

Mr Andre Moura

Investigation into Greater Manchester Police's
contact with Mr Andre Moura on 6 and 7 July
2018

> Independent investigation report

> Investigation information

Investigation name:	Mr Andre Moura
IOPC reference:	2018.105919
Investigation type:	Conduct matter Complaint not subject to special requirements
IOPC office:	Sale
Lead investigator:	[Redacted]
Case supervisor:	[Redacted]
Director General delegate (Decision maker):	Amanda Rowe
Status of report:	Final
Date finalised:	12 August 2019

Please note that this report contains language that some people may find offensive.

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> Introduction

1. At 5.42am on 6 July 2018, Mr Andre Moura's partner, Ms A, contacted Greater Manchester Police (GMP) to report that Mr Moura had taken drugs and was refusing to leave their house. Officers attended the report, but there were no offences being reported and it appeared that Ms A was happy for Mr Moura to stay in the house.
2. There followed a number of calls from Ms A throughout the day reporting similar circumstances. On the occasions officers attended, there appeared to be no offences and Mr Moura was asked to leave the area.
3. At 11.35pm on 6 July 2018, Ms A made a further call to GMP to report that Mr Moura had climbed through a window and was inside the house. Officers were deployed to attend immediately.
4. Upon attendance, officers found Mr Moura outside of the house and they made attempts to move him away from the area. However, it was determined that Mr Moura had no other address to go to, so a decision was made to arrest him in order to prevent a breach of the peace.
5. After being informed of his arrest, a struggle ensued between the officers and Mr Moura. This resulted in Mr Moura being taken to the ground, having CS spray used on him, and punches and knee strikes being delivered by an officer. He was eventually handcuffed and other patrols were requested to assist.
6. Once other officers arrived at the address, Mr Moura was carried to the police van and placed in the rear of it, lying on his front, in the foot well area of the van, between the two benches. Discussions ensued about Mr Moura and an ambulance was requested due to him breathing, but not responding. This ambulance was cancelled within minutes as officers believed that Mr Moura was actually responding.
7. Mr Moura was taken to custody. A nurse assessed him in the police van and confirmed that she was unable to find a pulse. An ambulance was requested and CPR was performed. Mr Moura was subsequently taken to hospital whereby he was pronounced dead at 1.30am on 7 July 2018.

> The purpose of this report

8. I was appointed by the IOPC to carry out an independent investigation into Greater Manchester Police's (GMP) contact with Mr Andre Moura on 6 and 7 July 2018. This came to the attention of the IOPC on 7 July 2018 as a DSI referral. Since that time, the matter has become a conduct matter, and a complaint has also been received in relation to the

death message that was delivered to Mr Moura's partner.

9. During 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 Regional Director Amanda Rowe.
10. In this report, I will provide an accurate summary of the evidence, and attach or refer to any relevant documents. I will provide sufficient information to enable the appropriate authority and decision maker to determine:
 - whether any person serving with the police has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory
 - whether disciplinary proceedings should be brought against any person serving with the police, and the form of any such proceedings
11. I will also provide sufficient information to enable the decision maker to determine:
 - whether the complaint is upheld, where appropriate (i.e. where this will not intrude upon matters to be considered in any subsequent proceedings)
 - whether to refer any matter to the Crown Prosecution Service (CPS)
 - whether to make a recommendation to any organisation about any lessons that may need to be learned
12. On receipt of the report, the decision maker will record their opinion as to whether any person serving with the police has a case to answer for misconduct or gross misconduct, and whether their performance was unsatisfactory.
13. The IOPC will send a copy of this report and the decision maker's opinion to GMP, who must advise the decision maker what action it will take in response to it. If the decision maker does not agree with GMP, she may make recommendations and, ultimately, directions for any further actions or determinations.
14. Where article 2 or 3 of the European Convention on Human Rights (ECHR) is engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

> The investigation

> Terms of reference

15. Regional Director Amanda Rowe approved the terms of reference for this investigation on 26 July 2018, and then, following a complaint, the re-drafted terms of reference were approved on 9 August 2018. The terms of reference can be seen in full at appendix 2, however, in brief they are:
16. To investigate:
 - a) GMP's response to calls made by Mr Moura's partner, and the contact GMP had with Mr Moura on 6 and 7 July 2018.
 - b) The length of time it took for GMP to inform Mr Moura's partner of his death.

> Subjects of the investigation

17. There was an indication that the police officers listed below may have:
 - (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings
18. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All subjects are served with a notice of investigation, informing them of the allegations against them.
19. They are also informed of the severity of the allegations. In other words, whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.
20. The following person/people have been categorised as subjects of this investigation:

Name	Role	Severity	Interviewed	Were criminal offences investigated? If yes, please list these below
PC Christian Bolger	Response officer	Gross misconduct	16 October 2018	Gross negligence manslaughter

			1 November 2018	Misconduct in a public office S.39 common assault S.47 actual bodily harm
PC Ashley Hudson	Response officer	Gross misconduct	17 October 2018 13 November 2018	Gross negligence manslaughter Misconduct in a public office S.39 common assault S.47 actual bodily harm
PC Andrew Bebb	Response officer	Gross misconduct	10 December 2018 29 January 2019	Gross negligence manslaughter Misconduct in a public office
PC Michael Healey	Response officer	Gross misconduct	10 December 2018 24 January 2019	Misconduct in a public office
PC Craig O'Brien	Response officer	Gross misconduct	10 December 2018 5 February 2019	Misconduct in a public office
PC Tracy Ainsworth-Wrigley	Response officer	Gross misconduct	5 February 2019 7 March 2019	
PC 1	Response officer	Gross misconduct	28 January 2019 7 March 2019	
PC 2	Response officer	Gross misconduct	28 January 2019 15 April 2019	
PC 3	Response officer	Gross misconduct	28 January 2019 15 April 2019	

PC 4	Response officer	Gross misconduct	28 January 2019 7 March 2019	
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21. **PC Christian Bolger**

On 2 August 2018 and 6 September 2018 PC Bolger was served with a notice of investigation outlining the following allegations:

- a) That he used excessive force against Mr Moura by placing his arm around Mr Moura's neck;
- b) That, whilst attempting to restrain and handcuff Mr Moura, he punched Mr Moura a number of times;
- c) That, once handcuffed, he applied approximately seven knee strikes and a punch to Mr Moura;
- d) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

22. **PC Ashley Hudson**

On 16 August 2018 PC Hudson was served with a notice of investigation outlining the following allegations:

- a) That he used excessive force against Mr Moura by administering CS spray approximately three times;
- b) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance;
- c) That he confirmed to another officer that Mr Moura was bracing himself, resulting in the ambulance being cancelled.

23. **PC Andrew Bebb**

On 16 August 2018 PC Bebb was served with a notice of investigation outlining the following allegations:

- a) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

24. **PC Michael Healey**

On 2 August 2018 PC Healey was served with a notice of investigation outlining the following allegations:

- a) That he was aware of the condition of Mr Moura and him being unresponsive in the

van, but failed to take action or recognise the need for Mr Moura to receive medical assistance;

b) That he cancelled the ambulance he had initially requested.

25. **PC Craig O'Brien**

On 2 August 2018 PC Craig O'Brien was served with a notice of investigation outlining the following allegations:

a) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

26. **PC Tracy Ainsworth-Wrigley**

On 2 August 2018 PC Ainsworth-Wrigley was served with a notice of investigation outlining the following allegations:

a) That she was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

27. **PC 1**

On 2 August 2018 PC 1 was served with a notice of investigation outlining the following allegations:

a) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

28. **PC 2**

On 2 August 2018 PC 2 was served with a notice of investigation outlining the following allegations:

a) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

29. **PC 3**

On 2 August 2018 PC 3 was served with a notice of investigation outlining the following allegations:

a) That he was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

30. **PC 4**

On 2 August 2018 PC 4 was served with a notice of investigation outlining the following allegations:

- a) That she was aware of the condition of Mr Moura and him being unresponsive in the van, but failed to take action or recognise the need for Mr Moura to receive medical assistance.

>Complaint

31. On 11 October 2018, Mr Moura's partner submitted a complaint to the IOPC. She stated that Mr Moura died at 1.30am on 7 July 2018, but she was not informed of his death until 4.30am-5am. She believed that the length of time taken was too long and she should have been informed sooner.
32. The complaint was deemed not subject to special requirements.

>Policies, procedures and legislation considered

33. During the investigation, I have examined relevant national and local policies, and legislation, as set out below. This will enable the decision maker and the appropriate authority to consider whether the officers, staff and relevant contractors named in this report complied with the applicable guidance and legislation, and whether the existing policies were sufficient in the circumstances.

Call handling

GMP incident response policy;

This policy defines the graded response as;

Grade 1 – emergency response

- Attendance within 15 minutes of call receipt.
- Encompasses circumstances where an incident is reported that is taking place and in which there is, or likely to be, a risk of
 - Danger to life
 - Use, or immediate threat of use, of violence
 - Serious injury to a person and/or
 - Serious damage to property.

Grade 2 – priority response

- Attendance within one hour of call receipt
- Encompasses circumstances where there is a degree of importance, or urgency associated with the initial police action that is perceived by the call handler, but an immediate response is not required because the incident does not meet the grade one criteria. For example, where there is a genuine concern for somebody's safety.

Grade 3 – routine response

- Attendance within four hours from creation of incident log
- It is accepted that the needs of the caller can be met routinely and the incident falls outside of grade one or two criteria, but by its nature is not suitable for a schedule response.

Grade 4 – scheduled response

- Attendance or other resolution within 48 hours
- Encompasses appointments to see the caller or resolve the issue over the phone.

The policy also states that, if a grade one, two or three incident cannot be allocated to a patrol to attend, then the supervisor must be informed to consider who is available to deploy. If it remains unallocated then the duty inspector should be informed.

Use of force

Police and Criminal Evidence (PACE) Act 1984;

S.117 of PACE allows an officer to use reasonable force, if necessary, in the exercise of their duty.

34. **Criminal Law Act 1967;**

S.3 of the Criminal Law Act allows an officer to use such force as is reasonable in the circumstances in the prevention of crime, effecting or assisting in a lawful arrest, or of persons unlawfully at large.

35. **APP guidance on police use of force;**

This guidance defines the word reasonable referred to in the above two pieces of legislation.

'Reasonable in these circumstances means:

- **Absolutely necessary for a purpose permitted by law**
- **The amount of force used must be reasonable and proportionate (i.e. the degree of force used must be the**

minimum required in the circumstances to achieve the lawful objective) otherwise, it is likely that the use of force will be excessive and unlawful.

Excessive use of force is unlawful.'

CS Spray

36. **ACPO guidance on the use of incapacitant spray (May 2012);**

This guidance explains the effects of CS spray, citing that effects may be instantaneous, can be delayed for up to 20 seconds, or may not be effective at all.

In relation to the use of the CS spray, the guidance states that it **'should not be used at a distance of less than 1 metre unless the nature of the risk to the officer is such that this cannot be avoided. In such cases, officers must be prepared to justify not only their use of the spray but also their decision to use it at a distance which may cause damage to eyes due to the discharge pressure of the liquid'**.

The guidance also refers to the aftercare of someone following the use of CS spray. It refers to the importance of providing verbal reassurance to the person about the temporary effects and to breathe normally. Any person sprayed should also be taken to an uncontaminated area where they can be exposed to cool fresh air. **'Exposure to fresh moving air will normally result in significant recovery from the effects of CS within 15 – 20 minutes.'**

It is also important to closely monitor the person following the use of CS spray and, if there are any difficulties in resuming breathing, **'then medical assistance should be sought immediately and must be given precedence over conveying the subject to the police station.'** It states that the expected recovery period for breathing is five minutes, and that if the individual has been restrained then particular attention should be given to monitoring their breathing.

37. **GMP CS incapacitant spray procedure (April 2014);**

This embeds much of the guidance contained with the APP guidance, but also notes some further points including;

- The importance of considering carefully whether it is appropriate to use CS spray on a person whose violent behaviour is caused by a mental disorder, illness or excited delirium;
- The use of CS spray must be recorded in a PNB or day book;
- Ensuring that the person's breathing is not affected, and to be aware of the risks of positional asphyxia and excited delirium.

GMP personal safety training (PST)

38. Details obtained for the GMP PST refresher course shows that officers initially receive a nine day training course, and then are required to attend a two day refresher course every year. The refresher course includes training in relation to headlocks, knee strikes, use of CS spray and handcuffs, injury and welfare checks and acute behavioural disturbance (ABD).

39. **ABD presentation;**

This is a presentation provided to officers during their refresher PST course, and had been written by the College of Policing. It has been part of the package for approximately three years.

Relevant aspects of the presentation are summarised as follows;

- ABD is defined as occurring **when ‘a person exhibits violent behaviour in a bizarre and manic way rather than being simply violent’.**
- ABD can be caused by substance misuse, such as drink or drugs.
- Signs and symptoms include;
 - bizarre and/or aggressive behaviour
 - impaired thinking and incoherent speech
 - hot to the touch
 - disorientation and hallucinations
 - acute onset of paranoia
 - rapid breather (which can be irregular)
 - unexpected physical strength
 - significantly diminished sense of pain
 - sudden tranquillity after frenzied activity.
- Evidence suggests restraint can exacerbate ABD, therefore, reducing or minimising restraint is the preferred option.
- Where ABD is suspected, it must be treated as a medical emergency.

