



Home Office

HOME OFFICE

Home Office Security
Professional Standards Unit

A Home Office investigation into the circumstances surrounding an allegation by D1234 that excessive force was used by officers during his removal from Brook House Immigration Removal Centre (IRC) to Stansted Airport on 28 March 2017

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Investigating Officer

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1. INTRODUCTION

- 1.1 On 30 June 2017 a letter was received from Harriet Harman MP on behalf of her constituent [D1234] [D1234] complained about an incident on 28 March 2017 and alleged officers used excessive force during his removal from Brook House IRC to Stansted Airport on 28 March 2017 (**ANNEX A**).
- 1.2 The complaint was passed to the Home Office Security Professional Standards Unit (PSU) and accepted for investigation.

2. TERMS OF REFERENCE

- 2.1 To investigate the allegations made by [D1234] that excessive force was used by officers from Brook House and TASCOR on 28 March 2017 to affect his removal from the UK.
- 2.2 To consider and report on whether a disciplinary offence may have been committed by any officer involved in the incident and whether relevant local and national policies/guidelines were complied with.
- 2.3 To consider and report on whether there is any learning for any individual or organisational learning, including whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated.
- 2.4 To consider and report on whether the incident highlights any good practice that should be disseminated.

3. POLICY & GUIDANCE

3.1 Home Office Complaints Guidance

- 3.1.1 Home Office Complaints Guidance ensures that the investigation of complaints is dealt with effectively and efficiently. This investigation and report has been conducted in line with the formal investigation procedures set out in the Complaints Guidance.

3.2 Detention Service Order 03/2015 - Handling of Complaints

- 3.2.1 Detention Services Complaints Guidance ensures that the investigation of complaints is dealt with effectively and efficiently. This investigation and report has been conducted in line with the formal investigation procedures set out in the Complaints Guidance.

3.3 Detention Centre Rules

3.3.1 Use of force

- 3.3.1.1 41. (1)A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used.

- 3.3.1.2 (2) No officer shall act deliberately in a manner calculated to provoke a detained person.
- 3.3.1.3 (3) Particulars of every case of use of force shall be recorded by the manager in a manner to be directed by the Secretary of State, and shall be reported to the Secretary of State.
- 3.4 Operating Standards for IRCs
- 3.4.1 Use of Force
- 3.4.1.1 In accordance with Rule 41 of the DC Rules 2001, when the application of force is deemed necessary, no more force than necessary will be applied.
- 3.4.1.2 The Centre will ensure that force is used only when necessary to keep a detainee in custody, to prevent violence, to prevent destruction of the property of the removal centre or of others and to prevent detainees from seeking to prevent their own removal physically or physically interfering with the lawful removal of another detainee.
- 3.5 Operating Standards for the Detention Service Escort Process - Use of Force.
- 3.5.1 The Contractor must ensure that force is used only when necessary to search a detainee, to keep a detainee in custody, to prevent violence, to prevent destruction of the property of the contractor or of others and to prevent detainees from seeking to prevent their own removal physically or physically interfering with the lawful removal of another detainee.
- 3.5.2 When the application of force is deemed necessary, no more force than necessary will be applied and any such force must be reasonable.
- 3.6 Immigration and Asylum Act 1999
- 3.6.1 Schedule 13(2)(3):
As respects a detained person for whose delivery or custody he is responsible in; accordance with escort arrangements, it is the duty of the detainee custody officer
- (a) to prevent that person's escape from lawful custody;
 - (b) to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts;
 - (c) to ensure good order and discipline on his part; and
 - (d) to attend to his wellbeing.
- 3.6.2 Paragraph 146(1)
An immigration officer exercising any power conferred on him in the 1971 Act or this Act may, if necessary, use reasonable force.

4. OFFICERS SUBJECT TO INVESTIGATION

- 4.1 Detention Custody Manager (DCM) Steve Dix, G4S Brook House
Detention Custody Officer (DCO) Derek Murphy, G4S Brook House
DCO Sean Sayers, G4S Brook House
DCO Jordan Rowley, G4S Brook House
DCO Gus Olyaie, G4S Brook House
- 4.2 Senior Detainee Custody Officer (SDCO) Hugh (Toby) Owen, TASCOR
SDCO Charles Lawson, TASCOR
SDCO Joel Stevens, TASCOR
SDCO James Hann, TASCOR
Detainee Custody Officer (DCO) Edward Haynes, TASCOR
DCO Mark Jones, TASCOR
DCO Martin Winstanley, TASCOR
DCO David Maynard, TASCOR

5. SUMMARY/CHRONOLOGY OF INVESTIGATION

- 5.1 On 18 July 2017 the case was referred to the PSU, accepted for investigation and allocated to Investigating Officer, Jana Schwab and Assistant Investigating Officer (AIO) Dawn Anderson.
- 5.2 On 21 July 2017 Ms Anderson requested evidence from Ms Karen Goulder, Brook House complaints coordinator including incidents reports, Use of Force (UOF) reports, Closed Circuit Television (CCTV) footage and any other available evidence. The incident and UOF reports were received on 24 July 2017. The CCTV and video footage from a handheld camera was received on 26 July 2017.
- 5.3 On 26 July 2017 a response letter was sent to Ms Harman MP from Ms Clare Checksfield, Director, Detention Escorting Services, Immigration Enforcement (**ANNEX B**).
- 5.4 On 15 August 2017 Ms Schwab requested evidence including incident reports, UOF reports, any filmed footage and any other available evidence from Mr Graham Autrey, Complaints Coordinator TASCOR. The UOF reports were received on 16 August 2017 and Mr Autrey confirmed there was no footage of the incident available (**ANNEX C**).
- 5.5 On 15 August 2017 Ms Schwab contacted Ms Rhiann Gilbert, National Tactical Response Group (NTRG) for expert advice on the force used by officers. A meeting took place at NTRG Kiddlington on 23 August 2017 where the video footage, CCTV and UOF reports were made available to Ms Gilbert for review and report.
- 5.6 On 05 September 2017 a transfer of crime report was sent to Sussex Police. Sussex Police responded on 07 September 2017 advising the complaint was recorded under Crime Reference Number 47170128845. On 08 September 2017 PC Llewelyn Ap Elfed requested further details about the complaint and this was supplied on 12 September 2017. On 13 September 2017 PC Ap Elfed confirmed

the PSU investigation could continue.

- 5.7 On 07 September 2017 DCM Dix and DCO Olayie were interviewed at Brook House IRC.
- 5.8 On 14 September 2017 DCO Sayers and DCO Murphy were interviewed at Tinsley House IRC.
- 5.9 On 21 September 2017 DCO Jones was interviewed at the TASCOR offices in Heston. On the same day DCO Haynes, SDCO Lawson and SDCO Owen were interviewed by telephone as they were not available to attend the office on the day.
- 5.10 On 26 September 2017 SDCO Stevens was interviewed at the TASCOR office, Spectrum House, Gatwick Airport.
- 5.11 On 26 September 2017 the final report was received from Ms Gilbert, NTRG (**ANNEX D**).

6. SUMMARY OF EVIDENCE

6.1 Complaint (ANNEX A**)**

- 6.1.1 **D1234** complained about events on 28 March 2017 at Brook House IRC. His complaint was signed and dated 25 April 2017, addressed to the Casework Team National Removals Command, Birmingham and copied to Harriet Harman MP. **D1234** was removed from the UK on 23 May 2017 but the complaint was not forwarded to PSU until 18 July 2017. No contact information was available for **D1234** and therefore the investigation relied on his written complaint.
- 6.1.2 In the complaint letter **D1234** said eight officers came into his cell on 28 March 2017. He said two officers held his head and turned it violently to turn him around, he felt a crack in his neck and informed the officers but they took no notice.
- 6.1.3 **D1234** said he was pushed and hit his head on the floor. He said one officer held his throat and one officer stamped violently on his toes. He said he was handcuffed on both wrists and the cuffs were cutting into his wrists.
- 6.1.4 **D1234** said his legs were grabbed, pushed upward from the feet and this caused pain to his knees.
- 6.1.5 **D1234** said both his legs were tied and a strap was applied over his stomach to strap him up and this was applied over a lump in his stomach for which he was awaiting surgery.
- 6.1.6 **D1234** said he was thrown into a security van and driven naked to Stansted Airport. He said he was carried out of his cell completely naked and was stripped of all his dignity.

