

Report on the Use of Force at
IRC Brook House on 28.03.2017

Completed by
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Introduction

I, Rhiann Gilbert, of Her Majesty's Prison and Probation Service (HMPPS) National Tactical Response Group (NTRG) present this report at the request of my litigation manager, Governor Jon Collier on behalf of Tascor.

I have been a Use of Force (previously known as Control & Restraint) Instructor since 2009 at local level and as a National Instructor since 2015.

I have extensive knowledge of the UOF training syllabus having been involved in the design and delivery of the aforementioned syllabus during my time at NTRG.

I also perform an operational role that involves responding to serious incidents within the secure estate as a team leader/tactical advisor.

In order to compile this report I have met with Jana Schwab who has furnished me with the completed Use of Force pack in order to give me a better understanding of the entire incident and the circumstances surrounding it.

I confirm that I have no prior knowledge of this incident or the detainee involved and that the information that I have provided is true and accurate to the best of my knowledge.

Legislation & Training

Any use of force on a detainee must be justifiable and within the relevant legislation for applying force. The test of any use of force is that it is:

- Necessary
- Reasonable
- Proportionate
- No more force than is necessary (prison service)

In addition the Criminal Law act 1967 Section Three (1), Common Law and the Human Rights Act 1998 are applied to the lawful use of force on an individual.

The Detention Centre rules will also outline the justification for using force and the local policy for any physical intervention. I do not have a copy of these rules but am aware that they are closely linked to the Prison Service Rules.

I can comment on the mixed application of the restraint that was applied as the initial force was commenced by IRC staff and then the latter part of the restraint was by Tascor staff. I am aware that all Tascor staff involved would have been trained and refreshed in (HOMES).

It is mandatory for all Tascor staff to receive a 7 day initial training course or a 5 day up skill course if they were previously trained in Control and Restraint. A 1 day refresher is also compulsory every six months. This is a requirement for Detention Custody Officers to be accredited to fulfil their role and a contractual obligation.

This training would include the use of C&R techniques on a detainee using a three officer team. Each individual within the team would have a specific responsibility for controlling one of the following; the detainee's head, right arm or left arm. In addition a support officer can be used when necessary to control the legs. The training covers an in-depth practice of each role and the techniques that the staff can utilise to gain control of the detainee. This will include the use of pain compliance techniques and de-escalation skills. The training also covers the application and use of additional equipment available, Rigid Bar Cuffs, Waist Restraint Belt and the Mobile Chair.

In addition to the physical aspect of training staff would also receive training in UOF principals, handling confrontation, medical advice and report writing.

Staff working within an IRC (Immigration remand centre) would be trained in Use of Force, will have completed an initial 5 day training course and will be expected to complete an annual refresher. Unlike Tascor staff should they exceed this date they would not be made non detainee contact as a matter of course. It should also be mentioned at this stage that the equipment approved for use by both department is different.

Review of Video Footage

I have viewed the video footage that has been provided to me, from what is written on the desk this was recorded via body cam. Due to the detainee being naked some footage has been emitted by viewing the ceiling to preserve the detainee's dignity. You can still hear the audio at this time. The footage it is not clear throughout as people moving block the footage, positioning of staff sometimes interferes with the view and the camera moves around at some points. There is sound on the video however you can't hear everything that is being said and can predominantly hear the detainee chanting/calling out.

On the footage there is an initial briefing of the staff at Brook House. This is to a high standard and gives an insight into the current situation and the provisions in place, such as being on a constant supervision and having been offered medical treatment etc.

The initial part of the intervention is a final chance for the detainee to comply with instruction. When he fails to engage and comply the team then enter the room. At this time they are in full protective equipment (PPE) and utilise a 4ft riot shield as per use of force policy.

The use of PPE can appear to be intimidating as staff are, by the name, fully protected meaning that it is hard to identify members of staff if you are unaware of who is in kit however it is worn to offer protection for the member of staff required to take part in a planned intervention. The kit comprises of a protective helmet and visor, balaclavas can be worn, fire retardant overalls, leather gloves, steel toe cap boots, arm and leg guards as well as the option for body armour, depending on this PPE and the fit it can sometimes appear to be cumbersome.

When staff enter the room the detainee is initially on the bed and during the intervention ends up on the floor. At this stage there is limited view and the camera is quite quickly faced

up to the ceiling to preserve the dignity for the detainee due to him being naked. You can still hear the audio which was the detainee chanting, he continued to chant throughout. It appeared from the limited view that the detainee was resisting from the beginning of the intervention.

When the camera returns to the room area you can see that staff have 'hold' of the detainee but they don't have any controlling locks as they have a grip of the wrist area. A controlling lock would be a more secure way to control the detainee and also offer a pain source should this be required. At this point staff are attempting to get the detainee to a seated position. When the detainee is seated, he is cuffed to the rear while still under restraint. **This technique has been removed and would require for the detainee to stand in order to apply cuffs from a supine position** From viewing the footage this did not appear to cause any additional distress but as I have previously stated the footage is limited at times. There was good verbal communication reference the cuffs being applied. An officer remains on the detainees legs while he is in a seated position. This could put the officer in a vulnerable position, from the pack I am unsure why he was in this position at this time. It appears that the detainee is strong throughout however doesn't appear to be lashing out constantly.