GMP dealing with death procedure

40. This document states that it is important to contact the next of kin when someone dies, and that **‘family contact should be at the forefront of the SIO’s [senior investigating officer’s] mind.’**

> Summary and analysis of the evidence

41. In order for the decision maker to reach their opinion, I have presented a summary and analysis of the evidence. 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.
42. On receipt of the report, the decision maker is required to record their opinion about whether there is a case to answer for misconduct or gross misconduct for each person to whose conduct the investigation relates, and whether the performance of each such person is satisfactory. Within the analysis, I will not make any determinations about these matters.

> Summary of events

	Approx. time/date	Event
44.	06/07/2018 5.42am	Mr Moura's partner, Ms A, contacted GMP to report that Mr Moura had taken drugs and she wanted him to leave the house, but he was refusing to do so. The recording of the call showed that Ms A confirmed Mr Moura had not been violent and that there were four children in the house. Force wide incident number (FWIN) 060718/0329 was created, and showed that the report had been graded as a priority response, i.e. attendance within one hour.
45.	06/07/2018 6.05am	A note was put on the FWIN that an attempt had been made to call Ms A to advise that officers would be attending after 7am, but there was no answer and no voicemail could be left as the mailbox was full.
46.	06/07/18 6.37am	The FWIN was delayed for 30 minutes to allow for allocation to the morning patrol.
47.	06/07/18 6.38am	It was noted on the FWIN that Police Sergeant (PS) [REDACTED] was aware of the delays and resource commitments.
48.	06/07/2018	A note was placed on the FWIN to say that the matter would be escalated to an inspector if there

	7.09am	were no morning patrols to attend.
49.	06/07/2018 7.37am	PS [REDACTED] viewed the FWIN, and checks on GMP systems were conducted on Ms A and Mr Moura.
50.	06/07/2018 7.46am	PS [REDACTED] stated on the FWIN that there was nothing to suggest the incident was related to domestic violence and that there was one previous public protection investigation (PPI) relating to Mr Moura's mental health. He requested that Ms A be re-contacted to ascertain if she still required officers to attend.
51.	06/07/2018 8.17am	Ms A was called back, and she confirmed that Mr Moura was in bed asleep and she was going to take the children to school soon, so would return home at about 9.30am.
52.	06/07/2018 9.18am	A note was put on the FWIN that there were no patrols available to attend, so it was delayed for one hour.
53.	06/07/2018 9.19am	The inspector was in custody so was unavailable to be made aware of the FWIN.
54.	06/07/2018 10.05am	[REDACTED] was made aware of the FWIN.
55.	06/07/2018 10.13am	<p>Police Constable (PC) 13 and PC 5 attended at Ms A's address. The FWIN was updated to show that the incident was a verbal argument and there were no offences. Drugs were noted as a factor and children were present.</p> <p>PC 5 completed a domestic abuse, stalking and harassment (DASH) summary showing that Ms A confirmed Mr Moura suffered from anxiety and was self-medicating with cocaine. PC 5 spoke with Mr Moura, but he denied taking drugs. Ms A was asked if she wanted Mr Moura to be removed from the house, but she stated she was happy for him to stay there. The risk level was set as standard.</p>
56.	06/07/2018 3.05pm	GMP received an abandoned 999 call from a woman who sounded distressed. FWIN 060718/1273 was created, which showed that the mobile phone

		number was showing on police systems as belonging to Ms A.
57.	06/07/2018 3.16pm	FWIN 060718/1304 was created in order to allocate a patrol to attend to see Ms A following the abandoned 999 call. It was graded as a priority response, i.e. attendance within one hour.
58.	06/07/2018 3.20pm	PC 5 confirmed to the control room that he had attended the address earlier that day and Ms A stated she wanted Mr Moura to remain at the address.
59.	06/07/2018 3.30pm	<p>Contact was made with Ms A, and she stated that Mr Moura had tried to lock her in the house and not let her out until she gave him some money. She said she was happy for him to stay at the house when PC 5 had attended as she felt sorry for Mr Moura, but now she wanted him to leave. She had managed to leave the address and was picking the children up from school, so advised she would be available after 4.30pm.</p> <p>PC 5 confirmed that he would attend the address and attempt to make Mr Moura leave.</p>
60.	06/07/2018 3.32pm	<p>PC 5 and PC 13 attended the report and found Mr Moura sitting outside the address. Both officers activated their body worn video (BWV) during this attendance. This showed PC 5 confirm with Mr Moura that he had a friend to stay with around the corner from his address, and PC 5 advised Mr Moura to spend the night at his friend's house. PC 5 further advised that, if Mr Moura returned to the address and Ms A called the police again, Mr Moura would be arrested. Mr Moura left the address and the BWV showed that PC 5 telephoned Ms A to update her and confirm there had been no offences.</p> <p>PC 5 updated the control room with this information, which was recorded on the FWIN.</p>
61.	06/07/2018 7.15pm	Ms A re-contacted GMP to report that Mr Moura had returned to her house despite being told by the police not to return. She informed the call handler that Mr Moura had been taking cocaine and had anxiety that he was taking medication for. During the

		call, Ms A said that Mr Moura had managed to get into the house, and then hung up the phone. FWIN 060718/1938 was created showing the report had been graded as an immediate response, i.e. attendance within 15 minutes.
62.	06/07/2018 7.17pm	An update on the FWIN showed that PS [REDACTED] was aware of the FWIN, but that there were no available patrols to attend.
63.	06/07/2018 7.22pm	PC 6 and PC 7 attended Ms A's address. Both officers activated their BWV, which showed them speaking with Ms A. She confirmed that Mr Moura had tried to get into the address when a takeaway delivery driver had arrived, but that Mr Moura had left when he heard Ms A calling the police. She also told the officers that Mr Moura was on medication for anxiety and that he took cocaine. PC 7 updated the control room to confirm that Mr Moura had left the address and asked for '[redacted]' to do an area search when he got to the address.
64.	06/07/2018 7.27pm	PC 1 informed the control room that he was in the area.
65.	06/07/2018 7.36pm	PC 7 confirmed that there were no offences being reported and Mr Moura had left prior to the officers attending. He reported that alcohol was a factor and children were present. PC 7 also completed a DASH summary showing that the incident was further to FWINs 329 and 1304 of the same day, and that Mr Moura was currently high on cocaine. This resulted in a standard risk assessment.
66.	06/07/2018 8.25pm	Ms A contacted GMP to report that Mr Moura had been banging on the door to her address, and was now just staring at the house. FWIN 060718/2132 was created and showed that alcohol was not a factor, but that Mr Moura was possibly on drugs. A priority response was given to the FWIN, i.e. attendance within one hour.

67.	06/07/2018 8.30pm	A request was placed on the FWIN for PC 6 to re-attend, but it was confirmed that he was engaged on other duties and was finishing his shift shortly.
68.	06/07/2018 8.39pm	The FWIN was delayed for ten minutes as there were no patrols available to deploy.
69.	06/07/2018 8.42pm	Ms A re-contacted GMP to report that Mr Moura was still outside the address. It was noted on the FWIN that she was concerned and distressed.
70.	06/07/2018 8.54pm	The FWIN was delayed for 15 minutes so that it could be allocated to the night patrol.
71.	06/07/2018 9.09pm	The FWIN was further delayed for 15 minutes to allow for the night patrol to come off parade.
72.	06/07/2018 9.10pm	GMP received a further call from Ms A, who was distressed and frightened as Mr Moura was at the front door continuously knocking and asking her to open the door.
73.	06/07/2018 9.25pm	The FWIN was delayed for 15 minutes to attempt to allocate to the night patrol after they had come off parade.
74.	06/07/2018 9.37pm	A patrol was made available to attend Ms A's address.
75.	06/07/2018 9.51pm	The patrol that had been allocated to attend was diverted to another higher priority incident. The FWIN was delayed for a further 15 minutes.
76.	06/07/2018 9.55pm	Ms A re-contacted GMP to report that Mr Moura had opened a window, but had not got into the house.
77.	06/07/2018 10.11pm	It was noted on the FWIN that the inspector had not responded and could possibly be on other duties. The FWIN was delayed for 15 minutes as there were still no resources available to attend.
78.	06/07/2018 10.28pm	A call was made to Ms A by a call handler, but there was no answer. A voicemail was left apologising for the delay and to request an update of where Mr

		Moura was.
79.	06/07/2018 10.29pm	Inspector [REDACTED] was made aware of the FWIN and it not being allocated to a patrol. It was delayed for a further 20 minutes due to no available resources.
80.	06/07/2018 10.49pm	The FWIN was delayed for a further 20 minutes as there were no available patrols to attend.
81.	06/07/2018 11.11pm	The FWIN was delayed for a further 30 minutes as there were no available patrols to attend.
82.	06/07/2018 11.13pm	An attempt was made by a call handler to call Ms A, but there was no answer.
83.	06/07/2018 11.18pm	A patrol was identified as available to attend the address.
84.	06/07/2018 11.27pm	The FWIN was delayed for 30 minutes as the patrol allocated to attend had been diverted.
85.	06/07/2018 11.35pm	Ms A called GMP to further report that Mr Moura had now climbed through the window and was inside the address. She informed the call handler that Mr Moura had been taking drugs. A new FWIN (060718/2662) was created with an immediate response being required. Radio transmissions available in relation to this matter showed that a request was made for officers to attend an ongoing domestic and that the partner had climbed through the window into the address.
86.	06/07/2018 11.43pm	PC Christian Bolger confirmed to the control room that he was at the address. PC Ashley Hudson and PC Michael Healey also attended at this time in separate police vehicles. All three officers activated their Body Worn Video (BWV) upon arrival. The following events have been taken from an amalgamation of this footage, along with footage from subsequent attending officers, and accounts provided by all officers and witnesses.
87.	06/07/2018	PC Bolger's BWV showed that he got out of his vehicle and went to speak with Mr Moura, who

	<p>11.47pm</p> <p>appeared to be sitting on a garden wall. PC Bolger asked Mr Moura what had happened and asked if the police had already been out to the address earlier that night, to which Mr Moura confirmed they had.</p> <p>In a prepared statement provided to the IOPC during an interview under caution, PC Bolger described Mr Moura as being calm and cooperative, being able to answer questions put to him. He did not believe Mr Moura was showing signs of being under the influence of drink or drugs, but stated that he could not rule this out.</p> <p>PC Hudson also provided a prepared statement during an interview under caution in which he also said that Mr Moura demonstrated understanding of the questions being asked and replied to them in context.</p> <p>At this time, PC Healey went to speak with Ms A, who was inside the address. His BWV showed that Ms A explained to him that Mr Moura had been taking drugs and that she had already reported his behaviour to the police earlier that day from 3am.</p>
88.	<p>06/07/2018 11.47pm</p> <p>PC Bolger requested further information from the control room about the circumstances of the incident. It was confirmed to him that Mr Moura was possibly on drugs and that Ms A was worried about Mr Moura's mental health. The control room also stated that it was the first time officers had attended as it had been allocated, but was then delayed due to patrols being diverted.</p>
89.	<p>06/07/2018 11.48pm</p> <p>PC Bolger and PC Hudson discussed with Mr Moura about where he lived and his relationship with Ms A. Mr Moura stated that he was currently waiting for his friend '[redacted]', as he was going to [redacted name's] house, but did not have a way to contact him.</p>
90.	<p>06/07/2018 11.49pm</p> <p>PC Healey left Ms A's address and spoke with PC Hudson on the street. PC Healey told PC Hudson that Mr Moura had been doing drugs since 3am and gets quite aggressive, although had not been violent at this time.</p>

	<p>PC Hudson said in his prepared statement that this information did not alter his risk assessment of the situation as he had dealt with many individuals under the influence of drugs previously, and Mr Moura did not present as someone who had been taking drugs for a period of time.</p> <p>PC Healey confirmed to PC Hudson that there were no offences and the police had already attended. It was agreed between the two officers that if Mr Moura had nowhere to go they would arrest him for breach of the peace. PC Healey pointed out that he was worried Mr Moura was going to become aggressive.</p> <p>During this time, PC Bolger continued to speak with Mr Moura about what had happened and him going to his friend [REDACTED].</p>
<p>91. 06/07/2018 11.50pm</p>	<p>PC Healey returned to speak with Ms A, who confirmed that she had called the police on five occasions that day. As a result, PC Healey contacted the control room via his radio to ask about any previous attendances. It was confirmed to PC Healey that there had been approximately five calls from Ms A, with the initial call being at 8.25pm.</p> <p>PC Healey provided a prepared statement to the IOPC during an interview under caution, in which he explained that this information caused a reassessment of the situation as he was concerned that if Mr Moura was sent away from the address he would return, given that he had not left in the last four hours.</p>
<p>92. 06/07/2018 11.51pm</p>	<p>PC Hudson explained to Mr Moura that the police had already attended and he had been advised to leave the area. It was established that Mr Moura's friend [redacted] lived along the street, so PC Hudson asked if there was another address he could take Mr Moura to. Mr Moura said that he could go to his friend '[redacted name's] house, but did not provide an address, although he informed the officers that [friend's] mother was outside in the street. [Friend's] mother was identified as [redacted] and she provided a witness statement to the IOPC, in which she confirmed that she lived along the</p>