- 6.1.7 [D1234] said throughout the incident he was in extreme pain, screaming in pain, asking the officers to stop and help but they refused and ignored him. He said he sustained injuries all over his body, bruises on his wrists, stomach and several other parts of his body. He said he was returned to Brook House in a wheelchair, denied access to a doctor and only allowed to see a nurse.
- 6.2 UOF report and interview with DCM Dix (ANNEX E & F)
- 6.2.1 DCM Dix said he believed [D1234] was due to be removed on a charter flight to Nigeria and he was on an Assessment Care in Detention Teamwork (ACDT) constant supervision plan. He said he, other managers and staff were in contact with [D1234] during the day to engage with him and find out his intentions regarding whether he would comply with the removal. He said [D1234] kept changing his mind throughout the day between complying and not complying. He said they were trying to encourage him to comply and explained to him he could go to the airport and if his appeal was granted, his removal would be cancelled. He said the plan was to get [D1234] to comply and to walk and use of force or planned intervention were the last options to affect the removal.
- 6.2.2 DCM Dix said when the time came to take [D1234] to reception he said he was not going. He said based on this, a planned intervention had to be arranged and the officers had to change into full Personal Protective Equipment (PPE). DCM Dix said he held a briefing with the team prior to the planned intervention, in which he explained the situation and [D1234] history including any disruptive behaviour in the IRC. He said [D1234] was on constant supervision and this would have been taken into account.
- 6.2.3 DCM Dix said when they got to [D1234] room he had decided to strip naked, began to shout and was quoting from the bible, shouting to God. He said this made it very difficult to engage [D1234] as he was not cooperative and not listening. He said this was classed as non compliance as [D1234] refused to move. He said because of [D1234] non compliance the team was sent in to facilitate the removal.
- 6.2.4 DCM Dix said [D1234] became "quite disruptive" and made it difficult for the staff. He said [D1234] was eventually restrained by the team and handcuffs were applied. He said [D1234] was very vocal, made it difficult for the staff's instructions to be heard and did not listen to the staff.
- 6.2.5 DCM Dix said ideally they wanted [D1234] to walk, even though the handcuffs were applied. He said the idea was to de-escalate the situation and get [D1234] to comply but he "was having none of it".
- 6.2.6 DCM Dix said due to the length of time the restraint could take he made the decision to "cuff carry" [D1234] to discharge. He said this was the only safe way to do it if a person did not comply. He said he believed he gave [D1234] a chance to walk but got no response from him. He said the team picked [D1234] up again and carried him to discharge where he was handed to TASCOR escorts.

- 6.2.7 DCM Dix said TASCOR swapped cuffs and he believed [D1234] was struggling with the TASCOR officers as well. He said he believed [D1234] was spitting at the officers and tried to bite one of them. He said once he removed his handcuff [D1234] was TASCOR's responsibility.
- 6.2.8 DCM Dix said he applied the handcuffs behind [D1234] back which was the way they were trained. He said according to his report [D1234] was in a seated position at the time. He said [D1234] was screaming and shouting throughout but he did not recall [D1234] ever saying the cuffs were hurting. He said if he had heard this he would have checked the cuffs. He said the cuffs had to be applied securely and tight enough so they did not come off but they would check that there was about a finger width space between the cuff and the wrist. He said if anyone had heard [D1234] saying he was in pain they would have stopped and checked. He said to carry in handcuffs was painful, which was why they tried to de-escalate the situation.
- 6.2.9 DCM Dix said handcuffs could be applied for a number of reasons and generally was considered the safest way for a detainee to be moved for their own safety and that of staff. He said due to [D1234] refractory behaviour and the struggle he presented it would not have been safe for [D1234] to walk in "final locks". He said there was some control and pain compliance, which could be used but this carried the risk of potentially causing more damage to the wrist. He said he felt applying the handcuffs was justified due to [D1234] non compliance and aggression. He said had [D1234] agreed to comply and walk they would have allowed him, although the handcuffs may have remained on.
- 6.2.10 DCM Dix said a healthcare nurse was also present, as was standard for planned interventions, and they could have intervened if they had concerns about [D1234] [D1234] medical condition. DCM Dix said he did not notice any redness or bruising when removing the handcuffs. He said he would probably not have noticed unless there was a significant injury such as bleeding, in which case healthcare would be called.
- 6.2.11 DCM Dix said he said there was a certain number of staff, generally three to four, depending on how disruptive the person was. He said a certain control was needed dependent on where the head was and whether [D1234] tried to spit or bite but also for his safety there was an element of force an officer may need to use. He said he was certain if he saw two officers on an arm or the head for any length of time he would have stopped it and moved one away. He said he did not recall seeing two officers on [D1234] head. He said he did not hear [D1234] neck crack and did not hear him complaining about it.
- 6.2.12 DCM Dix said he thought [D1234] as standing up and ended up on the floor eventually but he could not recall the circumstances. He said there would be "a certain amount of jostling" depending on the person's position when they went down. He said he could not say whether [D1234] hit his head on the floor but it was the officer's job to protect the head and ensure this did not happen.
- 6.2.13 DCM Dix said the way the head was supported during a handcuff carry would

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depend on the situation but it would normally be controlled from behind. He said he could not remember if the head was controlled from the front but it was important that the head was not too low as to avoid restricting breathing. DCM Dix said he did not see any officer hold [D1234] throat.

6.2.14 DCM Dix said in the initial jostle it was possible an officer may have stood on [D1234] [D1234] toes but he very much doubted it was done on purpose. He said he could not say that he noticed anything like that. He said they then carried [D1234] [D1234] all the way to discharge.

6.2.15 DCM Dix said [D1234] may have been in pain due to the officers having to carry him in handcuffs as this was "a painful process". He said he did not hear [D1234] complaining about being in or screaming in pain. H said he only heard him chant. He said when [D1234] was in the seated position on the floor he had to handcuff him in this position. He said in order to stand him up in a safe way and to make it easier, his feet would be pushed as close to his bottom as possible and this assisted in helping him to stand up with the assistance from the officers.

6.2.16 DCM Dix said as [D1234] stripped naked, he arranged for a sheet to protect his dignity as much as possible. He said it was procedure to protect the person's dignity as much as possible if they presented themselves naked and this could involve the camera being pointed to the ceiling to avoid filming genitalia but the audio would still remain. He said the camera would only be diverted for a short period of time.

6.2.17 DCM Dix said doctors were not present at the centre but a nurse was present throughout the use of force and he could have asked to see them. He said medics would also be on the plane and he could have asked to see them. He said if the medics had any concerns the removal could have been stopped. He said the healthcare official would fill in a form at the end of the use of force which would detail any injuries or concerns. He said any medical examination from the nurse at the end would have been brief as TASCOR had taken over and were trying to get control of [D1234].

6.2.18 DCM Dix confirmed there was a team of four officers, the camera operator, himself, the healthcare official and the unit staff who had [D1234] under constant supervision at the time. He said more people would have been in the vicinity but only a limited number of officers would be "hands on" about four or five people.

6.2.19 DCM Dix's account at interview was consistent with his UOF report.

6.3 UOF report and interview with DCO Sayers (ANNEX E & G)

6.3.1 DCO Sayers said the use of force happened quite a while ago but he believed [D1234] was due to be removed on a charter flight. He said he and his colleagues were asked to wear full PPE and await further instructions. He said because [D1234] was naked he was given the role to carry a sheet to protect

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[D1234] dignity.

