but was present when immigration officers arrived. He explained that a female immigration officer beckoned him over and checked his ID card and personal details. He stated that after he spoke with this female he saw Mustafa on the floor being tended to by ambulance and police. A contact number was obtained for this individual. Again, numerous attempts have been made by the IOPC to reach this male by phone to obtain a statement. However, these attempts have been unsuccessful. It is unknown which male this is on the CCTV from the car wash.
108. The IOPC made a number of visits to the car wash and attempted to obtain the contact details of a male who was in a blue shirt on the 30 June 2018 who had appeared to follow the incident on the day. During one visit the IOPC were told by the individual working at the car wash that none of the workers from 30 June 2018 worked in the car wash anymore. He refused to reveal his identity and stated the owner of the car wash was out of the country. He commented that he was unwilling to speak to the IOPC any further.
109. On another occasion the IOPC attended the car wash with a still image of the same witness listed above who appeared to have followed the incident. The employees at the car wash informed the IOPC investigators that they believed that the person visible in a still photograph which the investigators showed to them was the brother of the owner of the car wash. The owner of the car wash indicated by phone that he had no information to provide, that he was too busy to speak with the IOPC to view the still photograph and that his brother was out of the country and had been for the last seven months.
110. The following is a summary of the witness accounts obtained during the investigation.
111. IO 'A' stated that he and his colleagues were in full uniform for the visit, although he was not wearing his epaulettes, indicating that he is an immigration officer, as they had torn.
112. IO 'A' stated that all of the immigration officers who were attending the car wash met at a Sainsbury's car park at approximately 10.00am for a briefing based on the Operational Order and to form into a convoy. He recalled that he and IO 'D' drove to the Shaftesbury car wash in an unmarked vehicle, ahead of IO 'C' and IO 'B' in a marked immigration enforcement Mercedes Vito van, while IOs 'G', 'F' and 'E' drove to the Albany car wash in another unmarked vehicle.
113. IO 'D' stated that he drove the unmarked vehicle to the right-hand side of the doors to the car wash and the van containing IO 'C' and IO 'B' drove round to the left.

114. IO 'D' stated that the two immigration enforcement vehicles were positioned on either side of the car wash and that he and IO 'B' made their way to opposite sides of the car wash to reduce the opportunity for people to run away from them. He added that *"invariably people do run, they don't often go up"*.
115. IO 'A' stated that, as he got out of the vehicle, he could see two or three men washing cars and a number of customers. He stated that he had the consent form in his hand so that he could request consent for the visit to enter the premises. A copy of the form prepared for the visit has been provided to the IOPC. It is apparent that this form was not completed.
116. IO 'A' stated that one of the men who was washing a van was *"acting a little bit suspiciously"* and that he asked IO 'D' to *"keep an eye on him"* in case he demonstrated an adverse reaction to their presence.
117. 'Witness B', a tyre technician who was working on a lorry within R J Mason's yard explained that he parked his vehicle opposite 'Witness C' lorry garage. He stated that the lorry garage was next to the car wash. He explained that as he was working on the lorry he saw a car had pulled up next to the car wash. He stated that he assumed they were going to use the car wash but then saw two individuals exit the car and they were wearing police-like vests. He stated that he then noticed that a van had parked behind the car. He explained that the van had *'Immigration'* written on it. He described how there were further individuals in the van. He couldn't be sure how many people there were but explained that they went off in different directions. He was unsure where they went. He explained that he carried on with his work and he later found out from 'Witness C' that they had located a man on the floor and the man *'didn't look good.'* 'Witness B' explained that when he was asked about the manner of driving by the officers that *'they didn't seem to come into the yard fast.'* He explained that he assumed they were there to use the car wash initially and he only noticed them as they caught his eye.
118. 'Witness D', a member of the public who was sitting in the transport café near to the car wash, stated that he saw the immigration enforcement vehicles arrive and that he saw some of the people working in the car wash, all of whom were young men, running in different directions. He recalled that some of them ran into the workshop area, which had sliding double doors, while others ran around the side of the building away from the café area. He stated that he did not see Mr Dawood climbing to the roof of the warehouse.
119. 'Witness D' stated that the van drove into the car wash very quickly but not aggressively. He stated that he believed the workers in the car wash reacted when they saw the van arrive at speed and that this is what caused them to run in all directions. He stated that the minibus in which he arrived at the car wash looked similar to the immigration van, but that it had not drawn any attention from anyone as he was driving more slowly.
120. IO 'A' stated that: *"I approached one male, who I now know was a Sudanese male, Mustafa Dawood. I remember approaching him as he was washing a*

*car and as I looked back from speaking to IO 'D' to keep an eye on the other gentleman, Mustafa Dawood was walking towards the factory door. I remember asking him 'where are you going' and he replied "I am just going to get the boss." As I was walking towards him he dropped whatever he had in his hands and fled into the factory unit adjoining the car wash. The subject's reaction to our vehicle, us being in uniform and me asking to see his boss, linked in with the intelligence we had, gave me reasonable suspicion to suspect that he was an immigration offender. It was because he literally dropped everything and ran."*