		<p>street and had been outside of her house during some of the interaction between Mr Moura and the officers, albeit she could not recall being outside at this particular time.</p> <p>PC Bolger was asked during an interview under caution whether he considered going to speak with [the friend's mother] in order to obtain contact details for ██████, but PC Bolger declined to answer.</p>
93.	06/07/2018 11.53pm	<p>PC Healey returned to speak with PC Hudson, and confirmed to him that there had been five calls from Ms A that evening since about 8pm. PC Hudson therefore decided to 'bring him [Mr Moura] in'.</p> <p>As a result, the three officers spoke with Mr Moura about the previous attendances. At this point. PC Bolger could be heard to say to Mr Moura that 'you're looking at me like I've got two heads...' PC Bolger was asked during an interview under caution to explain what he meant by this comment and how Mr Moura was looking at him, but he declined to answer.</p>
94.	06/07/2018 11.54pm	<p>The officers continued to discuss with Mr Moura whether there was another address he could go to. Mr Moura reiterated that he could go to his friend ██████ but had no contact number or address for him.</p> <p>PC Bolger explained in his prepared statement that he had given Mr Moura several options and even offered to transport him to another address. However, PC Bolger, PC Healey and PC Hudson explained in their prepared statements that they believed Mr Moura was being evasive about where he could go.</p>
95.	06/07/2018 11.55pm	<p>PC Healey spoke with the control room via his radio in order to clarify exactly how many times officers had attended as they were debating whether to arrest Mr Moura. The control room advised PC Healey that officers had not managed to attend, as two patrols had been diverted since 8.25pm.</p>
96.	06/07/2018	<p>PC Hudson informed PC Healey that they should 'just bring him in'. In his prepared statement, PC</p>

11.56pm	<p>Hudson explained that, now he was aware of the length of time the incident had been ongoing and of officers' previous attendance, he believed the only option was to arrest Mr Moura in order to safeguard Ms A.</p> <p>On the BWV PC Bolger was heard informing the other officers that Mr Moura had medication at the address, and Mr Moura could be heard to say that Ms A had his anxiety pills. PC Bolger recalled this in his prepared statement, but explained that many people are on medication for anxiety so he did not have any cause for concern, nor did it alter his risk assessment of the situation, as Mr Moura seemed calm.</p> <p>PC Healey stated that his assessment of the situation did not alter as Mr Moura still needed to be arrested in order to safeguard Ms A and her children.</p> <p>PC Hudson explained in his prepared statement that he did not recall hearing about Mr Moura having anxiety, but if he had, it still would not have altered his assessment of the situation or the decision to arrest Mr Moura.</p> <p>PC Hudson informed the control room that he required a room booking in custody for a male adult who was being arrested for breach of the peace. PC Healey then explained to Mr Moura that he was being arrested in order to prevent a breach of the peace, at which point Mr Moura appeared to begin pleading with the officers not to be arrested. Mr Moura was heard saying 'No, no, no, don't do that to me. Please don't do that to me.....I don't want to go to the police sir'.</p> <p>PC Bolger said in his prepared statement that, upon being told he was going to be arrested, Mr Moura's demeanour altered and it was clear he did not want to be arrested.</p> <p>Mr Moura mentioned his medication again, to which PC Healey replied that he would retrieve the medication.</p>
97. 06/07/2018 11.57pm	Mr Moura made requests to speak to Ms A and his children, at which point the officers advised him to

calm down. The BWV showed PC Healey appeared to be holding Mr Moura's left arm at the wrist and PC Hudson was holding Mr Moura's right arm at the wrist and elbow.

PC Hudson and PC Healey said in their prepared statements that Mr Moura had become uncooperative and they wanted to try and walk Mr Moura to the police van, which he initially started to do, but then Mr Moura stopped. PC Healey went on to explain that Mr Moura was acknowledging what was being said to him and there was nothing to suggest he did not understand.

PC Bolger stepped in front of Mr Moura and said '**listen. If you, if you start resisting, I will get hold of you and you will lose this fight. So do not resist.**' He informed Mr Moura not to tense up and '**do all this**'. PC Bolger explained in his prepared statement that this was a tactic he often used as he was of large build, and it was generally a deterrent to those refusing to cooperate.

Mr Moura appeared to pull himself backwards and turn away from the officers. PC Hudson explained that Mr Moura broke free from their grip, and PC Hudson regarded this as a deliberate attempt to escape. PC Bolger explained within his prepared statement that, had Mr Moura been successful in escaping, he would have presented a risk to the officers as well as Mr Moura's family and members of the public.

A neighbour, Mr C, witnessed this part of the interaction from inside his house and provided a witness statement to the IOPC, dated 26 July 2018. He believed that Mr Moura was attempting to run away from the officers, which was why the officers had taken hold of Mr Moura. Mr C began recording the events on his mobile phone, however, the quality of the recording was affected by both Mr C being inside recording through a window, and it being dark outside.

PC Bolger explained in his prepared statement that he immediately began considering the impact factors of restraining Mr Moura, including Mr Moura's size, possible strength, desire to escape and the fact PC

	<p>Hudson and PC Healey were struggling to restrain Mr Moura. As a result, PC Bolger decided to take hold of Mr Moura by placing his arm around Mr Moura's neck, in what PC Bolger described as a headlock. An officer was heard to say 'down', and Mr Moura was shown on the BWV as being on the ground, with PC Bolger's arm around Mr Moura's neck. PC Bolger explained in his prepared statement that this manoeuvre was performed with minimal force, was done in a controlled manner and he did not apply significant pressure to Mr Moura's neck. His intention was to gain control and compliance from Mr Moura.</p>
98.	
99.	<p>06/07/2018 11.57pm</p> <p>After a few seconds, PC Bolger released his grip of Mr Moura. PC Healey managed to apply handcuffs to one of Mr Moura's wrists, and could be heard telling Mr Moura to stop resisting and give the officer his other arm. Mr C informed the IOPC that he could hear Mr Moura screaming, and although he was not fighting with the officers, he was resisting by not giving the officers his hands, and 'throwing his weight about'.</p>
100.	<p>06/07/2018 11.58pm</p> <p>PC Bolger said 'I'll put him to sleep', but Mr Moura managed to get himself back on his feet. PC Healey and PC Bolger took hold of him, and PC Healey continued to tell Mr Moura to give the officers his other arm. The BWV showed Mr Moura's t-shirt was torn and his shorts appeared to have fallen down.</p> <p>PC Hudson was seen on the BWV holding CS spray in his hand. PC Healey instructed him to use the spray as Mr Moura only had one handcuff on and it could have been used by Mr Moura as a dangerous weapon. PC Hudson said 'Chris spray mate, Chris spray' and then 'clear, spray'. PC Hudson then appeared to deploy his CS spray towards the direction of Mr Moura.</p> <p>PC Hudson explained in his prepared statement that verbal commands had not worked to gain Mr Moura's compliance, and handcuffs had only been applied to one wrist, so they did not have full control</p>

of Mr Moura. As a result, he feared for the safety of himself and his colleagues. PC Hudson considered his options, and decided that his baton could have caused injuries to his colleagues, and delivering distraction strikes was not something he generally felt comfortable in doing. Therefore, he decided to deploy his CS spray in a short burst, lasting less than a second.

However, PC Hudson explained in his prepared statement that Mr Moura continued to shout and struggle after the first deployment of the CS spray, therefore, he believed it had not made contact with Mr Moura, but had made contact with PC Bolger instead. PC Bolger confirmed within his prepared statement that the spray did make contact with him and his face immediately began to burn up, his eyes started streaming and his breathing was affected. PC Healey said in his prepared statement that he also began to immediately suffer from the effects of the CS spray, including a burning sensation in his throat, stinging in his eyes and struggling to see.

As a result, approximately eight seconds later, PC Hudson said '**clear, spray**' again and appeared to deploy CS spray a second time into the area of Mr Moura's face. PC Hudson said in his prepared statement that he believed the second deployment of the CS spray only made contact with the side of Mr Moura's face, rather than just above the eyes, which was where he had intended the spray to make contact. He said Mr Moura continued to shout, scream, and resist attempts to control him.

PC Hudson said his concerns were growing at this stage as it was clear that Mr Moura was not going to comply or listen to instructions and, if Mr Moura escaped from them, there was a risk to the officers as well as Mr Moura's family. PC Hudson also said in his prepared statement that he believed PC Bolger was struggling from the effects of the CS spray. As a result, PC Hudson held his CS spray towards Mr Moura's eyes and deployed a third short burst.

PC Hudson was asked by the IOPC during an interview under caution to estimate the distance he was from Mr Moura when the CS spray was used on

		<p>all three occasions and, if it was less than one metre away, to explain his rationale for this. However, PC Hudson declined to answer.</p> <p>Mr C recalled Mr Moura being subject to the CS spray and stated that, after this, Mr Moura continued to scream, but he believed the screams changed and Mr C could tell that Mr Moura was hurt.</p>
101.	06/07/2018 11.59pm	<p>PC Healey requested via his radio that the control room send another patrol to assist them. PC Craig O'Brien confirmed over his radio that he would attend.</p> <p>Mr Moura had been moved by the officers and appeared to be stood next to a small wall with some metal railings on top, bent forward. He was being held by the officers and was not handcuffed. He also did not appear to have any clothes on.</p> <p>The officers said in their prepared statements that Mr Moura kept grabbing the railings, which prevented them from moving him.</p> <p>PC Healey stated in his prepared statement that he applied pressure on Mr Moura's knuckle in order to release his grip of the fence, which worked.</p> <p>PC Hudson used his radio to inform the control room that CS spray had been deployed.</p>
102.	07/07/2018 12am	<p>The officers made efforts to handcuff Mr Moura, and whilst doing so, PC Bolger informed Mr Moura that he was going to get Tasered.</p> <p>PC Bolger clarified in his prepared statement that neither he nor his colleagues had a Taser, and he said this in an effort to gain compliance from Mr Moura, but it did not work.</p> <p>An officer said to Mr Moura 'I'll put pressure onto your wrist' and then 'get the fuck.' It is not clear which officer said this. At this point, PC Bolger appeared to hit Mr Moura approximately three times with his fist.</p> <p>Within his prepared statement, PC Bolger explained that Mr Moura had assaulted him by grabbing his testicles and applying pressure to them. PC Bolger was in pain, and in order to defend himself, get Mr</p>

	<p>Moura to release his grip, and attempt to move Mr Moura's arm behind his back, he delivered a number of punches, which he described as distraction strikes. He was not sure how many punches he delivered to Mr Moura, but stated that he stopped as soon as Mr Moura had released his grip of PC Bolger's testicles. His intention was to strike Mr Moura to the side of the face, but he could not be certain where the punches landed.</p> <p>The positioning of the BWV cameras (i.e. on officers' chests) meant that it did not show Mr Moura grab PC Bolger's testicles.</p> <p>During an interview under caution, PC Bolger was asked to provide more information in relation to this, including whether he informed other officers of Mr Moura grabbing him, whether he considered arresting Mr Moura for assaulting a police officer, and whether PC Bolger sought medical assistance after this. However, he declined to answer all questions.</p> <p>PC Bolger stated that the distraction strikes enabled the officers to manoeuvre Mr Moura's arm behind his back and apply the handcuffs.</p> <p>Mr Moura appeared to be screaming and shouting for help. PC Bolger, PC Healey and PC Hudson confirmed within their prepared statements that they believed Mr Moura's behaviour was due to a refusal to cooperate, and it was not due to anything that required medical assistance.</p>
<p>103. 07/07/2018 12.01am</p>	<p>Mr Moura was handcuffed using two sets of handcuffs due to his size. Mr Moura continued to shout for help and was saying that he was naked.</p> <p>PC Bolger was heard to say argh', and the BWV showed him lift his knee towards Mr Moura's stomach area approximately seven times, whilst saying 'fucking fucker', and then strike him once with a closed fist. At this point, PC Hudson was talking to the control room via his radio, confirming that they still required back up, but then turned to PC Bolger and said 'Chris, Chris, leave it, leave it, let's get him in the van, come on'.</p>