- 6.3.2 DCO Sayers said the team were waiting at the door with DCM Dix while [D1234] [D1234] was asked to leave the room and walk on his own. He said [D1234] refused to leave the room and continued to shout and scream.
- 6.3.3 DCO Sayers said DCM Dix asked the team to enter. He said he remained in the doorway while his colleagues entered the room to take control of [D1234]. He said [D1234] was resisting the officers and there was a struggle. He said his colleagues struggled to control [D1234] as he was really resisting them and he saw [D1234] was kicking out with his legs. He said he was asked to enter the room to control his legs. He said he did as he was taught in Control and Restraint (C&R) training by putting his left arm over [D1234] legs and the right arm underneath and linked his fingers together. He said he took the decision to turn his back to [D1234] as he was spitting and was naked but he used the same technique. He said [D1234] was sat upright at the time with his legs on the floor.
- 6.3.4 DCO Sayers said [D1234] was very strong and even though he held his legs together, he managed to move around. He said to stop this, he put his feet against the wall underneath the sink and against the door frame to anchor himself so the team could get control.
- 6.3.5 DCO Sayers said the team took control eventually. He said due to the positions the officers ended up in it became easier for him to become the lead officer supporting the head. He said he positioned himself in front of [D1234] as he had been taught. He said he placed one hand on the base of [D1234] neck for guidance and with the other hand placed two fingers over [D1234] chin with the other fingers underneath. He said they stood [D1234] up.
- 6.3.6 DCO Sayers said he backed out of the room but [D1234] refused to walk and refused to weight bear. He said once they were out of the room they cuff carried [D1234]. He said DCO Murphy and DCO Rowley were on the arms and DCO Olayie was holding the sheet to protect [D1234] dignity.
- 6.3.7 DCO Sayers said before they lifted [D1234] up he asked him if he would walk but got no response. He explained he knew from training that being carried in handcuffs was not pleasant and he wanted to spare [D1234] to experience. He said [D1234] was not listening, was spitting and he had saliva "all down my legs".
- 6.3.8 DCO Sayers said he still had control of [D1234] head from the front while they were carrying him. He said he was mindful of [D1234] position while being carried as he was already bent over. He said he did not put any pressure on [D1234] head as to avoid restricting his breathing. He said [D1234] was still spitting and was aggressive towards the officers so he kept his head at a level to avoid him and his colleagues being spat on.
- 6.3.9 DCO Sayers said [D1234] was carried through E-wing towards discharge. He said once they got to the discharge door DCO Dix instructed to give [D1234]

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another opportunity to walk but [D1234] refused. He said [D1234] ended up back on the floor as he refused to bear any weight on his legs. He said [D1234] was not listening to any instructions and continued to scream and shout.

- 6.3.10 DCO Sayers said DCO Murphy asked if he could swap places as he was exhausted from the initial struggle to gain control and the carry. He said he took control of [D1234] left arm while DCO Murphy took control of the head. He said they cuff carried [D1234] through to discharge where TASCOR escorts were waiting and took over.
- 6.3.11 DCO Sayers said they were taught to protect the head from the front during a cuff carry. He said this was to protect the detainee's head and avoid them hitting their head if they were struggling as the officers wore helmets. He said he felt in the situation and the position [D1234] was in he had more control from the front and it was easier to talk to [D1234] and try and calm him down.
- 6.3.12 DCO Sayers said he was not near [D1234] toes while he was holding his legs as he was sat in an L-shape with his legs on the floor and his feet were nowhere near [D1234] as he anchored his feet against the wall to stop him from moving around. He said he was initially facing the room and watched his colleagues try to take control of [D1234] as he was sat on the bed and he then ended up on the floor. He said when he took control of [D1234] legs there was no other officer in front of him and he did not see anyone stamp on [D1234] toes. He said after they left the room [D1234] was carried.
- 6.3.13 DCO Sayers said he did not at any point hold [D1234] throat or put his hand around his throat. He said he held his chin with the chin hold while the other hand was on the base of his head. He said he did not see any other officer hold [D1234] throat.
- 6.3.14 DCO Sayers said he did not see two officers hold [D1234] head and turn it violently to turn him around. He said he did not hear [D1234] say anything about his neck. He said he did not hear him make a complaint. He said a healthcare nurse was present and would have stepped in if they heard and had concerns.
- 6.3.15 DCO Sayers said he did not see [D1234] hit his head on the floor. He said [D1234] was sat on the bed and then sat on the floor and he did not think [D1234] went close to the floor to hit his head.
- 6.3.16 DCO Sayers he did not hear [D1234] complain about his hands or wrist hurting. DCO Sayers said the manager or healthcare nurse would have stopped them if they heard someone complaining about being in extreme pain.
- 6.3.17 DCO Sayers said he only time [D1234] legs were bent was when they initially tried to stand him up and his feet were placed on the floor with the knees bent and he was "rolled up" which was the safest way to stand him up, rather than just pulling him up by the arms which could cause injury.
- 6.3.18 DCO Sayers said [D1234] dignity was protected throughout by a sheet. He

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said DCO Olayie was holding the sheet in place while they carried [D1234]

6.3.19 DCO Sayers said while he was with [D1234] he did not notice any injuries, cuts or bleeding.

6.3.20 DCO Sayers' account at interview was consistent with his UOF report.

6.4 UOF report and interview with DCO Murphy (ANNEX E & H)

6.4.1 DCO Murphy said he was 'number one' officer and he was the first to enter [D1234] [D1234] room. He said he held a shield which upon entering the room, he placed between himself and [D1234]. He said he discarded the shield and took control of [D1234] left arm. He said he used Home Office approved techniques. He said normally he would have been the officer controlling [D1234] [D1234] head but due to [D1234] aggression and the position of the other officers he took control of the left arm.

6.4.2 DCO Murphy said [D1234] was struggling with the officers. He said [D1234] [D1234] was naked. He said they placed [D1234] in a position so they could present his arms in "a back rest position" so the manager [DCM Dix] could apply handcuffs to de-escalate.

6.4.3 DCO Murphy said [D1234] was asked on several occasions if he would comply and walk but [D1234] refused to engage and interact with them. He said the team was instructed to use a Home Office approved technique, a handcuff carry. He said they lifted [D1234] and a sheet was placed around him to protect his dignity. He said they proceeded to carry him to the departures reception.

6.4.4 DCO Murphy said before they went through the door to reception they stopped for a rest. He said he swapped places with DCO Sayers and took control of [D1234] [D1234] head. He said they proceeded to departures where they handed [D1234] [D1234] to the waiting TASCOR officers.

6.4.5 DCO Murphy said when a person was carried in handcuffs the head would be protected from the front. He said the technique used to control the persons head was to place one hand under his chin and the other hand would be resting on the back of the head to prevent the person from banging their head. He said the hand under the chin would prevent the person from biting the officer.

6.4.6 DCO Murphy said it was not correct that two officers tried to turn [D1234] head around violently in an attempt to turn him around. He said he did not hear [D1234] complain about his neck.

6.4.7 DCO Murphy said he did not see [D1234] hit his head on the floor. He said it was not correct that an officer held his throat and he did not see any officer hold his throat.