121. One of the individuals from the lorry garage who was present at the scene, 'Witness E', stated that he saw the Home Office van arrive. He added that he saw one of the men who was working in the car wash, who appeared to be darker skinned than the others, running into the warehouse as the Home Office vehicles arrived. He stated that he assumed that the Home Office were looking for this man because he had run away.
122. 'Witness D' stated that he heard the Officer in Charge shout, "*one's gone towards Sainsbury's*" and also heard someone shout "*cut him off*" and people shouting "*he's over there*", but none of the immigration officers ran in the direction of Sainsbury's. He stated that there was "*general chaos*."
123. IO 'B' stated that she and IO 'C' got out of their marked immigration enforcement vehicle and that she saw a "*tall, skinny black male*" whom she now knew to be Mr Dawood run from the car wash into the warehouse. She stated that he ran quickly and that it was only after she had later seen Mr Dawood in the ambulance that she recognised him as the same person whom she had earlier seen running from the car wash.
124. IO 'C' stated that she heard either via her radio or from IO 'B' that someone had run off from the car wash. She added that she did not see him run away from IO 'A' as she was getting out of the van. She stated that she entered a metal warehouse structure. She stated that she did not know what powers she had to pursue Mr Dawood. However, she stated that she and her colleagues had a "*duty of care*" to find the person who had run away from them.
125. IO 'B' stated that, as it had taken her slightly longer than IO 'C' to get out of the vehicle, she remained in the car wash area and observed what the other workers were doing while IO 'C' followed Mr Dawood. She stated that she was aware that consent to be on the premises was required and that IO 'A' had to request this consent as he was the officer in charge.
126. IO 'A' stated that he "*gave chase*" into the warehouse and that it appeared to him that Mr Dawood "*knew exactly where he was going*", which led him to believe that there may be an exit point at the back of the warehouse. He stated that he shouted "*stop*" several times as he was running.
127. IO 'A' stated that he recalled various radio communications from colleagues and from himself and that he believed that he had asked for "*potential police dog assistance*" over the radio although he was unsure if this communication was heard due to the pace at which he was running.

128. IO's 'G', 'F' and 'E', who were at the Albany Car Wash, stated that they heard IO 'A' say over the radio that there was a "runner" at the Shaftesbury Car Wash. IO 'G' stated that he went back to the Shaftesbury Car Wash while his colleagues remained at the Albany car wash.
129. IO 'D' stated that he also heard the shout of "runner" and that he asked IO 'A' for directions, but that IO 'A's communication was "sporadic and limited" as "he was under pressure to find this person". He stated that for between approximately five and ten minutes he could hear noises but could not see what was happening.
130. IO 'A' stated that he was "genuinely concerned" for the welfare of Mr Dawood, as he did not know where he would go if he left the area and thought that he may "go into hiding."
131. IO 'A' stated that, at the back of the warehouse, there was a shelving unit which was almost floor-to-ceiling. He stated that Mr Dawood was able to move more quickly than him, as he (IO 'A') was wearing his uniform and stab vest. He stated that Mr Dawood moved to the right of the shelving unit and that it was apparent that there was no exit point in that direction. He stated that Mr Dawood then ran around the opposite side of the shelving unit and that he went in the opposite direction so that Mr Dawood may potentially run into him, which would give him the opportunity to arrest Mr Dawood. He stated that he would have been able to arrest Mr Dawood as a suspected immigration offender due to his adverse reaction to the presence of immigration officers. However, Mr Dawood appeared to notice what he was doing and doubled back on himself and went around the back of the shelving before beginning to climb another adjoining shelving unit.
132. IO 'C' stated that she saw Mr Dawood climbing a structure at the back of the warehouse which looked like a partition, which was about half the height of the building.
133. IO 'C' stated: "*I tried to shout to him to come to me and come to me. However, instead of coming to me he walked along to the side, which would have been to his right. He realised that he couldn't get anywhere that way, so he went to his left. He then climbed up onto girders that were supporting the roof. I was trying to get him down. He kept looking at me and I could see that he was desperate and did not want to get caught. He looked really scared like he did not know what was going to happen to him. He said to me he just wanted to die. He said this more than once as he was coming towards me. My intention was to try and get him down on ground level. My instinct would have been to go up. However, that was not going to end well so I didn't.*"
134. IO 'A' stated that he heard IO 'C' say "get down" and that he climbed on to the lower level of the shelving unit so that he could see IO 'C' and also see where Mr Dawood had gone. He stated that he stood on what felt like a piece of plasterboard between the shelving in front of him and the shelving which Mr Dawood had climbed. However, he decided to climb down from this level as the plasterboard under his feet did not feel safe to stand on. He also stated

that he did not want Mr Dawood to believe that he was still pursuing him and that he would need to climb further.