	<p>PC Bolger explained within his prepared statement that Mr Moura had grabbed hold of the railing behind himself and PC Bolger had attempted to stop him from doing so. As he was doing this, Mr Moura grabbed PC Bolger's fingers and twisted them, which caused PC Bolger to scream out in pain. PC Bolger explained that, due to this further assault, and the fact Mr Moura was still resisting, he delivered a number of distraction knee strikes to the upper thigh/side of Mr Moura's body and a punch to his side. He stated that he believed he used minimal force in order to achieve his intention of releasing Mr Moura's grip on him. This had the desired effect and PC Bolger did not note any injuries to Mr Moura.</p> <p>The positioning of the BWV cameras (i.e. on officers' chests) meant that it did not show Mr Moura grab PC Bolger's fingers and twist them.</p> <p>PC Bolger was asked a number of questions during an interview under caution in order to obtain information around whether he could have used verbal commands rather than physical force or asked his colleagues to assist, but PC Bolger declined to answer. PC Healey stated he witnessed PC Bolger apply the knee strikes, but was not aware of the reason they were required.</p> <p>PC Hudson stated that he told PC Bolger to 'leave it' as he believed they needed to get Mr Moura to the police van quickly and that they would need assistance from other officers given the resistance Mr Moura was displaying.</p>
<p>104. 07/07/2018 12.02am</p>	<p>Mr Moura remained standing by the wall being held by the officers. PC Hudson told Mr Moura that his eyes would clear up and not to rub them, to which Mr Moura replied 'you hurt me'.</p> <p>PC Hudson said in his prepared statement that he could not recall this comment being made by Mr Moura, but said this was a normal response from someone who had just been involved in a struggle. Therefore, this would not have caused him concern or changed his assessment of the situation if he had heard it at the time.</p> <p>PC Bolger said in his prepared statement that Mr</p>

	<p>Moura had no visible injuries, but he was asked during an interview under caution whether he made any attempts to find out where Mr Moura was hurting, and PC Bolger declined to answer this question. He did, however, say in his prepared statement that he did not believe Mr Moura required any medical assistance as he considered Mr Moura's actions to be a refusal to cooperate.</p> <p>The neighbour, Mr C, informed the IOPC that he witnessed the knee strikes and was so sickened by what he saw that he went out from his house onto the street. He informed the officers that he thought the knee strikes were a bit excessive. Mr C explained in his witness statement that, although Mr Moura was resisting the arrest, he was not fighting with the officers and had not thrown any punches at them. PC Hudson advised Mr C that everything was on camera and to go back into his house.</p> <p>Mr Moura continued to scream and appeared to be shouting '[redacted]' in a high pitched voice.</p> <p>Mr C believed that Mr Moura's tone in his voice had changed and his shouting sounded like it was more 'respiratory' as if it was coming from deep in his lungs.</p> <p>Mr C's partner, Ms D, also provided a statement to the IOPC, in which she explained that Mr Moura sounded like he was in distress and pain.</p>
<p>105. 07/07/2018 12.03am</p>	<p>PC 2, PC Andrew Bebb and PC 1 arrived at the incident following the request for assistance.</p> <p>PC 1 provided a prepared statement to the IOPC during an interview under caution, in which he stated that he recalled attending the area of the address earlier that day, when he was requested to search for Mr Moura. He was aware from the details of the earlier attendance that Mr Moura had been taking drugs.</p> <p>PC 2 said in a prepared statement that he was also aware Mr Moura was under the influence of drugs, as he knew from colleagues earlier that day that they had already attended the address in relation to a man being under the influence of drugs, possibly</p>

cocaine.

PC Hudson asked PC 2 to advise Mr C to go back in his house, and PC Bolger asked PC Bebb to assist them in getting Mr Moura into the police van. At this point Mr Moura was crouched down, naked and handcuffed to the rear.

The officers appeared to be telling Mr Moura to get up and walk, to which Mr Moura informed them that he could walk. However, the officers began discussing whether any of them had leg restraints.

PC Hudson explained in his prepared statement that Mr Moura had put himself on his knees on the ground, which PC Hudson believed was an indication of Mr Moura refusing to cooperate.

PC 2 returned from speaking with Mr C and he, along with PC Bolger, PC Healey, PC Hudson and PC 1 held Mr Moura's arms and legs and lifted him up off the ground. They carried Mr Moura by his arms and legs towards the rear of the police van, with Mr Moura facing down towards the ground.

PC Bolger said in his prepared statement that having to carry Mr Moura did not concern him given he believed Mr Moura was refusing to co-operate.


The officers put Mr Moura on the ground, lying face down in front of the rear doors of the police van. Mr Moura was still asking for help and saying that he was naked in a loud, high-pitched voice.

PC Hudson, PC Healey, PC 1 and PC 2 said in their prepared statements that it was necessary to put Mr Moura on the ground as, due to his size, they were struggling to keep hold of him, and they also wanted allow Mr Moura another chance to get into the police van himself.

PC Bebb also provided a prepared statement to the IOPC during an interview under caution, in which he explained that there was no concern regarding Mr Moura's condition and officers were monitoring him. PC Bebb was asked by the IOPC during an interview under caution who was monitoring Mr Moura, but he declined to answer.

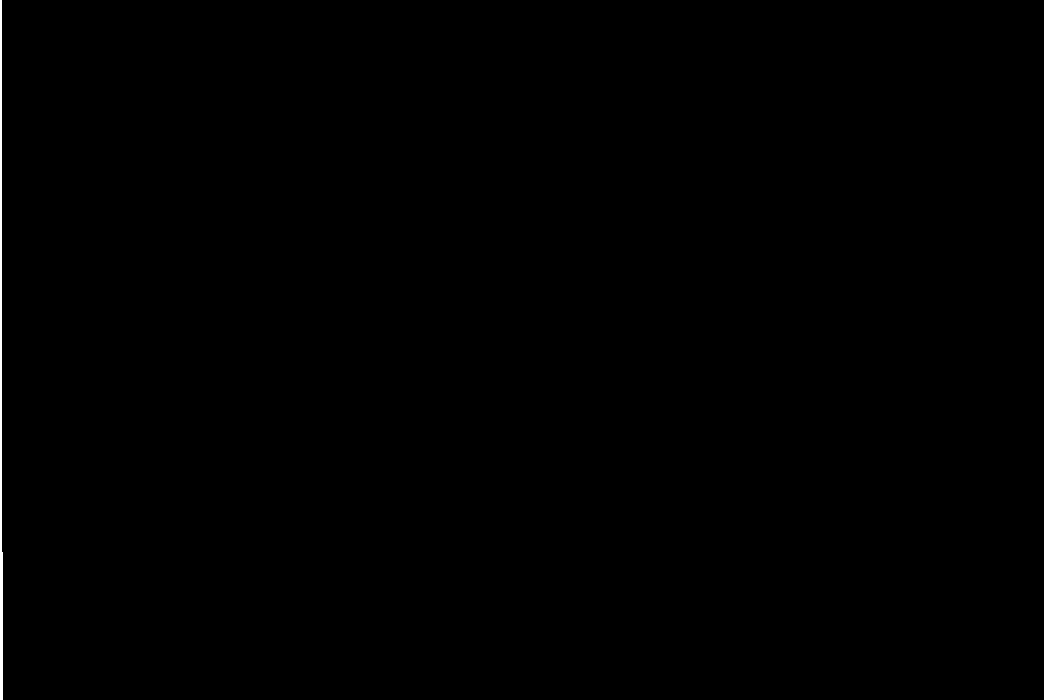
106.	07/07/2018 12.04am	<p>PC Healey informed Mr Moura that it was his last chance to stand up and walk into the police van, to which Mr Moura replied 'okay, I'm naked'.</p> <p>PC Hudson and PC Bolger said in their prepared statements that they knew Mr Moura was naked, but this did not cause them any concerns and they believed Mr Moura's clothes had come off because of the struggle.</p> <p>In his prepared statement, PC Healey acknowledged that Mr Moura was naked and would want his clothes, but it was not appropriate to leave Mr Moura to get the clothes given the way he was behaving.</p> <p>Mr Moura did not appear to stand up himself, so PC Bolger and PC Hudson lifted Mr Moura off the ground by his arms. PC Bebb climbed into the rear of the police van before Mr Moura and assisted the officers by pulling Mr Moura into the van head first. This was done by PC Bebb holding both of Mr Moura's arms.</p> <p>The van Mr Moura was placed in consisted of a small cage at the back, with two benches on either side. This caged area measures 80cm deep by 160cm wide.</p> <p>There was also a separate area in between the caged part and the front seats, which had another seat in it.</p> <p>[REDACTED]</p>
107.	[REDACTED]	
108.	[REDACTED]	
109.	07/07/2018 12.04am	<p>Mr Moura was placed in the van in the area between the two benches, where a person's feet would go if they were sitting on the bench.</p> <p>He was placed face down on the floor, with his legs hanging out of the van, as shown below;</p>
110.	[REDACTED]	
111.		<p>PC Hudson explained within his prepared statement that the cage door could not be shut as Mr Moura was not in the van properly. He further explained that</p>

	<p>Mr Moura was placed on his front as it was not practically possible, due to the lack of room in the van, to move him to another position. PC Hudson did not consider there to be a risk by lying Mr Moura in this position as it was only for a short period of time, and Mr Moura was constantly being monitored. During an interview under caution, PC Hudson was asked by the IOPC who was constantly monitoring Mr Moura, but he declined to answer.</p> <p>PC 3 arrived at the address and PC Healey asked him to go inside Mr Moura's house and get some clothes for Mr Moura. PC Healey can be heard saying on the BWV that he was reluctant to enter the address as he was covered in CS spray and there were children inside the house.</p> <p>PC Tracy Ainsworth-Wrigley arrived following the request for assistance. Her BWV showed her approach the police van and look towards Mr Moura.</p> <p>In a prepared statement provided to the IOPC during an interview under caution, PC Ainsworth-Wrigley said that she was not concerned for Mr Moura when she saw him, and she considered the noises he was making ('Ahh, Ahh') to be common for a detainee, so believed there was nothing to indicate that Mr Moura required medical assistance.</p> <p>PC Craig O'Brien also arrived at this time, although did not activate his BWV immediately. He went over to the police van to see if his assistance was required.</p>
<p>112. 07/07/2018 12.05am</p>	<p>Mr Moura remained lying face down in the van and was heard making noises, although it was not clear what he was saying.</p> <p>PC Bebb, PC 2, PC Craig O'Brien and PC Ainsworth-Wrigley assisted with trying to put Mr Moura fully into the police van, whilst PC Bolger and PC Hudson appeared to be experiencing the effects of the CS spray, including heavy breathing and sore eyes.</p> <p>PC 4 arrived at the address and PC Healey, who was stood to the side of the police van, asked her to go and obtain details of the incident from Ms A.</p>

		BWV of both PC 3 and PC 4 showed them going into Ms A's house. Ms A handed PC 3 some clothes, and began talking with PC 4. PC 4 provided a prepared statement to the IOPC during an interview under caution, in which she said Ms A informed her of Mr Moura taking drugs, but the officer was not concerned as this was very common when attending incidents such as this. Ms A also informed her that Mr Moura took medication for anxiety and provided her with the medication.
113.	07/07/2018 12.06am	PC Bebb, PC Craig O'Brien, and PC 2 placed Mr Moura fully inside the police van, so that he was lying down on his front with his legs bent inside the foot well area of the van, as shown in the picture below;
114.		
115.	07/07/2018 12.06am	<p>The cage door inside the van was closed and Mr Moura could not be heard making any noises.</p> <p>PC Hudson acknowledged in his prepared statement that Mr Moura had stopped making noises and did not appear to be moving, but said that he was aware Mr Moura could be faking illness or refusing to engage with officers.</p> <p>Approximately 30 seconds later, PC Craig O'Brien asked officers to lift Mr Moura up as he was making some 'funky noises'. He said in a prepared statement provided to the IOPC that the noise Mr Moura made was a 'type of grunt.' Questions were asked of PC Craig O'Brien during an interview under caution as to what his concerns were about this particular noise, but he declined to answer.</p> <p>PC Craig O'Brien explained within his prepared statement that he was conscious of potential issues, such as positional asphyxia, so he decided to open the cage door inside the police van in order to re-position Mr Moura. He went inside the van and Mr Moura was lying on the floor on his left hand side, with his legs bent at a 90° angle.</p> <p>PC Healey advised that Mr Moura should be placed in the recovery position. He said in his prepared statement that he looked in at Mr Moura and</p>

	believed he was lying on his stomach, which may have restricted his breathing. PC Healey thought Mr Moura should be placed in the recovery position as he was concerned about positional asphyxiation. He and PC Craig O'Brien turned Mr Moura over so he was lying in the position below;
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116.



117.

	Both PC Healey and PC Ainsworth-Wrigley were saying Mr Moura's name and began shaking him. In his prepared statement, PC Healey stated that Mr Moura did not acknowledge his name being said, but he saw chest movements and heard Mr Moura making some noises, so was satisfied Mr Moura was breathing. PC Healey was asked during an interview under caution what the noises were that could be heard, but he declined to answer.
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118.

07/07/2018 12.07am	PC Ainsworth-Wrigley said in her prepared statement that she decided to conduct a welfare check on Mr Moura, and asked him to ' wake up '. PC Ainsworth-Wrigley was asked during an interview under caution what she meant by a welfare check, and whether this would have consisted of checking Mr Moura's breathing. However, she declined to answer this question. Whilst checking on Mr Moura, PC Ainsworth-Wrigley noticed that he was bleeding. She described this in
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	<p>her prepared statement as a very small amount of blood coming from Mr Moura's nose, which she had assumed was from a struggle with the officers. PC Craig O'Brien also confirmed in a further prepared statement that he was aware of some blood around Mr Moura's top lip and thought this was due to the struggle with officers. Subsequent scene photographs of the police van Mr Moura was in showed some blood was visible as shown in the picture below;</p>
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119.