6.4.8 DCO Murphy said [D1234] was carried and it was incorrect that an officer stamped on his toes.

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- 6.4.9 DCO Murphy said he did not hear [D1234] complain about being in pain or hurting. He said he did not hear [D1234] asking them to stop and if he had asked they would have stopped. He said he did not hear [D1234] complain about the handcuffs hurting and cutting into his skin. He said a member of healthcare was present at all times. .
- 6.4.10 DCO Murphy said he did not recall [D1234] legs being pushed upward from the feet. He said [D1234] dignity was protected as a sheet was wrapped around him. He said he did not notice any injuries on [D1234].
- 6.4.11 DCO Murphy's account at interview was consistent with his UOF report.
- 6.5 UOF report and interview with DCO Olayie (ANNEX E & I)
- 6.5.1 DCO Olayie said he was asked by the duty manager to carry out a planned removal. He said they got to E-wing and the duty manager talked to [D1234]. He said he could not remember whether [D1234] was already naked or stripped himself naked when they got there. He said [D1234] was screaming from the moment they got to his room and they could hear him before they got there.
- 6.5.2 DCO Olayie said he and his colleagues entered the room. [D1234] was sitting on the bed and they did not go in aggressively. He said he was concentrating on what he was doing not paying much attention to what the others were doing. He said he held [D1234] head initially for a brief moment. He said he thought [D1234] was "very rigid" and he made sure [D1234] did not hit his head anywhere. He said [D1234] was naked and he was instructed to wrap a sheet around [D1234] to protect his modesty. He said he was at the back and held the sheet for the majority of the time the C&R continued and all the time he was carried.
- 6.5.3 DCO Olayie said [D1234] had made himself really heavy by being a dead weight and he was trying to assist his colleagues to lift him up. He said he hurt his back as a result of this which he reported. He said the team carried [D1234] to reception and handed him over to TASCOR.
- 6.5.4 DCO Olayie said he did not recall two officers on [D1234] head turning it violently. He said he remembered holding [D1234] head only very briefly and one of the other officers would have taken over protecting his head. He said he had no recollection of [D1234] complaining about his neck. He said he just held his head and during C&R they would not forcefully move the head or neck as this could cause injury.
- 6.5.5 DCO Olayie said he did not see [D1234] hit his head on the floor. He said he did not hold [D1234] throat and did not see any of the other officer do this. DCO Olayie said he did not stamp on [D1234] toes and did not recall seeing anyone else do it.
- 6.5.6 DCO Olayie said [D1234] was screaming very loudly the whole time and even

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before they entered the room. He said he did not hear him asking them to stop. He said they were wearing helmets which could also interfere with hearing.

- 6.5.7 DCO Olayie said [D1234] was handcuffed but he could not remember him saying his wrists were hurting but he was screaming all the way through the intervention. He said they did put [D1234] down at one point as they were struggling to carry him as he was a dead weight. He said if [D1234] had said he was in pain, management would have instructed the team to put him down so he could be assessed.
- 6.5.8 DCO Olayie said [D1234] dignity was protected by a sheet. He said the sheet was wrapped around his upper body from below the chest to his thighs and he did the best he could to hold it in place.
- 6.5.9 DCO Olayie said the healthcare nurse would have checked [D1234] as he was on constant supervision.
- 6.5.10 DCO Olayie said [D1234] would not have been ignored and management would have instructed the team to stop to assess the situation if [D1234] had said he was in pain. He said [D1234] screamed throughout but he did not recall [D1234] complaining about being in pain.
- 6.5.11 DCO Olayie's account at interview was consistent with his UOF report.

6.6 UOF report DCO Rowley (ANNEX E)

- 6.6.1 DCO Rowley said he was part of a four officer team in full PPE for the planned intervention to remove [D1234] to present him to TASCOR escorts for a charted flight. He said when they approached his room he could hear [D1234] chant at the top of his voice. He said [D1234] refused to engage with DCM Dix and they were asked to enter the room.
- 6.6.2 DCO Rowley said he took control of [D1234] right arm and saw that his head and other arm were in control by other officers. He said [D1234] dropped to the floor, lay on his back to obstruct the removal and was resisting. He said he placed the right arm in 'final lock' and presented the arm for DCM Dix to apply handcuffs. He said he supported [D1234] arm to relieve pressure from the handcuffs.
- 6.6.3 DCO Rowley said they attempted to stand [D1234] up and get him to walk but [D1234] was chanting loudly which made it difficult to communicate with him. He said DCM Dix instructed them to carry [D1234]. He said [D1234] was in a crouching position but they managed to lift him up and carry him towards discharge. He said [D1234] attempted to kick DCO Sayers and attempted to latch onto door frames to obstruct them passing through. He said they had to go through the doors sideways to prevent this.
- 6.6.4 DCO Rowley said on approach to the discharge door [D1234] was given another opportunity to walk but [D1234] continued to chant and refused to communicate. He said they carried him to discharge and DCM Dix instructed [D1234]

D1234 be laid face down on the floor for TASCOR officers to take over their positions.

6.7 UOF report and interview with SDCO Owen (ANNEX J & K)

- 6.7.1 SDCO Owen said he was coach commander on Operation Majestic 58. He said was tasked with collecting a number of Nigerian and Ghanaian nationals from Brook House. He said on arrival at the centre he was briefed by centre staff on the order the detainees would be collected in. He said it was highlighted to him **D1234** was on an open ACDT plan but that he was complying with the removal directions. He said this was later changed and he was informed **D1234** was not complying and it was agreed that he would be taken last as per normal procedures with disruptive detainees. He said he was then requested by the centre to take custody of **D1234** about halfway through. He said he believed this was due to some staffing issues at the centre and possibly a shift change. He said he agreed to this and arranged a team of officers.
- 6.7.2 SDCO Owen said **D1234** was presented to them in a small departure area by a team of what he thought were six officers wearing full PPE. He said **D1234** was naked and covered by a sheet. He said **D1234** was restrained to the rear with handcuffs. He said **D1234** was physically and verbally non compliant with the officers presenting him. He said **D1234** was screaming and shouting.
- 6.7.3 SDCO Owen said he instructed DCO Haynes to apply a handcuff once one of the centre cuffs had been released and to bring the arm to the front and use pain through the wrist if required, to gain control of **D1234**. He said **D1234** was very non compliant. He said once DCO Haynes had control of the left wrist he took control of the right wrist by placing it in a lock so **D1234** hands could then be placed in front stack position.
- 6.7.4 SDCO Owen said **D1234** was still not complying with any instructions he was given. He said **D1234** "slumped to the floor", they instructed him to get to his knees which he refused to do. He said a waist restraint belt (WRB) was applied and it was placed in full secure position with his hands pulled tight to the side to reduce any risk of injury to **D1234** and others. He confirmed he checked the WRB to ensure it was not too tight and was properly secured. He said the WRB was applied to get control of **D1234** and while it would normally be applied while the person was kneeling or standing, it could be applied while they were seated, as long as there was no restriction on their breathing. He said there was no restriction on **D1234** breathing and it would have required more force to try and get **D1234** to his knees and could have caused injury. He said applying the WRB in the seated position shortened the time force was used and they were able to get **D1234** to the vehicle quicker.
- 6.7.5 SDCO Owen said he said he recalled **D1234** spat in DCO Haynes' face and kneed SDCO Lawson in the groin area. He said this was while they were seeking to get full control of **D1234**. He said neither of the officers retaliated in any way and acted in a fully professional manner and according to their

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training.