135. IO 'A' said that he decided to "*abandon the pursuit*" and that he said to Mr Dawood "*come down, we can talk about it*" in an attempt to "*take the seriousness out of it by saying we could talk about it.*"
136. Neither IO 'C', IO 'G' nor IO 'D' stated that they were aware that IO 'A' had decided to abandon the pursuit, whether via radio or face-to-face communication. In an email response to the IOPC, in which IO 'D' was asked to clarify whether the pursuit of Mr Dawood was stopped and, if so, at what stage he was made aware of this, IO 'D' stated that he recalled that he deployed to the south side of the garage while IO 'A' and IO 'C' were in the main car wash area. IO 'G' was also asked for clarification. He stated in an email response to the IOPC that "*in regards to the pursuit of Mr Dawood, the pursuit started when I was first made aware that he ran away and stopped when we found Mr Dawood and we started our emergency lifesaving. As far as I can remember, there was no official call on the radio to stop the pursuit.*"
137. IO 'C' stated: "*The subject seemed to slip when he was on the girder but he managed to catch himself, although his demeanour implied he would not have cared if he had slipped. There was a metal structure, near where there was a door, which I think may have been supporting the ceiling and I thought the subject was going to climb down it. It wasn't a ladder but the structure was similar to a ladder but it came down in a zig zag. This structure was down the side just before the door. I imagine this structure supported whatever was in the ceiling. I could see the desperation on the subject's face, if he had come down I don't know what would have happened.*"
138. IO 'C' continued: "*There was a really high flimsy metal door which had a gap at the top and as I noticed the gap I saw that the subject had noticed it too. I thought he was going to try and go through the gap. It was really high, probably about 30 foot [sic]. I tried to push the door shut but could not do it, I was too small and not strong enough. I was still trying to shout for him to come down, but he wouldn't come down. I believe I was on my own at first, then IO 'A' came behind the subject, I don't know if he came over the same way or if he came around the side. IO 'A' ended up next to me after I had tried to shut the door when the subject was half way through the door.*"
139. IO 'A' and IO 'C' stated that Mr Dawood climbed through the gap at the top of the door and onto the roof of the warehouse. IO 'C' stated that she heard Mr Dawood running across the roof.
140. IO 'D', who was outside the door, stated that he saw Mr Dawood climbing up the inside of the doors. He stated that there was some "give" in the doors, but there was a padlock at the mid-point of the doors, which meant that they were shut at the bottom.
141. IO 'D' added: "*The doors were thirty foot high. You could get a bus or articulated lorry in. I just couldn't believe his strength, he was like a climber.*"

142. IO 'D' stated that he could hear IO 'A' and IO 'C' on the inside of the door saying words similar to "*get down*" and that he could hear the door rattling as Mr Dawood was climbing upwards.
143. IO 'D' stated that, as Mr Dawood reached the top of the doors, he saw his arm and then his foot appear at the top of the door. He stated that he did not know whether Mr Dawood was intending to jump down from the door and that he therefore felt that he needed to "*dominate the area*" and make himself appear to be a bigger presence than he was "*in order to control him [Mr Dawood]*". He stated that he needed to prevent Mr Dawood from side-stepping him or stepping past him if he came down from the door, as he had already made off from two of his colleagues.
144. IO 'D' stated that he pulled out his ASP [baton], racked [extended] it and placed it on his shoulder, adding that "*I think I did this when I saw the subject as before then I didn't have a target.*" He stated: "*I was not necessarily going to use it [the ASP] as a weapon. It was more of a deterrent. I couldn't see the size of the male properly but I could see that he was strong. The area was big.*"
145. IO 'D' stated that he considered the possibility that Mr Dawood may be experiencing "*acute behavioural disorder*" [also sometimes referred to as "*acute behavioural disturbance*" or "*excited delirium*"]<sup>6</sup> and that he appeared to be "*strong*." He stated that he was concerned that Mr Dawood may jump down from the door and move past him. He added that he wanted to "*dominate*" the area as Mr Dawood had already "*made off from*" two of his colleagues and he needed to bring the situation under control.
146. IO 'D' stated that he then moved forward and said to Mr Dawood "*get down, get down, you're going to fall.*" He stated that he wanted to get the situation under control, that initially he was not sure if Mr Dawood was going to jump down.
147. IO 'D' stated that, as he spoke to Mr Dawood, he began moving along the door in an easterly direction. He stated that as Mr Dawood reached a spotlight fitting above the doors, Mr Dawood spoke to him, saying words to the effect of "*I'm not going back, I'm quite happy to die.*"
148. IO 'G' stated that when he arrived at the Albany car wash, he went around the back of the car wash to the lorry park, got out of the car and saw Mr Dawood hanging from a light fitting.

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<sup>6</sup> The Faculty of Forensic and Legal Medicine provides the following information in its Guidelines for the Management of Acute Behavioural Disturbance in Police Custody:

*"Acute behavioural disturbance may occur secondary to substance misuse (both intoxication and withdrawal), physical illness (such as post head injury, hypoglycaemia) and psychiatric conditions (including psychotic and personality disorders). Of all the forms of acute behavioural disturbance, excited delirium is the most extreme and potentially life threatening. The clinical features of excited delirium include a state of high mental and psychological arousal, agitation, hyperpyrexia associated with sweating, violence, aggression and hostility with insensitivity to pain and to incapacitant sprays."* (<https://fflm.ac.uk/wp-content/uploads/documentstore/1310745561.pdf>)