120.

07/07/2018
12.07a

PC Healey had stepped away from the van, and PC Ainsworth-Wrigley asked him to request an ambulance. PC Ainsworth-Wrigley informed the IOPC that this was a precautionary measure as, other than the blood coming from Mr Moura's nose, there were no other injuries, and PC Ainsworth-Wrigley was satisfied that he was breathing as she had a clear view of his chest and could see it rising. PC Ainsworth-Wrigley was asked at interview why she felt an ambulance was necessary, if her only concern was that Mr Moura had a bleeding nose. She declined to answer this question.

PC Healey immediately contacted the control room via his radio and asked for an ambulance to attend as Mr Moura was in the back of the van and appeared to be breathing, but not responding to the officers. PC Healey said in his prepared statement that he wanted to request an ambulance straight away as he was aware of the demand placed on the ambulance service, and their response can sometimes be delayed as police officers are first aid trained. He said he was not aware of Mr Moura's full condition, but did not wish to delay the request.

In the meantime, PC Ainsworth-Wrigley continued to try and speak with Mr Moura, and tried to lift his head up.

121.



122.

07/07/2018
12.07am

PC Craig O'Brien advised PC Ainsworth-Wrigley not to get Mr Moura out of the police van in case he was '**just bluffing**', to which PC Ainsworth-Wrigley

		<p>responded that she was just attempting to sit Mr Moura up. PC Craig O'Brien explained within his prepared statement that he was considering the potential for Mr Moura to become unwell and require medical assistance, but he was also aware that Mr Moura may have been seeking to delay his transport to custody by pretending to be unresponsive. He declined to explain during an interview under caution what checks he performed in order to assess whether Mr Moura had become unwell or was just bluffing.</p> <p>PC Healey made further contact with the control room to advise that Mr Moura was in the recovery position and officers were attending to him, but that they could just do with an ambulance to check Mr Moura over. At this point, PC 3 came out of Ms A's house and stood by the officers. PC 3 provided a prepared statement to the IOPC during an interview under caution and said that he had heard the request for an ambulance, but was not aware of what had happened and, as there were a number of officers already with Mr Moura, he did not believe he needed to assist.</p>
123.	07/07/2018 12.08am	<p>PC Bebb and PC Craig O'Brien lifted Mr Moura into a sitting position, and Mr Moura did not appear to make any sound. PC Bebb explained within his prepared statement that they placed Mr Moura on his bottom as it made more sense than trying to lift him in a confined space.</p> <p>As they sat Mr Moura up, PC Bebb and PC Craig O'Brien agreed that Mr Moura was 'bracing' himself. PC Hudson relayed this information to PC Healey, who contacted the control room to confirm that Mr Moura was responding, sitting up and bracing himself, but an ambulance was still required to check him over. However, PC Craig O'Brien informed PC Healey that Mr Moura was fine and was bracing himself. This resulted in PC Healey cancelling the ambulance.</p>
124.	[REDACTED]	
125.	07/07/2018	Within his prepared statement, PC Bebb said that he

12.08am	<p>saw Mr Moura's hands go from being held loosely, to them both moving to a position where his thumbs pointed out and his finger splayed, to form an 'L' shape. PC Bebb believed Mr Moura did this to protect his back and make himself more comfortable.</p> <p>PC Craig O'Brien said that he saw Mr Moura spread his fingers in a position to cushion his back against the side of the van seat, which led him to believe that Mr Moura was being responsive to the officers' actions.</p> <p>During interviews under caution, both PC Bebb and PC Craig O'Brien declined to demonstrate what position Mr Moura's fingers were in prior to them moving, or how much they had moved.</p> <p>PC Bebb went on to say in his prepared statement that detainees who have had CS spray used on them should be taken to custody for decontamination before attending hospital unless it is a serious emergency. He did not consider this to be a serious emergency. PC Bebb declined to answer questions during interview about how he was aware of this information.</p> <p>PS 8, a training officer at GMP provided an account to the IOPC. He confirmed that there is no reference within the CS spray guidance to whether a person should be taken to custody or hospital, they just need to be taken to an uncontaminated area.</p> <p>PC Hudson said in his prepared statement that he told PC Healey Mr Moura was responding and tensing up as this was based on the information he was provided by PC Craig O'Brien and PC Bebb.</p> <p>PC Healey said that it was his honestly held belief that Mr Moura was fine and responding as this was the information he had been passed by officers. He said he had no reason to doubt the officers' judgement as he had complete faith and trust in his colleagues.</p> <p>PC Bolger, PC 2, PC Ainsworth-Wrigley, PC 1, PC 4 and PC 3 all made reference within their prepared statements to them placing their trust in the officers who were dealing with Mr Moura. As a result, they believed there was no requirement for them to</p>
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	<p>assist, or perform their own assessment of Mr Moura's condition.</p> <p>In the meantime, PC Bolger commented to PC Hudson that when he had Mr Moura in a 'sleep', they should have left him as he 'went asleep'.</p> <p>PC Bolger explained in his prepared statement that, at the time, he regretted not keeping Mr Moura in control on the ground as the incident may not have escalated in the way that it did. He said he had no intention of putting Mr Moura to sleep when he had him restrained on the ground, and admitted that this comment was unnecessary and was simply made as a result of his own embarrassment and frustration at having lost control of Mr Moura.</p>
<p>126. 07/07/2018 12.09am</p>	<p>PC Hudson told PC Craig O'Brien that he could see Mr Moura's 'belly moving and all that'.</p> <p>PC Hudson explained in his prepared statement that he saw Mr Moura's stomach moving up and down, which satisfied him that Mr Moura was not in need of medical assistance. PC Hudson was asked during an interview under caution whether he conducted any other checks on Mr Moura, but he declined to answer.</p> <p>All the officers moved away from the rear of the police van, whilst PC Bebb stood at the entrance to the side of the van. Discussions were heard on the BWV in relation to how the CS spray had affected PC Bolger, PC Hudson and PC Healey.</p> <p>In their prepared statements provided to the IOPC, all officers referred to their colleagues experiencing the effects of the CS spray. However, they did not explain whether they made any considerations about Mr Moura experiencing the effects during this time. All officers were asked during interviews under caution whether they made any considerations, or whether they believed Mr Moura was suffering from the effects of the CS spray, but they declined to answer these questions. They were also asked about whether they were aware of the policies in relation to the use and aftercare of CS spray, and they declined to answer the questions.</p>

	<p>PC Bebb then got into the side of the van, which was between the caged area and the driver's seat, and appeared to look in through the cage door at Mr Moura. There was a seat in this area, which PC Bebb sat down on. Mr Moura was not heard making any noises.</p> <p>PC Bebb said in his prepared statement that he observed Mr Moura and could see he was clearly breathing due to the movement in his chest. PC Bebb said he also banged on the cage with his hand in order to attempt to obtain a response from Mr Moura. He said he believed Mr Moura was capable of responding, but was refusing to do so.</p>
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127.



128.

<p>07/07/2018 12.11am</p>	<p>PC 4 returned from speaking with Ms A with a bag containing medication, which she handed to PC Healey.</p> <p>In her prepared statement, PC 4 said that she did not discuss anything with PC Healey about the medication, as she knew any information about Mr Moura being on medication would be discussed with the custody sergeant, and a nurse if required. PC 4 was asked by the IOPC during an interview under caution to explain whether she thought this information could have been useful to the officers dealing with Mr Moura, in case he suffered an anxiety attack, but she declined to provide an answer.</p> <p>PC 3 also advised that he had put the bag containing Mr Moura's clothes in the police van.</p> <p>PC 3, PC Bolger, PC 1, PC Healey and PC Hudson stood outside of the van and discussed the circumstances of Ms A's call to GMP and the use of the CS spray.</p>
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129.

<p>07/07/2018 12.12am</p>	<p>The above officers discussed who was going to take Mr Moura to custody. PC Bebb advised that he did not think three officers could carry Mr Moura and that was 'if custody even accept him cos I [PC Bebb] don't think they will.' PC Bebb confirmed within his prepared statement that he meant this in relation to the offence Mr Moura had been arrested for, and not</p>
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	<p>in relation to his condition at the time.</p> <p>PC Hudson responded, stating that it was custody's call, as 'we've got nowt else on him.' PC Hudson provided a further prepared statement to the IOPC in relation to this conversation and clarified that he understood this was said in relation to the offence Mr Moura had been arrested for, rather than concerns about his medical condition.</p> <p>PC 4 said in her prepared statements that she heard these comments and was not concerned that Mr Moura would need carrying into custody as she believed this happened 'quite often' when a person had resisted arrest, as they could refuse to get out of the van upon arriving at custody. Furthermore, she believed the comment about custody not accepting Mr Moura was in relation to the offence he had been arrested for.</p>
<p>130. 07/07/2018 12.12am – 12.24am</p>	<p>PC 2 and PC Bebb transported Mr Moura to custody in the police van. PC 2 drove the van, whilst PC Bebb sat in the side section, which overlooked Mr Moura in the cage area.</p> <p>PC 2 and PC Bebb said in their prepared statements that they turned the extractor fan on inside the cage area in order to assist Mr Moura in recovering from the effects of the CS spray.</p> <p>PC Bebb said that, throughout the journey to custody, he saw Mr Moura's chest and back rise and fall, which confirmed that he was still breathing. He also recalled seeing Mr Moura move his right leg and his head. PC Bebb was asked during an interview under caution to describe how Mr Moura's leg moved or demonstrate how it moved, but he declined to answer.</p> <p>PC Bebb went on to note in his prepared statement that the Plexiglass between him and Mr Moura steamed up during the journey, which was common during cold nights, and he had to move to look through the small gap between the door and the cage area. PC Bebb was asked during interview under caution whether the glass steaming up would have been common on a summer evening, but he</p>

		<p>declined to answer.</p> <p>PC Bebb also said in his prepared statement that he made attempts to talk to Mr Moura, but received no response, which PC Bebb assumed was either because Mr Moura could not hear him over the fan or he was refusing to respond. As a result of these factors, PC Bebb had no concerns for Mr Moura's condition.</p> <p>At one point during the journey, PC 2 recalled being stopped at a red traffic light and looking back at Mr Moura. He said his view was not the best, but he saw Mr Moura's chest rising, which indicated that he was breathing. He also recalled PC Bebb telling Mr Moura where they were going and that they were nearly there, but he was unable to hear whether Mr Moura responded to this due to the noise of the extractor fan.</p>
131.	07/07/2018 12.17am	<p>An entry was placed on the FWIN by a custody sergeant, PS 9, to ask for confirmation of whether Mr Moura was getting medical treatment before coming into custody. PS 9 provided a witness statement to the IOPC, in which he said that custody detention officer (CDO) 10 made him aware of the FWIN, as something was not right – 'He said words to the effect of 'there's something not right here''. PS 9 was concerned as Mr Moura had been placed in the recovery position and an ambulance had been requested, but the next update on the FWIN was that Mr Moura was coming into custody. PS 9 stated that the comment on the FWIN did not receive a reply from the officers.</p>
132.	07/07/2018 12.24am	<p>CCTV obtained from the custody suite showed that the police van with Mr Moura in arrived in the van dock, and was followed by PC Healey and PC Hudson, who walked in behind the van. The CCTV obtained from the van dock did not contain any audio footage, although footage from inside the custody suite did have audio.</p> <p>PC Healey said in his prepared statement that he asked PC 2 if Mr Moura was okay as he wanted to inform the custody sergeant if Mr Moura was likely to become aggressive. He was informed that Mr Moura</p>

	<p>had been fine throughout the journey.</p> <p>PC Healey went into custody, whilst PC Hudson, PC Bebb and PC 2 all went to the rear of the van and opened the doors.</p>
<p>133. 07/07/2018 12.25am</p>	<p>PC Healey entered the custody suite and spoke with a custody sergeant, PS 11. He informed PS 11 that Mr Moura was refusing to walk so they required some assistance to get him into custody. PS 11 advised that he had seen the FWIN, which indicated Mr Moura was unresponsive, and enquired as to whether Mr Moura could walk and talk, and whether he was drunk. PC Healey explained that there had been a struggle, Mr Moura was now refusing to walk and that he had been taking drugs. He said that Mr Moura was 'just not co-operating.' PS 11 asked PC Healey whether he was worried about Mr Moura medically and whether the nurse needed to have a look at him, to which PC Healey responded with 'by all means'. In his prepared statement, PC Healey said that it was still his honestly held belief that Mr Moura had been refusing to cooperate.</p> <p>In the meantime, both PC Bebb and PC Hudson were seen leaning into the police van in the van dock area. PC Bebb opened the cage doors at the back of the van. PC Hudson and PC 2 were also present. Mr Moura appeared to be in the same position as he was when the van left scene. He appeared to be lying on his side and was not moving.</p> <p>PC Bebb and PC Hudson moved Mr Moura's legs from within the cage, straightening them, with the result that Mr Moura's legs were hanging out of the rear of the van. PC Hudson then appeared to move Mr Moura's arm and PC Bebb appeared to put his arms around Mr Moura's waist and move his lower body. The two officers then appeared to move Mr Moura slightly onto his side, and PC Bebb kept his hand on Mr Moura's side.</p> <p>PC Bebb said in his prepared statement that he could still see Mr Moura breathing, but decided to conduct a capillary refill check, which consists of pressing a person's fingernail. He stated that the colour returned to Mr Moura's fingernail when</p>