- 6.7.6 SDCO Owen said due to [D1234] using his legs as a weapon and his refusal to comply with instruction, leg restraints were applied. He said [D1234] was carried to the vehicle. He said [D1234] was not searched as he was naked only covered by a sheet. He said once [D1234] was placed in the vehicle clothing was taken to the vehicle so he could get dressed if he wanted. He said as the officer in charge, he went to check on [D1234] several times in the vehicle to check on his and the officers welfare. He said he could hear [D1234] [D1234] screaming and shouting from inside the departures area at the centre. He said the officers in the vehicle attempted to verbally calm [D1234] down and tried to persuade him to get dressed. He said he next saw [D1234] at the airport and later informed him that the flight had been cancelled.
- 6.7.7 SDCO Owen said he was not informed of any injuries or medical conditions [D1234] [D1234] had or that the WRB belt could not be used by either the centre, healthcare or the medics present. He said the WRB was applied to [D1234] waist where it was designed to be worn.
- 6.7.8 SDCO Owen said he did not recall [D1234] asking them to stop or him being in pain. He said if [D1234] had complied and walked they would not have had to use force. He said [D1234] was physically and verbally non compliant and therefore they could not have stopped until he was compliant.
- 6.7.9 SDCO Owen said [D1234] was not thrown but carried to the vehicle as per HOMES procedure. He said he was carried for approximately 15 feet from the collection point to the vehicle. He said he was placed in the vehicle, seated, secured and officers sat either side of him. He said [D1234] could have requested the clothing they took to the vehicle at any stage to get dressed.
- 6.7.10 SDCO Owen said it was [D1234] choice to get naked. He said they had to take custody of [D1234] in the way he was presented which was naked. He said they covered him with a sheet to preserve his dignity. He said they also had clothing for him to get dressed and this was kept inside the part of the vehicle where [D1234] was sat. He said [D1234] chose not to get dressed and the officers were not allowed to force clothing on people.
- 6.7.11 SDCO Owen said he never witnessed at any stage anybody holding [D1234] [D1234] throat and he did not do so either. He said none of his officers would hold someone by their throat.
- 6.7.12 SDCO Owen said he did not stamp on [D1234] toes and he did not witness any of his officers stamping on his toes. He said he did not recall [D1234] complaining about this and he did not recall him reacting in a way which could have meant an officer stood on his toes such as sharply moving his foot away.
- 6.7.13 SDCO Owen said medical observations would have been given to [D1234] He said he did not observe any injuries on [D1234] and if he had he would have asked the medic on the charter to check [D1234] SDCO Owen said at the time he saw [D1234] he did not sustain any physical injuries, he did not

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complain of any injuries and he did not observe any injuries. He said because force had been used he would have been seen by healthcare at Brook House on his return as well.

6.7.14 SDCO Owen's account at interview was consistent with his UOF report.

6.8 UOF report and interview with SDCO Lawson (ANNEX J & L)

6.8.1 SDCO Lawson said he was part of a search team for the charter flight on the day. He said it was his job the search the detainees after they had been greeted by the coach commander SDCO Toby Owen. He said he was working alongside DCO Edward Haynes as it was always two people conducting the searches.

6.8.2 SDCO Lawson said they were told by Brook House management [D1234] refused to come to reception for his removal and they were assembling a team to use force to present him to them. He said he saw the Brook House officers who were wearing full PPE coming down the corridor with [D1234] and he saw he was restrained by the officers. He said [D1234] was naked and screaming.

6.8.3 SDCO Lawson said [D1234] was presented to them but he could not remember whether he was handcuffed. He said [D1234] was sat on the floor and was "completely non compliant" and refused to carry out any orders. He said he took control of [D1234] left arm. He said DCO Haynes applied a handcuff.

6.8.4 SDCO Lawson said remembered that it was difficult for the team to control [D1234] as he was sat on the floor and his legs were "all over the place". He said [D1234] seemed stressed and was screaming and shouting. He said [D1234] made it clear that he was not going to comply and walk to the vehicle. He said [D1234] level of disruption was very high.

6.8.5 SDCO Lawson said he made it clear to [D1234] he would apply pain through his left wrist until he complied. He said he made sure [D1234] could hear him. He said [D1234] refused the order he was given and he gave him "a quick burst of pain by bending his wrist" under wrist flexion. He said as he did so [D1234] knee came up and hit him hard between his legs. He said he could not say whether this was intentional or a reaction to the pain he had given through the wrist. He said it was extremely painful and he "gave a yelp". He said after this the team gained control.

6.8.6 SDCO Lawson said [D1234] was standing up at this point but they were taking his weight. He said [D1234] was clammy and sweaty but they managed to hold on to him. He said he took hold of the left hand side.

6.8.7 SDCO Lawson said according to his statement he applied the WRB. He said he would always check the WRB to ensure it was applied securely and it would also be checked by another officer, normally the coach commander. He said he could not remember if it went to secure position or remained in restricted but he believed it was placed in secure. He said leg restraints were also applied but he

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could not remember by whom. He said they carried [D1234] to the vehicle which was about 5-6 yards away. He said two officers were in the vehicle and took over once [D1234] was placed inside.

- 6.8.10 SDCO Lawson said he believed DCO Haynes was spat at by [D1234] but he did not see this at the time. He said [D1234] assaulted the officer a lot and said a lot of abusive things to them.
- 6.8.11 SDCO Lawson said the WRB would normally be applied while the detainee was on his knees or if they had control, the person could stand up. He said [D1234] was very non-compliant and his legs were all over the place, which made it very difficult. He said he did not recall the WRB being applied while [D1234] was sitting on the floor. He said while this might not have been per textbook, they must have exhausted trying to do it the recommended way and applied the belt while he was on the floor. He said they had to adapt to the situation presented to them at the time. He said [D1234] had to be restrained and the WRB was part of keeping him safe as well as officers and property. He said the WRB was checked, readjusted and they ensured it was applied correctly.
- 6.8.12 DCO Lawson said they would have been aware whether there were any medical issues through the risk assessments but he could not recall noting a medical issue with [D1234]. He said the WRB was padded, was not applied extremely tightly and so it fitted comfortably. He said it was not designed to cause pain, it was all flat and there was nothing which would dig in. He said it could be compared with putting on a pair of trousers. He said the way the WRB was applied should not have caused [D1234] any discomfort. He said he did not recall [D1234] complaining about the belt or it hurting his stomach and although he was shouting it was nothing along those lines. He said if [D1234] had made such a complaint, they would have taken it into consideration. He said he was not aware of any medical conditions preventing the WRB from being used. He said a paramedic was present to monitor the situation and if they thought anything was wrong they could have stepped in but he did not recall this happening in this case. He said the medic would have been made aware of any medical issues prior to [D1234] being brought down.
- 6.8.13 SDCO Lawson said he never heard [D1234] say he was in extreme pain or them to stop. He said the paramedic would have checked on him once he was placed in the van.
- 6.8.14 SDCO Lawson said [D1234] was not thrown into a vehicle but carried safely and calmly. He said [D1234] was naked when they carried him to the vehicle and he did not know what happened after he left or whether [D1234] got dressed.
- 6.8.15 SDCO Lawson said he did not see an officer hold [D1234]'s throat and if he had witnessed this he would not have tolerated it.
- 6.8.16 SDCO Lawson said he did not stamp on [D1234]'s toes and did not see anyone else doing it either. He said it could happen that someone stood on his

foot "in all the commotion" and if it had happened it would not have been intentionally but a direct result of the disruption [D1234] displayed.

6.8.17 SDCO Lawson said due to the level of disruption and violence [D1234] caused it was not possible to "just let him go" due to the potential harm that could be caused. He said [D1234] did not comply with Centre management instructions to comply with the order to leave, so force had to be used to present him to the escorts.

6.8.18 SDCO Lawson's account at interview was consistent with his UOF report.

6.9 UOF report and interview with SDCO Stevens (ANNEX J & M)

6.9.1 SDCO Stevens said he only had a very vague memory of the incident but had refreshed his memory by reading his statement made at the time. He said his dealings with [D1234] were limited and only lasted approximately three to four minutes. He said [D1234] was presented to them naked by Brook House staff, kicking and shouting. He said [D1234] hands were handcuffed in a 'rear stack'. He said they were not allowed to transport detainees while being handcuffed this way and they were "moved round to the front".

6.9.2 SDCO Stevens said [D1234] was displaying high levels of strength and aggression and DCO Haynes applied a handcuff. He said [D1234] spat in DCO Haynes mouth.

6.9.3 SDCO Stevens said SDCO Lawson applied the WRB and once this was applied he applied the WRB right cuff to [D1234] right wrist. He said [D1234] was taken to the van where three other escorts were waiting. He said he did not have many dealings with [D1234] other than applying the right wrist cuff from the WRB.

6.9.4 SDCO Stevens said he could not remember controlling [D1234] head. He said as [D1234] was showing high levels of aggression and was very strong it was normal procedure to apply a WRB and he would have taken control of the head to stop [D1234] hurting himself as he was "thrashing about". He said he supported the head from the front with one hand at the back at the base of the neck and one hand under the chin.