When the detainee was cuffed and standing an offer for him to get dressed was made. There was no response to this offer. Therefore a sheet was wrapped around the detainee's waist to assist in maintaining his dignity.

Due to the detainee not complying with walking a decision to carry him was made by the supervisor to carry him with good guidance and instruction on how to lift.

The cuff carry which is an approved use of force technique was not carried out to a taught standard. The detainees head was brought forward rather than controlled from, the rear. This would have given the 4th member of staff the opportunity to control the legs which would have aided staff getting through doorways. Whereas from the footage it appears the 4th member of staff was concentrating on the sheet around the detainee's waist. I believe that the sheet would probably have stayed in place due to position of the detainee during transit.

The carry was stopped after around 60 seconds to give the detainee an opportunity to walk and to give staff some rest bite as this is a labour intensive technique. The detainee was offered the opportunity to walk throughout the carry. This is good practice.

From viewing the footage it appears that the detainee may have used the spread of his legs to impede the progress through doorways. This was overcome by turning to go through the doorways headfirst.

During the second part of the carry the detainees head did appear to be lower again, this could cause medical implications due to restricting the amount of space the diaphragm has to move.

When the detainee arrives in the reception area and placed down from the carry he is sat with his legs out in front of him. I would imagine he has dictated this by not complying with

instructions to stand and/or kneel but it is unclear. His head is controlled from the front, presumably due the cuffs being changed/removed however it is evident his head is very low. As above this could restrict his breathing.

The next part is a handover from the IRC staff to Tascor staff.

A decision is made for a rigid bar and cuff to be applied as part of the handover from Brook House staff to Tascor staff. This was done effectively and when the first ratchet cuff was removed and Tascor staff took control a verbal comment can be heard reference to getting the detainees head up higher. Due to the filming you can't see at this stage if the other ratchet cuff is removed or not, later it is evident that it hasn't been but staff remain vigilant with this.

Instructions are given to get the detainee to get to his knees, these orders are not complied with. The detainee continued to chant throughout the restraint. A decision was made to apply the belt in the seated position. At this point I witnessed that the detainee was front stacked and that the ratchet cuff was still on the detainee's right wrist, a member of Tascor staff was holding onto this cuff which is a great safety measure as if left unlocked and loose this could have been used as a weapon. Tascor staff would not have keys to remove this cuff.

At this stage the detainee does appear to struggle, and becomes actively resistant. He spits at the DCO that had applied the rigid bar cuff. After this they then get the detainee up to standing.

The view is blocked for a period of time however you can hear instructions to keep the head upright and still. As well as the detainee continuing to chant. He then spits at the same DCO again. From here I'm not able to see when the cuffs were removed however an instruction is given to carry to the detainee to the chase vehicle. I cannot see if the detainee is carried onto the vehicle head first or feet first due to the amount of people involved. He is then seated on the vehicle and that is where the footage for the restraint ends.

At the debrief, the supervisor comments on some errors and/or learning points. It would be interesting to hear what these have been identified as, as yes there are some points that could have been better.

Conclusion

- The use of controlling locks at the beginning of the restraint may have reduced the time of the restraint. However the 'hold' that staff had of the detainee didn't appear to put them or the detainee at any high level of risk. The potential however would still be there.
- Brook House staff need to be reminded that cuffing in a seated position for Supine has been removed and the detainee would need to be stood up before cuffs can be applied.
- Maintaining the detainee's dignity throughout appeared to be a priority, at times possibly to the detriment of effective restraint. For example during the cuff carry.

- During the cuff carry the detainees head should be to the rear not held forward.
- Throughout the incident there was excellent communication and instruction to all team members from the supervisor.
- Tascor staff improvised on some techniques such as applying the belt in a seated position with the detainee's legs out to the front. This did not appear to be to the detriment of the detainee or application.
- Also head support was at times applied in an upright position. This is not as taught however maintained control of the head without bringing the head forward.
- From all of the evidence that I have been given and viewed, due to the removal authority the use of force appeared to be necessary due to the noncompliance for the removal order. Continual opportunities were given to the detainee to both comply with instructions to walk and stop resisting. From the footage I have seen the use of force was reasonable and proportionate due to what appears to be some active resistance and the detainee spitting at staff. However there were some times when the footage was obscured and the UOF reports were not the most in depth from staff at Brook House, as well as one of the ones from Tascor being hard to decipher so this decision is based purely on what I have seen. From my previous points it should also be taken into consideration that there are a number of learning points around the basic use of force used by the Brook house staff which would have made the restraint safer.

Rhiann Gilbert
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26.09.2017