	<p>pressed. He said PC Hudson also did this check, with the same result. PC Bebb was asked during an interview under caution why he performed this check if he was already satisfied that Mr Moura was breathing, but he declined to answer.</p> <p>PC 2 stated that he remembered either PC Bebb or PC Hudson say that Mr Moura had just opened one eye, so he went to the custody desk to inform the custody sergeant of this.</p> <p>PC Bebb confirmed in his prepared statement that it was PC Hudson who made this comment.</p> <p>PC Hudson stated within his prepared statement that he had no recollection of the events whilst in custody, so was unable to confirm whether he said Mr Moura had opened an eye.</p>
<p>134. 07/07/2018 12.27am</p>	<p>PC Bebb explained in his prepared statement that he recalled Mr Moura moving his right leg away from PC Bebb's hand. He also said he then went into the middle of the van with the aim of conducting further checks on Mr Moura's pulse. He declined to answer during an interview under caution as to whether he did actually perform these checks.</p> <p>PC Healey, PS 11, PS 12 and the nurse PL, went out to the van dock. The nurse was heard saying 'Andre' on a number of occasions.</p> <p>PC Healey said in his prepared statement that PC Bebb confirmed to the nurse that Mr Moura had just kicked out and that he had felt a pulse when he checked on him. PC Bebb also stated that he did not believe the nurse was concerned by the appearance of Mr Moura at that point.</p> <p>Nurse PL provided a statement to the IOPC, in which she confirmed that she went into the van and immediately the 'gas (CS spray) made my eyes water and choked me' and she had to lean out of the van to catch her breath. She said she tried to rouse Mr Moura, but there was no response. She also attempted to check for a pulse, but could not find one. As a result, she asked officers to get Mr Moura out of the van.</p> <p>Once out of the van she 'quickly assessed him</p>

		<p>and it was evident he wasn't breathing, no pulse was felt, and no chest movement was seen.'</p> <p>Nurse PL and the officers performed CPR, and a defibrillator was brought out from custody.</p> <p>Mr Moura remained naked during this time. PC Hudson and PC Healey were asked during an interview under caution whether they considered getting Mr Moura's clothes or putting blankets over him, but they declined to answer.</p>
135.	07/07/2018 12.35am	<p>PS 9 contacted the North West Ambulance Service (NWAS) to report that Mr Moura was unresponsive and not breathing. PS 9 recalled in his witness statement that he called the ambulance as he had gone to the van dock and seen Mr Moura lying on the ground, and it looked like he had already passed away.</p>
136.	07/07/2018 12.45am	<p>Senior Paramedic SW arrived at custody. He provided a witness statement to the IOPC, in which he stated that, upon arrival, he saw Mr Moura on the ground and an officer was doing chest compressions on him. He recalled speaking to the custody nurse, who informed him that an officer had requested she see Mr Moura as he was 'barely conscious', but there had been some eye movement from him.</p>
137.	07/07/2018 12.47am	<p>Paramedics [redacted], Student Paramedic [redacted], and Ambulance Technician [redacted] arrived in custody in an ambulance, and medical treatment was given to Mr Moura.</p> <p>[Redacted] all provided witness statements to the IOPC, in which they recalled that a lot of CS was coming from Mr Moura. Ms [redacted] said that it made her eyes and throat hurt, and Ms [redacted] said that her eyes were 'streaming' because of it.</p>
138.	07/07/2018 1.06am	<p>PC Hudson placed an entry in his pocket notebook (PNB) containing details of the officers, paramedic and nurse who were present with Mr Moura in the van dock. There was no mention in his PNB of the actual incident or the use of CS spray. PC Hudson was asked during an interview under caution whether he was aware of the policy stating that use of CS spray should be recorded in a PNB, or</p>

		whether he recorded it anywhere else, but he declined to answer.
139.	07/07/2018 1.09am	Mr Moura was taken to hospital by the paramedics, arriving there at 1.15pm. He was subsequently pronounced dead at 1.30pm. Mr Moura's Accident and Emergency (A&E) records showed that he was expelling CS during CPR, which caused staff to cough and their tongues to burn.
140.	07/07/2018 1.16am	Inspector D contacted the control room via his radio to report that Mr Moura had died in custody. FWIN 070718/0177 was created as a result.
141.	07/07/2018 2.04am	DS 2 confirmed within his day book that he attended Ashton Police Station to discuss the outstanding actions following Mr Moura's death. One of the actions noted was to inform Mr Moura's next of kin.
142.	07/07/2018 2.04am – 2.55am	DS 2 provided a witness statement to the IOPC, in which he explained that, following the briefing, he conducted some research on Mr Moura, including checking previous FWINs and DASH's.
143.	07/07/2018 2.55am	DS 2 stated that he went to collect DC 1 from Oldham Police Station, as DC 1 had been allocated as the Family Liaison Officer (FLO).
144.	07/07/2018 4.10am	DS 2 noted in his day book that he attended Mr Moura's address with DC 1 and informed Ms A of Mr Moura's death. DS 2 said in his witness statement that he has delivered a number of death messages and believed that a period of two to two and a half hours between someone dying and the death message being delivered was not unusual. DC 1 provided a witness statement to the IOPC, in which he also confirmed that he had no concerns about the length of time it took. He stated that Ms A had been sleeping when they attended, so there was no opportunity for her to find out by any other means, such as social media.
145.		A subsequent post-mortem of Mr Moura determined the cause of death to be ' cocaine toxicity resulting

	<p>in hyperthermia and acute behavioural disturbance, in association with obesity and struggling against restraint’.</p> <p>All officers said in their prepared statements that they had been trained in acute behavioural disturbance (ABD), but that they did not believe Mr Moura showed any symptoms of ABD during their dealings with him.</p> <p>The post-mortem report also confirmed the following;</p> <ul style="list-style-type: none"> • That PC Bolger placing his arm around Mr Moura’s neck would not have affected Mr Moura’s breathing given the very short period the hold was maintained for, and the fact Mr Moura was still alive and continuing to struggle after this. • That it was not possible to determine whether the CS spray contributed to Mr Moura’s difficulties in breathing, although CS spray could be ineffective on individuals with ABD. • That Mr Moura had a number of deep bruises on the upper half of his torso, which would be consistent with the punches and knee strikes delivered, but would not have caused or contributed to Mr Moura’s death.
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> Other evidence

	Doc ref	Personal Safety Trainer expert opinion
147.	██████	<p>Personal Safety Trainer (PST) 1 provided a report to the IOPC in relation the use of force and restraint that was used on Mr Moura. PST 1 is registered with the College of Policing as an associate tutor and regularly delivers personal safety training (PST). He has addressed many aspects of the officers’ actions within his report, therefore, I will refer to these under separate headings.</p>
148.		<p>PC Bolger placing his arm around Mr Moura’s neck</p> <p>PST 1 stated that officers are taught a number of techniques in order to take someone to the ground, but that applying pressure to the neck is not one of those techniques. He said GMP’s lesson plans on PST do not appear to</p>

	<p>cover the medical implications of neck holds or the risks associated with applying pressure to this area. However, PST 1 acknowledged that PC Bolger would have had to have improvised and adapted his skills and techniques once he made the decision to take Mr Moura to the ground.</p> <p>It was PST 1's opinion that Mr Moura needed to be taken to the ground given the difficulty officers were having in controlling him, but he would question the method PC Bolger chose to do this.</p>
149.	<p>CS spray</p> <p>PST 1 stated it was common for officers to attempt two or three sprays as it was common for them to miss their intended target in instances such as this. PST 1 acknowledged that PC Hudson was close to Mr Moura when the CS spray was deployed, but that his two colleagues were struggling to control Mr Moura and the only other options were the use of strikes or baton, which had the potential to cause injury.</p>
150.	<p>Punches to Mr Moura's body</p> <p>PST 1 opinion was that PC Bolger punching Mr Moura was an instinctive response to Mr Moura allegedly grabbing PC Bolger's testicles. This was supported by the fact that PC Bolger was unable to say how many times he punched Mr Moura, and what part of Mr Moura's body they landed.</p>
151.	<p>Knee strikes and a punch</p> <p>PST 1's opinion was that the knee strikes delivered by PC Bolger were not very hard given the way PC Bolger was stood. Further, PST 1 stated that it could be perceived as repeated unnecessary use of force, but that this was not uncommon when officers are in pain, exhausted, disorientated by the effects of CS spray and in the middle of a struggle. Having said that, PST 1 went on to say that, although a knee strike was a 'sound choice', he was not convinced that so many were needed as they appeared to be ineffective, and there was little or no re-evaluation in between each strike to see if they did work.</p> <p>PST 1 believed that the punch was probably a 'sounder tactical choice' and he saw no issue in its use.</p>
152.	<p>PST 1 concluded that some of the tactics used by the officers were outside of their training. However, simulation can never fully prepare an officer, and it was PST 1 opinion that, in this situation, the tactics used could be fully explained and justified in the circumstances.</p>
153.	<p>Placing Mr Moura in the police van</p> <p>PST 1 stated that an officer should have been nominated to closely monitor Mr Moura once he had been placed in the van. This did not happen and PST</p>

	1 pointed out that Mr Moura was initially left in the caged area on his own for approximately two minutes. At that point, Mr Moura was not making any noises.
154.	<p>Cancellation of the ambulance</p> <p>PST 1 said that PC Ainsworth-Wrigley appeared to be the only officer that attempted to check on Mr Moura's condition by trying to rouse him, but that she was then replaced by another officer and no further attempts were made. He went on to note that if someone was not responsive and an ambulance was called then it would be 'unwise and against basic first aid protocols' to cancel that ambulance as the cause of the unconsciousness would not be known, and the person could easily slip back into this state.</p> <p>PST 1 opinion is that officers should have conducted more thorough checks on Mr Moura and, if this had been done, PC Healey would not have been informed that Mr Moura was fine.</p>
155.	PST 1 concluded that, due to the circumstances and risk factors, positional asphyxia was a ' real and obvious factor '. PST 1 said, as a result, he believed more could have been done to assist Mr Moura's breathing when he was placed in the van.
	A&E expert opinion
157.	<p>Doc ref: [REDACTED]</p> <p>Dr RT, Accident and Emergency expert, provided a report to the IOPC, in which he stated that, in his opinion, Mr Moura suffered a sudden cardiac arrest somewhere between 12.06am (after being placed in the police van) and 12.30am (arriving at custody), but that there would have been no obvious preceding warning signs of this. Dr RT believed there were no features that should have led a reasonable person to suspect Mr Moura was likely to suffer cardiac arrest.</p>
158.	Dr RT further stated that it was ' highly unlikely ' Mr Moura would have survived even if full early resuscitation had been commenced, and that this was due to the presence of drugs. He believed that, even if the ambulance had not been cancelled by PC Healey, it would have taken a considerable amount of time for it to attend given the reports that Mr Moura was breathing, and it would ' almost certainly have resulted in no survival. '

> Analysis

159. In order to analyse GMP's response to the calls made by Ms A and the officers' contact with Mr Moura between 6 and 7 July 2018, I have provided details under separate

headings for each call made by Ms A.

FWIN 060718/0329

160. Ms A's first call to GMP on 6 July 2018 was made at 5.42am. She reported that Mr Moura had been taking drugs and was refusing to leave the house. It was graded as a priority response, which meant attendance was required within one hour.
161. Officers were unable to attend to see Ms A within one hour. A service call was made to Ms A at 6.05am to advise they would attend after 7am, but there was no answer and a voicemail could not be left due to the mailbox being full.
162. In accordance with GMP's incident response policy, a supervisor was made aware of the delays. This was done at 6.38am, which was less than an hour since Ms A had called GMP.
163. A supervisor reviewed the FWIN at 7.46am and requested Ms A be called in order to ascertain whether she still required officers to attend. Contact was made with Ms A, who advised officers could attend after 9.30am after she had taken the children to school.
164. Officers were not available to attend at 9.30am and, in accordance with GMP policy, the matter was escalated to an inspector. However, officers became available, and PC 5 attended to see Ms A at 10.13am.
165. During attendance, the officers asked Ms A whether she wanted Mr Moura removing from the house, but she said she was happy for him to be there. There appeared to be no offences so Mr Moura could not have been arrested. A DASH summary was also completed accordingly.

FWINs 060718/1273 and 060718/1304

166. FWIN 060718/1273 was created following an abandoned 999 call from Ms A at 3.05pm on 6 July 2018. A new FWIN (060718/1304) was then created at 3.16pm in order to allocate officers to attend. It was graded as a priority response, requiring attendance within one hour.
167. Contact was made with Ms A who advised that Mr Moura had tried to stop her leaving the address, but that she had managed to leave the house. PC 5 re-attended to see Ms A at 3.32pm, which was 16 minutes after the FWIN had been created. This was in accordance with GMP's incident response policy.
168. Upon attendance, PC 5 and PC 13 spoke with Mr Moura outside the address and advised him to leave. Mr Moura confirmed he could stay at a friend's house, and the officers advised him that, if he returned then he would be arrested. Ms A was updated with this information via phone as she was picking her children up from school.