6.9.5 SDCO Stevens said [D1234] was in a leaning forward prone position on the floor and [D1234] head was rested on his knees to prevent [D1234] from head butting the floor. He said the hand at the base of the neck was to stop [D1234] from moving his head upward or back. He said it was to prevent [D1234] from hurting himself. He said due to the possibility of asphyxia it was not a position to keep a person in very long and they would always try to get the person up quickly.

6.9.6 SDCO Stevens said he could not remember holding or using the handcuff. He said he could only remember applying the cuff of the WRB as it said so in his statement.

- 6.9.7 SDCO Stevens said he recalled [D1234] screamed “the whole time” but he could not recall what he said. He said the handcuffs would cut into the wrists when a person was fighting against them.
- 6.9.8 SDCO Stevens said he did not hold [D1234] throat and he did not see any other officer holding his throat. He said he did not witness anyone stamping on [D1234] toes.
- 6.9.9 SDCO Stevens said the WRB and leg restraints were applied as [D1234] was very disruptive and they had to carry him to the vehicle. He said he did not recall being aware that [D1234] had a lump on his stomach. He said [D1234] had been certified fit to fly by medical staff and medical staff were present at the time.
- 6.9.10 SDCO Stevens said they would have done their best to cover [D1234] with at least a blanket. He said he was not in the van as [D1234] was driven to Stansted. He said [D1234] was carried to the van and the WRB and leg restraints had been applied. He said [D1234] was very strong and disruptive.
- 6.9.11 SDCO Stevens said they did everything they could to protect [D1234] dignity, regardless of how he behaved towards them. He said this happened at the end of March and they would also have considered keeping [D1234] warm.
- 6.10.12 SDCO Stevens said he did not recall [D1234] saying something was hurting. He said he did not notice any injuries on [D1234]. He said medics would be on each coach. He said he did not recall there being any issues. He said as [D1234] had to be restrained it was possible he may have sustained some bruises. He said this was not deliberate by the officers but from the resistance [D1234] offered.
- 6.11 UOF report and interview with DCO Jones (ANNEX J & N)
- 6.11.1 DCO Jones said he was informed at reception that [D1234] was brought down. He said he could hear [D1234] shouting before he saw him. He said [D1234] was escorted by Brook House staff wearing full Personal Protective Equipment. He said he could not remember whether [D1234] was handcuffed or in protective holds.
- 6.11.2 DCO Jones said his team tried to engage with [D1234] but he refused and was getting louder and louder. He said [D1234] was naked and refused to get dressed. He said he thought [D1234] became disruptive and was “thrashing around with arms and legs”. He said he was instructed to take control of [D1234] head, which he did in the approved manner under HOMES. He explained he supported [D1234] head from the front by placing one hand behind his head and the hand under his chin. He said [D1234] head was then brought slightly in towards his chest “at an appropriate height so they can still breathe”. He said this isolated the head in a controlled manner. DCO Jones

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said as far as he recalled when he took control of [D1234] head he was standing.

- 6.11.3 DCO Jones said he held [D1234] head while handcuffs and a WRB were applied. He said they escorted him to the vehicle and [D1234] went into the vehicle. DCO Jones said [D1234] was placed in the van and not thrown. He said [D1234] was still naked and they asked [D1234] to get dressed but he refused repeatedly. He said [D1234] was presented to them naked and they put a blanket over him in the vehicle to cover him. He said they did what they could to cover him and he had every option to get dressed but [D1234] chose not to.
- 6.11.4 DCO Jones said he remembered [D1234] was shouting "oh Jesus, oh Jesus" for hours. He said [D1234] refused to engage with the officers and refused food and drink. He said [D1234] only engaged with them when he was informed he would not be flying.
- 6.11.5 DCO Jones said he did not hold [D1234] throat and did not see any other officer hold his throat. DCO Jones said he did not recall an officer stamping on [D1234] toes. He said an officer may have accidentally stood on his toes but he did not recall it happened and could not imagine it was deliberate, if it did.
- 6.11.6 DCO Jones said pain compliance was used to get detainees to comply if they were not responding. He said he did not recall [D1234] saying anything about pain. He said [D1234] was shouting but he could not make out what.
- 6.11.7 DCO Jones said [D1234] was not ignored. He said [D1234] was put in the WRB as he was violent and therefore they had to control him. He said the WRB could not be removed until the person had fully calmed down and [D1234] was not treated differently to anyone else who was placed in a WRB.
- 6.11.8 DCO Jones said paramedics were present and [D1234] would have seen a paramedic. He said he did not see [D1234] get injured and did not see any visible injuries on [D1234]. He said handcuffs would hurt due to the nature of them. He said once handcuffs are removed, a paramedic would have checked [D1234]. He said if [D1234] had complained about any injuries the paramedic would have dealt with this. He said [D1234] would not have been refused the opportunity to see a medic if he asked.
- 6.11.9 DCO Jones' account at interview was consistent with his UOF report.
- 6.12 UOF report and interview with DCO Haynes (ANNEX J & O)
- 6.12.1 DCO Haynes said [D1234] was due to be removed on a charter flight. He said he was part of a team who were asked to search detainees before they got on the coach. He said he heard a lot of screaming and then saw a number of Brook House officers bringing [D1234] into the area. He said [D1234] was very violent and the team were struggling to keep hold of him. He said the Brook House officers sat [D1234] on the floor in the reception. He said [D1234] was naked and only wearing a towel.

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- 6.12.2 DCO Haynes said he applied a handcuff to what he thought was [D1234] right wrist [left wrist]. He said he brought the arm to the front and as he did so [D1234] spat in his face. He said he did not use any pain compliance at this point and only brought the arm around so he could place [D1234] hands in a 'front stack'.
- 6.12.3 DCO Haynes said they stood [D1234] up and got him to his knees and a waist restraint belt (WRB) was applied. He said [D1234] was "still kicking out and fighting". He said [D1234] spat at him again and he gave pain compliance for approximately a couple of seconds with the one cuff which was still applied while [D1234] other hand was strapped on the WRB. He said once [D1234] [D1234] was standing up he kicked one of the officers in the groin area and he gave him pain compliance for a second time. He confirmed he gave [D1234] a warning each time prior to using pain compliance.
- 6.12.4 DCO Haynes said they were struggling to get [D1234] legs together and he passed his handcuff to DCO Stevens and pushed [D1234] legs together so the leg restraints could be applied. He said [D1234] was carried into the van and he took control of [D1234] head. He said once [D1234] was on the van he passed control of the head to another officer and left the van.
- 6.12.5 DCO Haynes said [D1234] was handcuffed to the back when he was presented to them. He said Brook House officers removed one cuff and he applied his handcuff to this wrist. He said [D1234] arms were then brought around and he placed his hands in 'front stack'. He said he removed one cuff when [D1234] was on his knees and one hand was secured on the WRB. He said as soon [D1234] other hand was secured on the WRB, he removed the handcuffs. He said [D1234] was shouting and screaming a lot but he did not recall him complaining about the handcuffs hurting. He said even when he was using pain compliance "it had no real effect on him". He said he felt [D1234] shouting was more to create a scene rather than being in pain.
- 6.12.6 DCO Haynes said he did not see any officer hold [D1234] throat and he did not see an officer stamp violently on [D1234] toes.
- 6.12.7 DCO Haynes said he was not aware of any medical issues [D1234] may have had and he did not see any lump in his stomach and he did not recall [D1234] mentioning this. He said the WRB by its nature was applied around the waist/stomach area. He said leg restraints were applied to help carry [D1234] who was disruptive.
- 6.12.8 DCO Haynes said [D1234] was not thrown onto the van and he was carried to the van using HOMES techniques which involved him being laid across the seats to then sit him up. He said Brook House staff presented [D1234] naked and he believed he had a towel wrapped around him. He said [D1234] would also have been given an opportunity to get dressed.
- 6.12.9 DCO Haynes said [D1234] did not ask them to stop. He said [D1234] was abusive towards him and the other officers. He said [D1234] was not shouting

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in pain but was shouting being rude and abusive towards the officers. He said he could not remember what exactly [D1234] was saying but he remembered [D1234] [D1234] took a dislike to him, which may have been due to the handcuff he had applied and the pain compliance he used. He said it got to a point where [D1234] [D1234] was so angry that he would not have approached the van after [D1234] [D1234] was placed inside.