149. IO 'D' continued: *"I could not believe his strength as he was going along. He was on fingertips as he traversed along the door and onto the light fitting and then onto the main roof itself. I lost sight of him then. I basically ran down to the eastern end of the building and at one point I could see him on the corner of the roof. I said, 'be careful, you're going to go through, you're going to go through.' I lost sight of him again."*
150. IO 'G' stated that the pitched roof onto which Mr Dawood climbed was between two and three stories high and that he then moved out of sight of the immigration officers.
151. IO 'A' stated that he ran from the warehouse to the car wash area as he knew he would not be able to get through the doors which Mr Dawood had climbed and did not know if it would be safe for him to use them. He stated that he stepped back from the side of the building but could not see Mr Dawood on the roof; he and his colleagues had now lost sight of Mr Dawood.
152. IO 'A' stated that there was some further radio communication between the immigration officers regarding their positioning around the warehouse, in case Mr Dawood climbed down from the roof.
153. IO 'C' stated that she went out of the warehouse, to the roundabout near to Sainsbury's, but could not see Mr Dawood on the roof. She stated that she remained in this location for approximately fifteen minutes, until she was informed via radio that Mr Dawood had been found unconscious. She added that she did not think that Mr Dawood would have been able to get off the roof without being seen as she understood from the radio communication that the building was now surrounded. She stated that from her position she could see IO 'B' all of the time and IO 'D' some of the time.
154. IO 'B' stated that she heard IO 'A' declaring a critical incident over the radio, as there was a man on the roof. She stated that she saw IO's 'A' and 'C' coming out of the warehouse and walking past her and that she decided to stop any vehicles moving around the area, in case Mr Dawood fell from the roof or ended up underneath a vehicle. She stated that she later moved the immigration enforcement van to block the entrance to the car wash, for safety reasons.
155. IO 'A' stated that: *"The situation had gone from the subject being someone we wanted to arrest to being concerned for his welfare and wanting to make sure he was ok. It was at this point that I called 999 to ask for police assistance. That was my first phone call. The main reason for this was due to the height of the roof. I did not know if they could use any of their tactics in terms of police dogs units or police helicopters because of the height."*
156. IO 'A' stated that he contacted CIO 'Y', the silver commander, and updated her that they had lost sight of Mr Dawood.
157. IO 'D' stated that, at one point, he stood on a wall which was situated away from the garage on the southern face but could not see Mr Dawood.

158. 'Witness E' stated that he could see the immigration officers looking for the man inside the warehouse and on the roof. He added that he had access to the CCTV cameras from the site on his phone, including one camera which could pan and zoom across the site. He stated that he approached one of the immigration officers and allowed them to view the live CCTV feed.
159. He stated that whilst the male immigration officer (believed to be IO 'D') was with him, he panned the camera around the building and zoomed in to show the warehouse roof. He stated that he then tried to pan the camera around the building which has a lower roof to see if they could locate the male there. However, they couldn't locate him on the CCTV. He stated that the other side of the roof is the part closest to the road. He stated that this was the only camera that he showed to the immigration officer because, at the time, it was the only camera on site with the ability to rotate.
160. IO 'D' stated that he viewed the CCTV feed and that the system enabled him to move the camera and view different areas of the premises, including the roof. He stated that the CCTV covered "*the whole building and all the way out to Sainsbury's*" but that there were some "*dead spots*" which were not covered.
161. IO 'D' stated that: "*At one point I saw [on CCTV] the subject [Mr Dawood] squatting or potentially kneeling down at the corner of the roof of the garage. I thought he was going to jump. Then I lost sight of him again after that. I thought he was going to jump because of his comments previously about him not wanting to go back. The subject was running scared. You could see the fear in him. My concern was he was going to jump, and I didn't want him to do that.*"
162. 'Witness D' stated that he heard a "*crash*" which he believed was the sound of the roof cracking and that he was aware of what this would sound like as he had heard an asbestos roof crack before. He stated that this was followed by "*a bit of a thud*". He stated that one of the other lorry drivers said that they believed that the man (Mr Dawood) had fallen through the roof.
163. IO 'D' stated that he and IO 'A' went into the eastern area of the site where there were some containers with rubbish around them. He stated that some of the lorry drivers helped them to look under the containers.
164. IO 'D' stated: "*On the south-eastern face [of the building] there was also a single-storey building that was flat roofed and attached to the side of the garage. It went round in an L shape. There was an open door into the flat roofed building. The manager took us in there. I could see the plastic roofing. Inside there was another door that was pushed open slightly and it looked like it was a little office. I could only push it open about an inch and a half.*"
165. IO 'G' stated that he drove around the front of the warehouse to see if Mr Dawood had gone over to the other side of the roof. He stated that he drove onto Albany Street and turned right at the roundabout near to Sainsbury's, parking his vehicle on the left-hand side of the road, from where he could see

the whole roof aspect of the pitched roof. However, he could not see Mr Dawood anywhere.

166. IO 'G' stated that he went back into the warehouse to see if Mr Dawood had been able to get back inside and asked someone else if they knew where Mr Dawood had gone. He stated that the man, whom he believed worked in the warehouse, told him that the building had a mezzanine level and that he then went into the roof space of this area to see if Mr Dawood was there. IO 'G' stated that he was looking for Mr Dawood in the mezzanine area for between ten and fifteen minutes.
167. IO 'A' stated that, after he had been monitoring the roof area for approximately ten minutes, he spoke to some of the lorry drivers in the truck stop, who told him in broken English that they had seen Mr Dawood jump from the roof of the warehouse onto a lower flat roof, which they described as being like an "*office block*" type building. They pointed in the direction of this building.
168. 'Witness F', one of the lorry drivers, told the IOPC in an initial account that he saw a man climb through a gap in two large doors on the side of the factory and onto the security light on to the top of the roof. He went to the back corner of the building and then back to the front of the building. 'Witness F' explained that he was sat in his lorry. He stated that he saw the man jump from the factory roof down onto a smaller flat roof. Then he could not see him.
169. 'Witness G', another lorry driver, told the IOPC in an initial account that he saw a man climb onto the roof. He stated that the man ran back and forth a few times then jumped onto the smaller roof. He explained that he could not see him after that. He added that he did not see anyone chasing him, or anyone speaking to him when he was on the roof. As explained previously the IOPC were unable to obtain evidential accounts from 'Witness G' and 'Witness F'.
170. IO 'D' stated that he could see a hole in the roof which was "*a couple of foot in diameter*" and that it appeared that someone could have gone through the hole, although he did not know this for certain. He stated that he could see a piece of the corrugated plastic roofing inside the room. He added that he did not think the room would have been left open to the elements as he had previously seen clothes and furniture when he had earlier pushed the door to the room ajar.
171. IO 'G' stated that the roof belonged to an annex to the warehouse and that it was slightly below the flat roof on which the lorry drivers had last seen Mr Dawood.
172. IO 'A' stated that, at this point, they became concerned that Mr Dawood had fallen through the hole in the roof.
173. IO 'G' recalled that IO 'A' had described the hole in the roof as a "*man-sized hole*" and that "*the intimation was that they [IO 'D' and IO 'A'] thought Mustafa [Mr Dawood] had climbed down through the hole*".