FWIN 060718/1938

169. Ms A re-contacted GMP at 7.15pm on 6 July 2018, to report that Mr Moura had returned to the house and was trying to get in. She then hung up the phone. The FWIN was graded as an immediate response, i.e. attendance within 15 minutes.
170. Within two minutes, a supervisor had noted on the FWIN that they were aware of the incident, but that there were no patrols available to attend. However, at 7.22pm, officers attended to see Ms A. This was seven minutes after the FWIN had been created, which was within the required 15-minute response time.
171. PC 6 and PC 7 spoke with Ms A, who confirmed Mr Moura had tried to get into the house. However, there did not appear to be any offences being reported and Mr Moura had already left the address. A DASH summary was also completed.

FWIN 060718/2132

172. At 8.25pm on 6 July 2018, Ms A contacted GMP to report that Mr Moura had been back to her house banging on the door and was now outside just staring at the house. The FWIN was graded as a priority response, i.e. attendance within one hour.
173. PC 6 was unable to re-attend, and there were no other patrols available, which resulted in delays being placed on the FWIN. In the meantime, Ms A contacted GMP at 8.42pm, 9.10pm and 9.55pm to report that Mr Moura had been trying to get into the house. A service call was made to Ms A at 10.28pm and a voicemail was left to make her aware of the delays.
174. It does not appear that a supervisor was made aware of the delays, which is stipulated in GMP's incident response policy. However, attempts were made to make an inspector aware at 10.11pm, but it was noted on the FWIN that he may have been engaged on other duties. At 10.29pm, the inspector reported on the FWIN that he was aware of the incident not being allocated. Further delays were then added due patrols being unavailable to attend.

FWIN 060718/2662

175. Whilst the previous FWIN was awaiting allocation, Ms A contacted GMP again at 11.35pm on 6 July 2018 to report that Mr Moura had climbed through the window of their house. It does not appear that the call handler was aware of the previous FWIN, therefore, a new one was created. It was graded as an immediate response, i.e. attendance within 15 minutes.
176. Eight minutes later, at 11.43pm, PC Bolger, PC Hudson and PC Healey confirmed that they were at the address. This was in accordance with GMP's incident response policy.
177. Upon attendance, PC Bolger and PC Hudson began speaking with Mr Moura on the road outside his house, whilst PC Healey went to speak with Ms A. Initially, officers reported Mr Moura as being calm and cooperative, and did not appear to be under the influence of drink or drugs. However, it was immediately confirmed to PC Bolger by the control room

that Mr Moura was possibly on drugs and that Ms A was worried about his mental health. Ms A also confirmed this to PC Healey.

178. The officers clarified with the control room about the amount of times Ms A had contacted GMP, and were informed that she had called five times since 8.25pm. It does not appear that the officers initially received full information that Ms A had made other calls since 5.42am that day.
179. It was decided that Mr Moura would be arrested in order to prevent a breach of the peace. This was because the officers believed there had been five calls within four hours whereby Mr Moura had still not left the address, and there did not appear to be anywhere else he could go to as he did not have contact details for his friend '[redacted]'. PC Healey was also concerned that Mr Moura was likely to become aggressive.
180. At the point of being informed of his arrest, the officers reported that Mr Moura began to resist and tense up. This resulted in PC Bolger taking Mr Moura to the ground and putting his arm around Mr Moura's neck, saying he would put Mr Moura to sleep. At this time, the evidence indicates that PC Bolger was aware of Mr Moura having taken drugs, that there were concerns for Mr Moura's mental health, and that he had anxiety.
181. PC Bolger explained that he took Mr Moura to the ground and put his hand around Mr Moura's neck with minimal force and in a controlled manner in order to gain control and compliance. PC Bolger said in his prepared statement that he had no intention of putting Mr Moura to sleep. There is no policy that refers specifically to the use of such a hold, and it does not appear to be part of GMP's PST training. However, both PACE 1984 and the Criminal Law Act 1967 allows an officer to use reasonable force if required. The APP guidance on police use of force defines '**reasonable**' as '**absolutely necessary for a purpose permitted by law**'.
182. PST 1 expert opinion was that, although it did not form part of GMP's training, officers can act outside of this and Mr Moura needed to be taken to the ground due to his behaviour. He did say that he would question PC Bolger's method though. The subsequent post-mortem report in relation to Mr Moura showed that the use of this hold was for such a short period that it was unlikely to have contributed to Mr Moura's death.
183. Mr Moura managed to break free from PC Bolger's grip and got back to his feet. As a result, PC Hudson deployed his CS spray on three occasions. PC Hudson provided further information in relation to this within his prepared statement, explaining that he did not believe the first or second deployment of spray made contact with Mr Moura's eye area, hence why he used the spray three times. PST 1's opinion was that it was common for CS to be sprayed two or three times as it can often miss the intended target in situations such as this. It is not clear on the BWV whether the CS spray made contact with Mr Moura on any of the three occasions, however, it is clear from the custody staff, the custody nurse, the paramedics and A&E staff that there was a large volume of CS coming from Mr Moura, to the extent that it was affecting the people around him. The last deployment of CS spray had been at 11.59pm and Mr Moura arrived at hospital at

1.15am.

184. PC Hudson's justification for using his CS spray was that Mr Moura had not complied with verbal requests and the handcuffs had only been applied to one wrist, so the officers had not gained full control of Mr Moura. GMP policy states that the use of CS spray should be carefully considered when a person's violent behaviour may be caused by a mental disorder, illness or excited delirium. PC Hudson could not recall whether he heard that Mr Moura had anxiety, and furthermore, although ABD (otherwise known as excited delirium) was noted as a cause of death, the officers explained that they did not perceive Mr Moura to be showing symptoms of this condition. PC Hudson also informed the IOPC that he considered all his options before deciding to use the CS spray. PST 1's expert opinion was that the use of CS spray would have caused less injury than any other option. The subsequent post-mortem report could not determine whether the CS spray would have contributed to Mr Moura's breathing difficulties, but did state that CS spray could have been ineffective due to his ABD.
185. It is not clear on the BWV how close to Mr Moura PC Hudson was when the CS spray was deployed on each occasion. ACPO guidance on the use of CS spray states that it should not be used at a distance of less than one metre unless it cannot be avoided, and the officer should be prepared to justify this decision. PC Hudson did not refer to this within his prepared statement, and declined to answer questions put to him during an interview under caution as to how close he was to Mr Moura and his justification if it was less than one metre.
186. GMP guidance in relation to the use of CS spray makes it clear that the use of it must be recorded in a PNB or day book. PC Hudson's PNB did not make any record of having used the CS spray, although he did communicate with the control room immediately after the spray had been used to confirm its use.
187. In terms of the aftercare of the CS spray, the ACPO guidance makes it clear that the person should be verbally reassured about the temporary effects, and they should be exposed to cool fresh air. The importance of closely monitoring the person's breathing is emphasised within the guidance. Following the use of the CS spray, PC Hudson told Mr Moura to ensure he did not rub his eyes, although the officer then acknowledged that Mr Moura was unable to do that as he had been handcuffed. Once in the police van, PC 2 turned the extractor fan on, as he was conscious that Mr Moura had been exposed to CS spray, and PC Bebb stated that he monitored Mr Moura during the journey to custody.
188. PC Bebb also appeared to believe that any detainee who had been exposed to CS spray had to be taken to custody for decontamination before being taken to hospital if required. This does not appear to be within the guidance and an officer responsible for training confirmed this.
189. All officers who were at the scene were asked during interviews under caution about whether they considered Mr Moura to be suffering from the effects of CS spray, especially given a number of officers experienced the side effects themselves, and medical staff

were affected once Mr Moura had been taken to hospital. However, none of the officers answered the questions put to them in relation to this matter.

190. After the CS spray had been deployed, a neighbour, Mr C stated that Mr Moura continued to scream, although he believed that the screams changed and Mr Moura was hurt.
191. Following this, Mr Moura, PC Bolger, PC Hudson and PC Healey were standing by a small wall with a metal fence on top of it. PC Bolger stated that Mr Moura then grabbed his testicles, which resulted in PC Bolger punching Mr Moura with his fist on approximately three occasions, making contact with his Mr Moura's side. PC Bolger's justification for the punches was that they were used as distraction strikes in order to get Mr Moura to remove his hands from PC Bolger's testicles and, as soon as he released his grip, PC Bolger stopped delivering those strikes
192. The BWV did not show Mr Moura grab PC Bolger's testicles due to the positioning of the cameras (i.e. on the officers' chests), but it did capture an officer saying '**I'll put pressure on your wrist, get the fuck,**' just prior to PC Bolger punching Mr Moura. It appears that Mr Moura was not arrested for assault police following this, nor did PC Bolger inform his colleagues of what had happened. PC Bolger was asked at interview why he did not request assistance from his colleagues, why he did not arrest Mr Moura for assault police and why he did not tell anyone what had happened. He declined to answer these questions.
193. If PC Bolger's version of events is accepted, then his actions would appear to be in line with GMP's PST training. Further both PACE 1984 and the Criminal Law Act 1967 allows an officer to use reasonable force if required. The APP guidance on police use of force defines '**reasonable**' as '**absolutely necessary for a purpose permitted by law**'. Mr PST 1's expert opinion was that the punches were an instinctive response to PC Bolger being in pain.
194. Following this, Mr Moura was handcuffed to the rear and remained standing at the small wall. According to both PC Healey and PC Bolger, Mr Moura kept holding on to the metal bars of the fence and refusing to move. At that point, PC Bolger delivered approximately seven knee strikes to Mr Moura's chest area and one punch to his side. PC Bolger explained that this was due to Mr Moura holding the metal bars of the fence and, when PC Bolger had attempted to stop him doing that, Mr Moura grabbed his fingers and twisted them. Again, the BWV did not show Mr Moura holding the railings or grab PC Bolger's fingers due to the positioning of the cameras, but it did capture PC Bolger say '**argh**' just prior to delivering the knee strikes, and '**fucking fucker**' as he was delivering them. Mr Moura was not arrested for assault police following this, nor did PC Bolger inform his colleagues of what had happened. Again PC Bolger was asked at interview to explain why these actions did not take place, and he declined to answer.
195. The neighbour, Mr C, said that he saw the knee strikes being delivered to Mr Moura and believed that they were excessive, and informed the officers of this. Mr C did not believe that Mr Moura had been fighting with the officers, but he was resisting the arrest. Mr

Moura also made comments that he was hurt, but PC Bolger and PC Hudson said in their prepared statements that they were not concerned by this and Mr Moura did not have any visible injuries. PC Bolger declined to answer during an interview under caution when he was asked whether he made any attempts to find out if Mr Moura was injured.

196. If PC Bolger's version of events is accepted, then GMP's PST training, and both PACE 1984 and the Criminal Law Act 1967 allows an officer to use reasonable force if required. The APP guidance on police use of force defines '**reasonable**' as '**absolutely necessary for a purpose permitted by law**'. PST 1's expert opinion was the knee strikes and punch were a sound choice, although he was not convinced of the requirement for so many knee strikes to be delivered. The post-mortem report in relation to Mr Moura showed that he did have deep bruises on his upper torso, which could have been a result of the punches and knee strikes, but that this was unlikely to have contributed to his death.
197. PC Hudson, PC Healey and PC Bolger waited for back up to arrive, and within two minutes of PC Bolger delivering the knee strikes and punch, other officers had arrived. PC Bolger, PC Healey, PC Hudson, PC 1 and PC 2 all carried Mr Moura to the back of the police van. He was placed lying face down on the ground in front of the rear doors of the van. The officers believed that it was necessary to put Mr Moura down on the ground due to his size, and that there were no concerns in relation to this. PC Bebb also said in his prepared statement that Mr Moura was being monitored, although he declined to answer during an interview under caution who was monitoring Mr Moura.
198. The BWV showed that Mr Moura was still responding at that point as he was asking for help and saying that he was naked. PC Hudson, PC Healey and PC Bolger all acknowledged in their prepared statements that Mr Moura was naked, but that his clothes came off in the struggle. PC Healey recognised that Mr Moura would want his clothes, but it was not the appropriate time to get him any. In fact, Mr Moura remained naked throughout the officers' dealings with him, including when he was in the custody van dock. PC Hudson and PC Healey were further asked during interviews under caution about consideration of putting any clothes or blankets on Mr Moura whilst he was in the custody van dock, but the officers declined to answer.
199. Once Mr Moura was lifted into the police van, he was placed in a lying down position, on his front as shown in the image at paragraph 110. The area within the van where Mr Moura was placed, appeared to be too small for a person to be laid fully on the floor. From appearance, this area appears to be where a person's feet would normally go, as there is a bench either side of the area. Officers stated that Mr Moura had to be placed lying down as there was not enough room in the van to move him to another position. PC Hudson said that he was not concerned about Mr Moura being placed in this position as Mr Moura was being constantly monitored. It is not clear who was monitoring Mr Moura or how; as PC Hudson declined to answer those questions during an interview under caution. At this point in time, Mr Moura was making noises whilst in this position in the van, however, this appeared to be the last time Mr Moura could be heard on the BWV making any noises.
200. Mr Moura's legs were physically placed into the van and the cage door was closed.