6.12.10 DCO Haynes' account at interview was consistent with his UOF report.

6.13 UOF report DCO Maynard (ANNEX J)

6.13.1 DCO Maynard stated he was in the vehicle when [D1234] was carried to it with a WRB, leg restraints and a handcuff on his right wrist applied. He stated [D1234] [D1234] was sat in middle seat. He said [D1234] was physically passive but very verbal saying repeatedly his God would do harm to everybody who put their hands on him tonight.

6.13.2 DCO Maynard stated [D1234] complained his wrist was hurting from the handcuff. He stated [D1234] wrist was visibly swollen, bruised and red and the handcuff was released at 21:56 as he was no longer physically violent and they attempted to de-escalate his aggressive verbal communication.

6.13.3 DCO Maynard stated [D1234] complained about many injuries including his big toe on his left foot which he said was cut and swollen and his ribs were broken. DCO Maynard said [D1234] first complained about his ribs on the left side but as the journey progressed this switched to the right side.

6.13.4 DCO Maynard stated a medic entered the van three times while they were waiting to depart Brook House and each time he was met with hostility from [D1234] [D1234] and unable to carry out any examination.

6.13.5 DCO Maynard stated [D1234] was presented naked with a sheet around him. He stated they asked him several times if he wanted to get dressed but he refused each time.

6.13.6 DCO Maynard stated once the charter flight was cancelled [D1234] became significantly more compliant and the WRB and leg restraints were removed and [D1234] got dressed. He stated they returned [D1234] to Brook House without further incident.

6.14 UOF report DCO Winstanley (ANNEX J)

6.14.1 DCO Winstanley stated [D1234] was placed in a WRB, leg restraints and a handcuff was applied to his right wrist to gain pain compliance but [D1234] refused a lawful order.

6.14.2 DCO Winstanley stated DCO Maynard was sat in the window seat. He stated [D1234] [D1234] was carried to the vehicle, placed in the middle seat and he provided head support at this point for a short time.

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- 6.14.3 DCO Winstanley stated he attempted to engage with [D1234] but he was just shouting loudly that his Lord was aware they were torturing him. He stated he constantly offered [D1234] food and drink and asked him to get dressed for his dignity which he refused.
- 6.14.4 DCO Winstanley stated [D1234] complained about broken ribs, a broken toe and a broken wrist. He stated he had "all this checked out by a medic".
- 6.14.5 DCO Winstanley stated he removed the handcuff as soon as they were leaving Brook House. He stated the WRB and leg restraints were removed at Stansted and [D1234] got partially dressed. He stated once they arrived back at Brook House [D1234] was complaining about injuries and had to be assisted off the vehicle.
- 6.15 History and Record of Detention and Escort Events sheet (ANNEX J)
- 6.15.1 The following relevant information was noted (the second page of the record was not clearly legible):
- 6.15.2 20:12 *Took custody for charter, WRB and leg restraints applied, very aggressive, spitting, trying to head butt, naked, carried to vehicle.*
- 6.15.3 20:30 ... *The medic has attended [D1234] on two occasions...*
- 6.15.4 21:20 *The medic has been in attendance again. ...asked [D1234] if he need anything ... or would like to get dressed for his dignity. He is refusing anything...*
- 6.15.5 21:xx *Handcuff removed.*
- 6.16 NTRG report and review of video footage (ANNEX D & P)
- 6.16.1 NTRG reviewed the video footage and UOF reports. CCTV footage was also available from Brook House IRC. This could however only be played in fast forward mode and was therefore not reviewed in detail separately. While this might have provided some additional detail it was not considered crucial as other footage was available. The video footage was also reviewed by the investigator. The video was approximately 18 minutes long. The following relevant information was noted:
- 6.16.2 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 was if it was:
- Necessary
 - Reasonable
 - Proportionate
 - No more force than is necessary
- 6.16.3 A mixed application of restraint was applied as the initial force was commenced by Brook House IRC staff and then the latter part of the restraint was by

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TASCOR staff. TASCOR staff were trained in Home Office Manual for Escorting Safely (HOMES). Staff working within an IRC were trained in C&R Use of Force.

- 6.16.4 The video footage was reviewed. As [D1234] was naked the camera was diverted to the ceiling during the initial use of force in his room to preserve his dignity. Audio was still available during this time. The footage was not always clear as people moving blocked the footage, positioning of staff sometimes interfered with the view and the camera moved around at times. There was audio but not everything that was said could be heard. Predominantly it was [D1234] [D1234] who could be heard chanting, praying and calling out.
- 6.16.5 The officers wore full PPE, meaning it was hard to identify members of staff. The PPE comprised of a protective helmet and visor, fire retardant overalls, leather gloves, steel toe cap boots, arm and leg guards as well as the option for body armour and balaclavas.
- 6.16.6 The footage included an initial briefing of the officers at Brook House IRC. This was to a high standard, gave insight into the current situation and provisions in place, such as [D1234] was on constant supervision and had been offered to visit healthcare and to see the TASCOR medic which he refused. A healthcare official was also present who stated:
- There was no medical concern.
 - [D1234] told the doctor two days ago he needed surgery but did not provide any documentation for the procedure required and the doctor confirmed there was no concern.
 - [D1234] said he had a lump in his abdomen but he was found to be fit and there was no reason force could not be used.
- 6.16.7 The initial part of the intervention was a final chance for [D1234] to comply with instructions. When he failed to engage and comply, the team entered the room utilising a 4ft riot shield as per use of force policy.
- 6.16.8 [D1234] was initially on the bed as three officers [DCO Murphy, DCO Rowley and DCO Olayie] entered. During the intervention [D1234] ended up on the floor. At this stage there was a limited view as the camera was quickly faced to the ceiling to preserve [D1234] dignity as he was naked. Audio was still available. This was mainly [D1234] chanting, praying and calling out which he continued throughout. From the limited view it appeared [D1234] was resisting from the beginning of the intervention although passively resistant at first.
- 6.16.9 When the camera returned to the scene [some 30 seconds later], a fourth officer [DCO Sayers] had entered the room and was seen controlling [D1234] legs. Officers had 'hold' of [D1234] but did not have any controlling locks as they had a grip of the wrist area. A controlling lock would have been a more secure way to control the detainee and also offer a pain source should this be required. Controlling locks may have reduced the time of the restraint. However the 'hold' that officers had of the detainee did not appear to put the detainee or officers at any high level of risk. At this point staff were attempting to sit [D1234]

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[D1234] up.