174. IO 'A' stated that he and IO 'D' walked down a passageway at the side of the building, which led to a room with a door which was padlocked with a combination lock. He stated that this room appeared to be underneath the hole in the roof. He stated that they pushed the door, but it did not open fully, and they could not see inside the room.
175. IO 'D' stated that he was "99.9% sure" that he would be able to force the door open, as he is "*method of entry*" trained. However, he did not have equipment with him to force entry to the room as this was a visit to business premises which were open and where they required consent to be on the premises.
176. IO 'D' stated that the manager of the lorry park said that they should "*kick the door in*" if they needed to. However, there was a discussion around the fact that they required consent to be on the premises. He stated that they could not see anything through the small opening in the door from when he had pushed the door ajar, as the opening was only about an inch and a half wide. He added that, if he had seen anything to indicate that someone was in the room, he would have "*kicked the door in*". He stated that that "*I don't think it [forcing the door open] would have saved him or given him CPR any faster which is one of the things that is playing on my mind a lot of the time.*"
177. IO 'A' stated that he could not see anyone inside the locked room and that he was mindful that he and his colleagues were only allowed to be on the premises by consent. He stated that he had to justify any damage caused. He stated that he therefore made attempts to get the combination code for the door before forcing it open. He added: "*I do appreciate we had to consider the subject's welfare. However, there was nothing to suggest he had sustained injuries until we entered the room.*"
178. 'Witness C', a Heavy Goods Vehicle (HGV) driver who was working in a lorry garage on site, stated that one of the male immigration officers (believed to be IO 'A') approached him and asked him to contact Mr 'U', the site manager, to ask him for the code to open the door to enter the room. He stated that the officer was "*reasonably firm*" in saying that he needed to get into the room and that he did not appear relaxed. He stated that he contacted Mr 'U' by phone and used the speaker phone function so that the immigration officers could hear what he was saying.
179. 'Witness C' explained that Mr 'U' stated that he was unsure of the code to access the room as it was used by coach drivers from Edwards Coaches.
180. IO 'A' stated that he walked back to the locked room as he was speaking by phone with the site manager (Mr 'U'), who was initially unsure of the correct code. IO 'A' stated that, at this point, he "*panicked because of the welfare side of things*". However, Mr 'U' then provided the correct code to open the door.
181. IO 'G' stated that he opened the door to the room and "*in front of me was Mustafa [Mr Dawood] lying face up, head towards me and he was bolt straight. His arms were by his sides and his legs were straight.*" He stated that

he initially thought that Mr Dawood was “*lying there hiding*” but then saw blood around his head.

182. He stated that he was “*laid on his back like a starfish and there was a lot of blood by his head*”. He stated that he “*could see that the man was dead*”. He added that he was in a state of shock and that he quickly left the room. ‘Witness C’ stated that he saw the man (Mr Dawood) lying on the floor inside the room.
183. IO ‘D’ stated: “*The subject had a head injury. He was not moving, there was thick dark blood coming from the rear of his skull out of his ears, nose and possibly his mouth. Instantly I tried to look for an artery to look for a radial pulse. I couldn’t feel anything. I got IO ‘G’ to check as well. I looked into his pupils and they were dilated. This gave an indication of the head injury.*”
184. IO ‘D’ stated that Mr Dawood was “*sprawled out*” in an unusual way. He stated that he was lying on his back “*with his left leg up towards his left-hand side*”, as if he had fallen, rather than as if he had been lying down on the floor.
185. IO ‘G’ stated that he and IO ‘D’ noted that Mr Dawood was not breathing, his chest was not rising and falling, he had no pulse and there was a lot of blood.
186. IO ‘G’ stated that he shouted that an ambulance was required, and that IO ‘A’ ran outside to call an ambulance. IO ‘A’ stated that he called 999 for an ambulance. He explained that he was aware that Silver commander, CIO ‘Y’, and the Gold commander, ‘V’, needed to be updated regarding the situation. He stated that CIO ‘Y’ was updated at some point. He stated that he asked IO ‘C’ to assist IO ‘D’ and IO ‘G’ with carrying out CPR if required.
187. IO’s ‘D’ and ‘G’ stated that they began to conduct CPR. IO ‘D’ stated that there was “*no output so there was no need to go and get a defibrillator at that point*”. He stated that he considered opening up Mr Dawood’s airway, but that “*it was obvious that the neck was broken*”. He stated that they did not have access to any neck restraints and that they did not have a first-aid kit in the vehicle, despite the fact that their policies require every vehicle to have a fire extinguisher and a first-aid kit.
188. IO ‘D’ added that the ambulance service operator was telling him and IO ‘G’ to give rescue breaths to oxygenate his blood. He recalled that he tried to tell the operator that Mr Dawood’s neck was broken. However, he could see that IO ‘G’ was “*under pressure*” and therefore lifted Mr Dawood’s chin and asked IO ‘G’ to begin administering rescue breaths.
189. IO ‘G’ and IO ‘D’ stated that they placed a face mask on Mr Dawood and began to carry out chest compressions and rescue breaths, with the two of them swapping roles, so that there was always one person doing the chest compressions and one person doing rescue breaths.
190. IO ‘D’ stated: “*The injuries were catastrophic. There was a lot of blood on the floor, the eyes were dilated, there was no output, so we just continued and continued [with CPR].*”