However, at 12.06am on 7 July 2018, PC Craig O'Brien noted that Mr Moura was making **'funky noises'**, which he later described in a prepared statement as a type of grunt. No noises from Mr Moura were heard on the BWV and had not been heard since the cage door had been closed, and PC Craig O'Brien declined to explain during an interview under caution what was concerning about the noises he heard. As a result of these noises, officers said that Mr Moura was placed in the recovery position. From the body worn video footage, Mr Moura does not appear to be in the recovery position, rather he is slumped on his side, as shown in the image at paragraph 116. Both PC Craig O'Brien and PC Healey stated that they were conscious of issues such as positional asphyxia. PC Healey also stated that, at that point, he could see Mr Moura's chest moving and he was making noises. It was Dr RT's opinion that Mr Moura may have suffered a sudden cardiac arrest at this point, but that the officers could not have been expected to have recognised this as there would have been no obvious preceding signs. However, PST 1 did point out that the positional asphyxia **"was a real and obvious factor in this case"**, and that more could have been done to assist Mr Moura's breathing after the control and restraint of him, and even after he had been placed in the van.

201. After turning Mr Moura over, PC Healey and PC Ainsworth-Wrigley began saying Mr Moura's name and shaking him. PC Ainsworth-Wrigley said she attempted to rouse Mr Moura, at which point she noticed that he was bleeding, which she assumed was a result of the struggle with officers. PC Bolger, PC Hudson and PC Healey did not appear to notice any visible injuries to Mr Moura following their struggle with him, so it cannot be established when the bleeding started. Furthermore, it is not clear whether any first aid was given to Mr Moura's bleeding nose, as the BWV does not appear to show any and none of the officers confirmed they provided any first aid in their prepared statements. Mr PST 1's expert opinion was that PC Ainsworth-Wrigley was the only officer who attempted to perform checks on Mr Moura, but she was then moved aside by another officer, and nobody else appeared to do any checks.
202. PC Ainsworth-Wrigley said she requested that PC Healey call an ambulance as a precautionary measure. She was not concerned about Mr Moura as there were no other injuries apart from the blood from his nose, and he was breathing. PC Healey agreed with this and informed the IOPC in a prepared statement that he wished to request the ambulance in plenty of time should it be required. PC Ainsworth-Wrigley was asked at interview why she felt an ambulance was necessary, if her only concern was that Mr Moura had a bleeding nose. She declined to answer this question.
203. PC Craig O'Brien informed PC Ainsworth-Wrigley not to get Mr Moura out of the van in case he was **'just bluffing'**. He said in a prepared statement that he was aware of detainees feigning illness, but was also aware of the potential for Mr Moura to become unwell. However, PC Craig O'Brien did not appear to have performed any checks to confirm whether Mr Moura was unwell or just bluffing, and the officer declined to confirm this during an interview under caution. PC Healey contacted the control room to confirm that officers were attending to Mr Moura, but that they still required an ambulance to check him over.

204. However, PC Bebb and PC Craig O'Brien both decided that Mr Moura was bracing himself. It was not entirely clear what the two officers meant by the term bracing, apart from that Mr Moura may have moved his hands to cushion his back. Both officers were asked to demonstrate what the movement looked like during an interview under caution. They both declined to do so. PC Bebb and PC Craig O'Brien relayed this information (that Mr Moura was bracing himself) to PC Hudson, who passed it on to PC Healey, resulting in the ambulance being cancelled. It was PST 1's expert opinion that, had officers conducted checks on Mr Moura, this would not have resulted in officers passing on this information and the ambulance would not have been cancelled.
205. Neither PC Hudson nor PC Healey witnessed Mr Moura brace himself, but said in prepared statements that they trusted their colleagues and had no reason to doubt their judgments. PC Bolger, PC 2, PC Ainsworth-Wrigley, PC 1, PC 4 and PC 3 all said in prepared statements that they also trusted the judgement of their colleagues so had no reason to perform their own assessments. Dr RT's opinion was that, even if the ambulance had not been cancelled, Mr Moura would still have not survived the cardiac arrest he had suffered, due to the drugs he had taken.
206. Prior to setting off to custody, PC Bebb and PC Hudson had a discussion about whether custody would accept Mr Moura. PC Bebb and PC Hudson clarified that this was in relation to the offence he had been arrested for rather than being due to any concerns for Mr Moura's health. There was an acknowledgment at that time though that Mr Moura would need to be carried into custody. Officers did not answer questions about why they thought he would need to be carried in when they were asked about this in interview.
207. PC Bebb sat in the middle section of the police van during the journey to custody. This area had a seat facing towards the cage area of the van, as shown in the image at paragraph 108. There was no in-car footage available, nor was there any BWV from PC Bebb. In a prepared statement, PC Bebb said that he monitored Mr Moura throughout the journey and saw his chest and back moving, indicating that he was breathing, and also saw his leg and head move. PC Bebb said he had no concerns about Mr Moura during the journey. However, PC Bebb did explain in his prepared statement that the Plexiglass between him and Mr Moura steamed up so he had to move to be able to see Mr Moura through a small gap. PC 2 also recalled seeing Mr Moura's chest moving when he looked back from the driver's seat when he was stopped at a red traffic light, although acknowledged that his view was not the best.
208. Upon arrival at custody, PC Healey went into the custody suite to ask for assistance, maintaining that Mr Moura was not cooperating, as this was his honestly held belief. In the meantime, PC Bebb and PC Hudson opened the doors to the rear of the van and, although they were satisfied that Mr Moura was breathing, they proceeded to do capillary refill checks, which they stated gave satisfactory results. PC Bebb also went to the middle of van with a view to checking for a pulse. It is not clear why these checks were performed if both officers were satisfied that Mr Moura was breathing. The officers were asked to clarify their actions, but they declined to do so, when interviewed under caution.

209. The custody sergeants and the nurse went out to the van dock to assist, and the nurse reported that she could not find a pulse. This resulted in the ambulance being called and CPR being performed.
210. Mr Moura was taken to hospital and was subsequently pronounced dead. The post-mortem revealed that ABD was a contributory factor to Mr Moura's death. All ten officers involved in dealing with Mr Moura on the night confirmed that they had received training on ABD, but that they did not believe Mr Moura was showing any of the symptoms of ABD.

The death message

211. Mr Moura was pronounced dead at 1.30am, and Ms A was informed of this at approximately 4.10am by DS 2 and DC 1. Ms A submitted a complaint to the IOPC as she believed there had been too much of a delay between Mr Moura dying and her being informed. This complaint was not subject to special requirements.
212. DS 2 reported in his daybook that he attended Ashton Police Station for a briefing at 2.04am and was asked to deliver the death message to Ms A. He then conducted some research on Mr Moura, in order to identify any previous incidents, before going to collect DC 1 from Oldham Police Station at 2.55am. They attended to see Ms A at 4.10am.
213. Neither DS 2 or DC 1 believed that there was a delay in delivering the death message and that two and a half hours was not an unusual amount of time. GMP's dealing with death policy does not specify when a death message should be delivered, or the time period in which it should be done, but states that delivering the message should be at the forefront of the SIO's mind.

> Next steps

214. The decision maker will now set out their views on the investigation outcomes. The decision maker will record these on a separate opinion document.
215. The decision maker will also decide whether any organisational learning has been identified that should be shared with the organisation in question.

> Criminal offences

216. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.

217. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.

Mr Andre Moura

Investigation into Greater Manchester Police's
contact with Mr Andre Moura on 6 and 7 July
2018

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation also passes through a series of reviews and quality checks.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation. However, any such advice will usually be considered to be confidential.

> Complaint matters

An investigation into a complaint is not automatically an investigation into whether a person serving with the police has a case to answer for misconduct or gross misconduct. It will investigate the issues raised in an individual's complaint.

An investigation may become subject to special requirements (see more below) if the IOPC lead investigator considers that there is an indication that a person to whose conduct the investigation relates may have:

- a) committed a criminal offence, or
- b) behaved in a manner that would justify them facing disciplinary proceedings

> Complaints that are subject to special requirements

The complaints subject to special requirements focus on the actions of the identified officers to enable conclusions to be drawn about whether there is a case to answer in respect to the actions of an individual serving with the police. Individuals subject to the investigation will have been formally served a notice explaining the conduct under investigation and setting out their rights. The conclusions drawn cannot be about whether the complaint is upheld or not, but instead are about whether the subject has a case to answer for misconduct or gross misconduct, or whether the performance of any person was unsatisfactory.

> Complaints not subject to special requirements

For complaints not subject to special requirements, the IOPC decision maker may reach an opinion about whether the performance of anybody who was the focus of the complaint was unsatisfactory, if applicable. Because the complaint was not subject to special requirements, these individuals will not have been served with a formal notice, as was the case for complaints subject to special requirements.

Some complaints will be about the standard of service provided by the police, rather than a person's actions. In such cases, special requirements will not be relevant, but a decision will still be made regarding whether the complaint is upheld or not upheld. To uphold a complaint, the decision maker must conclude that the force did not deliver the service standard that a reasonable person could expect.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence, and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any of the subjects of the investigation, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will also reach an opinion about whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, and may record their view on whether any such person's performance was unsatisfactory. The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> Misconduct proceedings

The report and decision maker's opinion must be given to the appropriate authority (normally the police force) responsible for the individual(s) to whose conduct the

investigation related. The appropriate authority must then inform the decision maker whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory, and what action they propose to take, if any. The decision maker must consider whether the appropriate authority's response is appropriate, and has powers to recommend or ultimately direct it to bring misconduct proceedings or unsatisfactory performance procedures (UPP).

Unsatisfactory performance will be dealt with through the police force's UPP. UPP is generally handled by the person's line manager and is intended to improve the performance of both the individual and police force.

> Criminal proceedings

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> Inquests

Following investigations into deaths, the IOPC's investigation report and supporting documents are usually provided to the coroner. The coroner may then hold an inquest, either alone or with a jury. This hearing is unlike a trial. It is a fact-finding forum and will not determine criminal or civil liability. A coroner might ask a selection of witnesses to give evidence at the inquest. At the end of the inquest, the coroner and/or jury will decide how they think the death occurred based on the evidence they have heard and seen.

> Publishing the report

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.

> Appendix 2: Terms of reference

Investigation into Greater Manchester Police's contact with Mr Andre Moura on 6 and 7 July 2018

Investigation Name:	Andre Moura
Investigation Type:	Independent
Appropriate Authority:	Greater Manchester Police
Case Reference:	2018/105919
Director General (DG) Delegate (decision maker):	Amanda Rowe
Lead Investigator:	[Redacted]
Target Range:	6 - 9 months

Summary of events

This summary is presented on the basis of information presently available to the IOPC. The veracity and accuracy of that information will be considered as part of the investigation and will be subject to review.

Throughout 6 July 2018, Greater Manchester Police received a number of calls from Mr Andre Moura's partner reporting that she wanted him to leave their address, but he was refusing to do so. Officers attended on three separate occasions, found no offences and advised Mr Moura to leave the area.

At 11.35pm on 6 July 2018, Mr Moura's partner contacted GMP again to report that Mr Moura had climbed through the window of her address and was inside the property. Officers attended and found Mr Moura outside the house. He was arrested in order to prevent a breach of the peace. The incident log noted that CS spray had been used and Mr Moura was handcuffed to the rear. At 12.08am on 7 July 2018, an ambulance was requested as Mr Moura was breathing, but not responding. However, this was later cancelled as officers confirmed that Mr Moura had regained consciousness.

Mr Moura was placed in a police van and taken to Ashton custody suite. Upon arrival at custody, Mr Moura was found to be unresponsive in the police van. An ambulance was requested and Mr Moura was taken to hospital where he was declared deceased.

Following this, Mr Moura's partner submitted to complaint stating that it took GMP four hours to make her aware of Mr Moura's death.

Terms of Reference

1. To investigate:
 - a) GMP's response to calls made by Mr Moura's partner and the contact GMP had with Mr Moura on 6 and 7 July 2018.
 - b) The length of time it took for GMP to inform Mr Moura's partner of his death.
2. To assist in fulfilling the state's investigative obligation arising under the European Convention on Human Rights (ECHR) by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.
3. Further to paragraph 21A of Schedule 3 of the Police Reform Act 2002, to assess during the investigation whether any person serving with the police may have committed a criminal offence or behaved in a manner justifying the bringing of disciplinary proceedings (i.e. whether there are any indications of 'conduct matters') and if so, follow the paragraph 21A procedure and make appropriate amendments to the terms of reference of the investigation.
4. To consider and report on whether there may be organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - whether the incident highlights any good practice that should be shared.

The decision maker responsible for oversight of this investigation is Amanda Rowe, Regional Director – North West. The decision maker has approved these terms of reference. At the end of the investigation they will decide whether they agree with the appropriate authority's proposals in response to the report.

These terms of reference were approved on 9 August 2018.