191. IO 'C' stated that she entered the room and saw IOs 'D' and 'G' performing CPR. She stated that *"from what I could see the subject was dead on the floor. There was no life in him at all."*
192. IO 'B' recalled that when she heard IO 'A' saying over the radio that they had found Mr Dawood and were starting CPR, she drove to Sainsbury's to get a defibrillator and that a doctor who was in the supermarket made an offer to assist. She explained that initially she accepted this offer and he got into the Vito van with her. However, when exiting Sainsbury's, she was aware the ambulance was nearby and could hear the sirens. She explained that because of this the doctor got out of the Vito van as she was leaving Sainsbury's car park.
193. IO 'G' stated that he and IO 'D' continued CPR for between approximately twenty minutes and half an hour until the paramedics arrived. He stated that he recalled saying words to the effect of *"don't you fucking die on me"* whilst carrying out CPR and that he recalled that he *"may have mentioned the C word"*.
194. 'Witness D' stated that he walked to the end of the garage/workshop and *"saw the boy about 50 yards away crumpled on the floor and within seconds some of the immigration officers were around him trying to comfort him or were attending to him"*. He stated that he saw one of the immigration officers wave his hands parallel to the ground, which he took to mean that the man (Mr Dawood) was dead. He stated that his view of Mr Dawood was blocked by the immigration officers and that he did not get too close to Mr Dawood because it was not appropriate. He stated that the immigration officers were being *"very attentive"* and *"very good"* towards Mr Dawood. He explained that *"the welsh word would be they were cwtching him, they were very attentive."* He explained that he could not say that they were providing first aid to the man, *"it was more comfort"*.
195. 'Witness E' who provided a statement to the IOPC explained that his son, 'Witness C' (who has also provided a witness statement to the investigation) told him that the immigration officers had found the man unconscious. 'Witness E' stated that he then went up to the toilet block area and saw that the male was unconscious. He stated that the immigration officers were making phone calls and that he saw a male officer, who was not the same officer to whom he had spoken earlier regarding the CCTV, performing CPR. 'Witness E' stated that the officer continued to carry out CPR for the whole time that he was observing what was happening, which was approximately two minutes.
196. IO 'F' stated that he and IO 'E' walked back from the Albany car wash after completing their enquiries there, as IO 'G' had taken their vehicle back to the Shaftesbury car wash. He stated that they directed the Ambulance to the correct location and that he noted that Mr Dawood had suffered severe injuries.

197. IO 'B' stated that she arrived back at the car wash with the defibrillator just as the ambulance was arriving and that she placed the defibrillator in the room just prior to where Mr Dawood was located in case it was required. She explained she did not enter the room herself.
198. IO 'G' and IO 'C' stated that, after the paramedics arrived, they assisted with clearing items from the room, to create more space for the paramedics. IO 'C' stated that the paramedics appeared to be giving Mr Dawood adrenaline and attaching a line and an airbag to him.
199. IO 'G' stated that he assisted the paramedics with CPR upon their request. IO 'C' stated that she was about to begin assisting with performing chest compressions when the paramedics managed to restart Mr Dawood's heart.
200. IO 'C' stated that she assisted the paramedics with placing Mr Dawood into the ambulance.
201. The immigration officers provided accounts of their actions in the period immediately after Mr Dawood had left in the ambulance. According to their statements:
  - IO 'A' went to the hospital with Mr Dawood so that he could provide updates on his condition.
  - IOs 'F', 'E' and 'G' remained at the scene to liaise with Gwent Police and the IOPC.
  - IO 'C' returned the defibrillator to Sainsbury's and then went home (as she had come into work on her day off to assist her colleagues).
  - IO 'D' returned to the Immigration enforcement office and then joined IO 'A' at the hospital with a fingerprint identification machine to enable Mr Dawood to be identified through his fingerprints.

## > Photographic evidence

202. Following the incident, a Crime Scene Investigator (CSI) from Gwent Police attended the location and a police helicopter took aerial photographs.<sup>7</sup>
203. The photographs from the warehouse show that there were a set of metal rafters next to the double doors, which were set out in a zig-zag formation from floor to ceiling with gaps in-between them. The photographs show that there was a gap between the warehouse double doors which Mr Dawood is understood to have climbed and that there was a gap at the top of the doors as they appeared to have bowed.

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<sup>7</sup> This action is usual in cases where a death is being investigated and does not indicate that a crime is suspected.

204. The photographs from inside the single-storey building attached to the annex building show that it contained a hallway which leads into another narrow room. The photographs show that the roof of the room appeared to have been cracked in two places, and a wooden beam was visible between the two cracks. The photographs indicate that the room contained ambulance paraphernalia, some clothing which had been cut and a dark substance consistent with the appearance of blood as well as other miscellaneous items.

## > Medical evidence

205. The IOPC has reviewed the clinical log provided by the Ambulance Service. In summary, this document indicates that paramedics identified that Mr Dawood had suffered an obvious head injury and that he experienced a cardiac arrest.
206. The records from the Accident and Emergency department indicate that Mr Dawood had an “*unsurvivable brain injury*”
207. A post mortem was not conducted in relation to Mr Dawood. This was due to a CT scan that had been obtained when Mr Dawood was taken to hospital on 30 June 2018 prior to his death. The CT scan showed that Mr Dawood had sustained multiple skull fractures, bleeding in the brain and evidence of extremely high pressure on the brain. A neurosurgeon reviewed this information and deemed the brain injury unsurvivable.
208. Toxicology was completed and it showed that there was no evidence of any drugs or alcohol in Mr Dawood’s system.

## > Analysis

209. It is noted that ‘Witness D’, the member of the public who witnessed the arrival of the immigration officers, noted that the van appeared to drive quickly into the car wash area. ‘Witness D’ expressed the view that the manner in which the van was driven affected the reaction of the car wash workers and caused them to run in all directions. However, it is noted that the CCTV footage shows that two immigration enforcement vehicles attended the incident, one of which was a marked vehicle marked with the words “*Home Office Immigration Enforcement*”. The CCTV footage shows that apart from Mr Dawood, all other car wash workers remained washing cars upon the immigration officers arrival.
210. It will fall to the decision maker to consider whether the immigration officers, in particular IO ‘A’ who was the Officer in Charge, had reasonable grounds to believe that Mr Dawood may be an immigration offender in light of his actions which were visible on CCTV. It is noted that Ms ‘X’, expressed the view that it was unlikely that Mr Dawood would have been arrested as he had an outstanding application with the Home Office. However, this view was based

on the information available after he had been identified as the person involved in the incident. This identification did not take place until Mr Dawood was in hospital, after falling through the roof.

211. Regarding the decision to pursue Mr Dawood, it is noted that the Home Office guidance on conducting enforcement visits states that the “*need to preserve evidence or engage in pursuit*” [of suspected immigration offenders] are “*other overriding operational constraints*” which may make it impractical for officers to comply with the requirement for immigration officers to identify themselves as immigration officers to the person they are pursuing. It may be considered that this implies to the reader that the need to pursue can also take precedence over the need to obtain consent from the owner of the premises, as it would not be possible to obtain consent without the immigration officers identifying themselves.
212. However, the same guidance then states that oral consent of the occupier must be obtained in order to carry out a pursuit in circumstances where an innocent occupier would agree to expect a pursuit to take place. The guidance therefore appears to be ambiguous regarding this point.
213. This, in turn, appears to be inconsistent with Ms ‘X’s statement that it would be considered reasonable for immigration officers to access the premises even though they had not obtained consent to do so as they were pursuing a person whom they had reasonable grounds to believe was an immigration offender based on the available intelligence.
214. The evidence appears to indicate that, in deciding to pursue Mr Dawood, IO ‘A’ applied an interpretation of the relevant legislation, policies and procedures relating to obtaining consent and engaging in pursuits which was consistent with Ms ‘X’s understanding of the relevant procedures.
215. It will fall to the decision maker to consider whether the immigration officers acted in line with relevant legislation and Home Office procedures in deciding that it was appropriate to pursue Mr Dawood in the absence of any written or oral consent from the owner, manager or occupier of any of the premises.
216. Regarding the actions of the immigration officers after Mr Dawood began to climb upwards within the warehouse, it is noted that the guidance on arrest and restraint requires that immigration officers contact the police control room for assistance if a subject climbs on to a roof. The guidance is silent on whether medical assistance should be requested at this stage. The CCTV evidence indicates that Mr Dawood went out of the view of the CCTV cameras at 10.09am. He came back into view at the top of the double doors at 10:11am. IO ‘A’ called 999 at 10:15am and police officers were dispatched. However, police officers did not arrive until 10:54am. This was after the subsequent call to the Ambulance Service after Mr Dawood had been located.
217. It is noted that there is no evidence that IO ‘C’, IO ‘G’ and IO ‘D’ were made aware of IO ‘A’s alleged decision to abandon the pursuit, as referred to in his IOPC statement.

218. The accounts of the immigration officers regarding their movements and actions and those of Mr Dawood after the point when he ran away from them appear to be broadly consistent with the CCTV footage of his movements within the car wash and warehouse. However, it should be noted that the CCTV footage is not complete due to the use of motion sensitive cameras and the fact that the cameras do not cover the entire area.
219. The decision maker may wish to consider IO 'D' explanation for extending his baton when Mr Dawood was at the top of the double doors (see paragraph 145), that he wanted to bring the situation under control and was concerned that Mr Dawood may jump down from the doors and step past him. The decision maker may wish to consider whether the drawing of a baton when Mr Dawood was in such a precarious position may have unnecessarily escalated the situation. Equally, the decision maker may wish to consider whether there may have been a need for IO 'D' to take some form of action to prevent compromising his own safety should Mr Dawood have jumped down from the doors.
220. The CCTV footage appears to indicate that after IO 'D' lost sight of Mr Dawood, the immigration officers continued to search for him around the site but were not successful in finding him until they located him in the building with the hole in the roof.
221. The evidence indicates that the immigration officers were concerned that Mr Dawood had fallen through the roof as he had not been seen and the building was surrounded. Furthermore, IO 'D' stated that he had seen a piece of corrugated roofing inside the room which was approximately the same size as the hole. However, the immigration officers attempted to obtain the code to enter the locked room in which Mr Dawood was found rather than attempting to force open the door and there was a short delay whilst the site manager was contacted to provide the code. IO 'A' referred to the fact that they were on the premises by consent as a consideration in his decision not to attempt to force the door. It is noted that no consent had been obtained by this point and that immigration officers nevertheless pursued Mr Dawood.
222. The first aid provided to Mr Dawood is not visible on CCTV as he and officers were in a room inside a building. 'Witness D' stated that the immigration officers appeared to be comforting Mr Dawood rather than providing him with first aid, although he was some distance away and his view was blocked. The audio of the call to the Ambulance indicates that the call handler provided instruction to IO 'A' in carrying out CPR and that he relayed these instructions to his colleague. The Ambulance Service clinical record indicates that CPR was ongoing when paramedics arrived.
223. It will fall to the decision maker to consider the weight which may be attributed to the available evidence regarding the actions of the immigration officers when they located Mr Dawood and the extent to which they provided Mr Dawood with first aid. However, the medical evidence appears to indicate that Mr Dawood had an unsurvivable brain injury.

## > Post-Incident Procedure

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224. The investigation has identified the Home Office immigration and enforcement function does not operate a formal post-incident procedure following serious incidents. This is confirmed in a Home Office debrief document provided to the IOPC.<sup>8</sup>
225. In summary, a Post-Incident Procedure (PIP) usually takes place at a police building. A Post-Incident Manager ensures that the police officers involved receive any required medical, legal and welfare support whilst ensuring the integrity of the evidence relevant to the investigation, including that officers do not engage in inappropriate conferring regarding the details of the incident. During the Post-Incident Procedure, Police officers are also expected to provide a brief account of the incident and their own actions, usually after receiving advice.<sup>9</sup> The PIP process is an important aspect of ensuring that a full and fair investigation, which complies with the state's duty to independently investigate certain deaths under Article 2 of the European Convention on Human Rights, takes place.
226. It is noted that, in this case, the immigration officers involved in the incident went to a number of different locations after leaving the scene. One of the immigration officers went home as it was her day off. There was no formal process for ensuring their welfare and the integrity of the investigation. The immigration officers returned to the immigration enforcement building in Cardiff later that afternoon as requested and provided detailed initial accounts to the IOPC without receiving any formal advice on the matter or other formal welfare support beyond being provided with the contact details of the Home Office Employee Assistance Programme.
227. There is no suggestion and no evidence that any conferring or improper behaviour took place or that the lack of a formal Post-Incident Procedure has affected the IOPC investigation in any way. However, in the absence of a formal procedure, there is no evidential chain which would be capable of categorically confirming the sequence of events post-incident.
228. The IOPC has been made aware that the Home Office is currently considering how it may be able to implement a form of PIP for serious incidents such as the incident of 30 June 2018 resulting in the death of Mr Dawood.

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<sup>8</sup> The de-brief was delayed until the immigration officers had provided their statements to the IOPC.

<sup>9</sup> More information is available in the College of Policing Authorised Professional Practice on Post-Incident Investigations: National guidance for the Police service from the College of Policing recommends that forces should consider instigating formal Post-incident procedures where there is likely to be an independent investigation of police actions. In summary, a Post-Incident procedure usually takes place at a police building and is a formal process designed to ensure that police officers receive any required medical, legal and welfare support whilst ensuring the integrity of the evidence relevant to the investigation and that officers do not engage in inappropriate conferring regarding the details of the incident.

## > Questions to be answered by the DSI investigation

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229. At no point during the investigation was a determination made, pursuant to Regulation 29 of The UK Border Agency (Complaints and Misconduct) Regulations 2010, that a relevant officer:
- a) may have committed a criminal offence; or
  - b) behaved in a manner that would justify the bringing of disciplinary proceedings
230. The recorded rationale for this decision was that the behaviour of immigration officers did not appear to breach the personal conduct policy or civil service code by which immigration officers are bound. Therefore, there was nothing to indicate that the officers had misconducted themselves during their duty on 30 June 2018.
231. On receipt of this final investigation report, Ms Catrin Evans, acting with the delegated authority of the Director General under Regulations 65 (4) of The UK Border Agency (Complaints and Misconduct) Regulations 2010, is required to finally determine the two matters referred to above.
232. To conclude this analysis, I, as lead investigator, will consider the following:
- a) What evidence is available regarding the nature and extent of contact between Mr Dawood and the immigration officers prior to his death?
  - b) What evidence is available in relation to whether the immigration officers may have caused or contributed to Mr Dawood's death?

### > What evidence is available regarding the nature and extent of contact between Mr Dawood and the immigration officers prior to his death?

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233. It is apparent that Mr Dawood sustained serious injuries during an immigration enforcement visit to the Shaftesbury Car Wash, Albany Street, Newport, after climbing onto the roof of the warehouse and falling through the roof of an annex building.

### > What evidence is available in relation to whether the immigration officers may have caused or contributed to Mr Dawood's death?

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234. It appears from the CCTV footage that Mr Dawood's actions in climbing to a height within the warehouse and subsequently climbing onto a roof were prompted by the presence of the immigration officers and the fact that they approached him, as he appeared to be working within the car wash until this point.

## > **Next steps**

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235. The decision maker is now required to reach conclusions about the investigation. The decision maker will consider the evidence with a view to determining whether the report indicates that any person serving with the Home Office may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings.

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