- 6.16.10 When [D1234] was seated, he was handcuffed to the rear [by DCM Dix] while still under restraint. This technique was 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. There was good verbal communication and reference to the handcuffs being applied. DCO Sayers remained on [D1234] legs while he was in a seated position. It appeared [D1234] was strong throughout however did not appear to be lashing out constantly.
- 6.16.11 When [D1234] was handcuffed and standing an offer for him to get dressed was made. There was no response to this offer. Therefore a sheet was wrapped around his waist to assist maintaining his dignity which was held by an officer [DCO Olayie].
- 6.16.12 As [D1234] was not complying with walking, a decision to carry him was made by DCM Dix to carry him with good guidance and instruction on how to lift.
- 6.16.13 The handcuff carry, which was an approved use of force technique, was not carried out to a taught standard. [D1234] head was brought forward rather than controlled from, the rear as should be. This would have given the fourth officer [DCO Sayers] the opportunity to control the legs which would have aided staff getting through doorways. It appeared [D1234] used the spread of his legs to impede the progress through doorways. This was overcome by turning to go through the doorways headfirst. It appeared one officer [DCO Olayie] concentrated on the sheet around the detainee's waist. Maintaining the detainee's dignity throughout appeared to be a priority, at times possibly to the detriment of effective restraint.
- 6.16.14 The carry was stopped after around 60 seconds to give [D1234] an opportunity to walk and staff some respite as this was a labour intensive technique. [D1234] was offered the opportunity to walk throughout the carry which was good practice.
- 6.16.15 During the second part of the carry the detainees head appeared to be lower, this could cause medical implications due to restricting the amount of space the diaphragm had to move.
- 6.16.16 On arrival in the reception area [D1234] appeared to be placed down from the carry with his legs out in front of him. It was believed this was dictated by [D1234] not complying with instructions to stand and/or kneel but it was unclear. [D1234] head was controlled from the front by a TASCOR officer [SDCO Stevens], presumably due the cuffs being changed/removed. It was evident the head was very low and this could restrict the breathing.
- 6.16.17 The next part was the handover from Brook House officers to TASCOR officers. A decision was made for a rigid bar handcuff to be applied as part of the handover. This was done effectively and when the first ratchet cuff was removed and TASCOR officers [SDCO Owen, SDCO Lawson, SDCO Stevens and DCO

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Haynes] took control, a verbal command was heard to get the detainees head up higher. Due to the filming it was not visible if the other ratchet cuff was removed or not. It was later evident it had not been but staff remained vigilant with this.

- 6.16.18 Instructions were given to get [D1234] to his knees which he did not comply with. [D1234] continued to chant and shout throughout the restraint. A decision was made to apply the belt in the seated position. TASCOR officers improvised on some techniques such as applying the belt in a seated position with [D1234] legs out to the front. This did not appear to be to the detriment of [D1234] or the application. At this point it was noted the detainee was handcuffed in 'front stack' and the ratchet cuff was still on the detainee's right wrist. A TASCOR officer was holding onto this cuff which was a great safety measure as if left unlocked and loose this could have been used as a weapon.
- 6.16.19 At this stage [D1234] appeared to struggle and became actively resistant. He spat at the DCO who had applied the rigid bar cuff. [D1234] was then stood up.
- 6.16.20 The view was blocked for a period of time however instructions to keep the head upright and still were heard as well as [D1234] continued chanting. [D1234] then spat at DCO Haynes again. An instruction was given to carry [D1234] [D1234] to the chase vehicle. It was not visible whether [D1234] was carried onto the vehicle head or feet first due to the amount of people involved. He was seated on the vehicle and the footage for the restraint ended.
- 6.16.21 Head support was at times applied in an upright position. This was not as taught however maintained control of the head without bringing it forward.
- 6.16.22 Due to the removal authority the use of force appeared to be necessary because of 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 seen the use of force was reasonable and proportionate due to what appeared to be some active resistance and [D1234] spitting at officers.
- 6.16.23 It should also be taken into consideration there were a number of learning points around the basic use of force used by the Brook House officers which would have made the restraint safer.
- 6.16.24 Additionally the investigator observed the following on the review of the video footage:
- 6.16.25 When Brook House officers stopped after approximately 60 seconds of cuff carrying [D1234] DCO Sayers who up to this point controlled [D1234] head from the front, switched position with DCO Murphy who was on the left arm.
- 6.16.26 The ratchet bar handcuff was removed by DCM Dix after TASCOR officers stood [D1234] up. At this point it also appeared the ridged bar handcuff DCO Haynes applied had been released from [D1234] left wrist.

- 6.16.27 Pain compliance appeared to be applied through the handcuff shortly after the ratchet bar handcuff had been removed and appeared to make [D1234] scream. No warning was heard, possibly due to [D1234] continued shouting.
- 6.16.28 As [D1234] was stood up an officer [DCO Hann] was instructed to apply leg restraints. [D1234] resisted and refused to close his legs. At this point pain compliance appeared to be used a second time although it was not clear from the footage by which officer or how. In response, [D1234] spat at DCO Haynes a second time. No warning was heard, possibly due to [D1234] continued shouting.
- 6.17 Statement from Grace Sihlali, Staff Nurse (ANNEX E)
- 6.17.1 Nurse Sihlali statement was signed and dated 28 March 2017. In it she said no injuries were sustained.
- 6.18 Extract of [D1234] medical record (ANNEX A)
- 6.18.1 The letter from MP Harman included a two page extract of [D1234] medical record from 28 – 31 March 2017. The following relevant information was noted:
- 6.18.2 Entry made by Dr Husain Oozeerally on 28 March 2017 at 15:25: *patient does not disclose any medical issues*
- 6.18.3 Entry made by Nurse Sihlali on 28 March 2017 at 22:05: *20:00hrs went for briefing for removal, on arrival to his room he was naked... was very vocal shouting and praying did not listen to oscar 1, team went in and force was used was fighting shouting and was covered by bed sheet for decency and was handed over to tasco[r] for his flight. No reference was made regarding any injuries.*
- 6.18.4 Entry made by Janina Wingert, staff nurse on 29 March 2017 04:03: *came back from failed discharge... Claimed in pain all over body, offered Ibuprofen and Paracetamol... but he declined stated he has empty stomach, food offered but refused. Body check done, redness noted on both wrists also small skin peel on right wrist, some redness noted on right side of trunk. Skin tear on left toe, cleaned...dressing applied, to be seen by doctor.*
- 6.18.5 Entry made by Dr Oozeerally on 29 March 2017 at 15:30: *History: had pre assessment surgery on Friday (lump in abdominal wall), c/o all over pain after C&R... tender bilateral chest wall... Diagnosis: soft tissue injury...*

7. **CONSIDERATION OF EVIDENCE AND CONCLUSIONS**

- 7.1 [D1234] had been removed from the UK by the time the complaint was forwarded to PSU. The investigation solely relied on the information in his written complaint as no contact information was available for him following his removal.

Allegation 1

7.2 Excessive force was used by G4S and TASCOR officers

Review

- 7.2.1 [D1234] said in his written complaint eight officers came into his cell and two officers held his head and turned it violently to turn him around and he felt a crack in his neck. He said he was pushed and hit his head on the floor. He said one officer held his throat and another officer stamped violently on his toes. He said he was handcuffed on both wrists and the cuffs were cutting into his wrists.
- 7.2.2 [D1234] said his legs were grabbed, pushed upward from the feet and this caused pain to his knees. [D1234] said throughout the use of force he was in extreme pain, screaming in pain, asking the officers to stop but they refused and ignored him.
- 7.2.3 This was contrary to the evidence from the officer's UOF reports, interviews and what was seen on the video footage. The footage showed [D1234] refused to comply with DCM Dix's instructions to leave the room or indeed any other request thereafter. Initially three G4S officers- DCO Murphy, DCO Rowley and DCO Olayie, wearing full PPE entered [D1234] room. A forth officer, DCO Sawyers, entered shortly after to control [D1234] legs which he said was due to [D1234] trying to use his legs to resist his colleagues gaining control. The footage showed that DCO Murphy and DCO Rowley struggled to apply final locks on [D1234] s left and right arm respectively as he resisted their efforts, refused to comply and continued to struggle.
- 7.2.4 [D1234] was sitting on the bed shouting loudly when the officers entered and shortly after was seen sliding to the floor in a supine position. DCO Olayie, who controlled [D1234] head at this point, recalled [D1234] made himself "very rigid" and said he controlled his head so it did not hit the floor or anywhere else. This was corroborated by the other G4S officers present who all said at interview they did not see [D1234] hit his head on the floor.
- 7.2.5 The G4S officers all denied at interview that two officers held [D1234] head in an attempt to turn him. None of the officers recalled hearing [D1234] neck crack or heard him complain about his neck. It was considered unlikely the officers would have heard the neck crack over [D1234] constant chanting and shouting. The video footage did not show two officers controlling [D1234] head but it showed [D1234] repeatedly trying to turn his neck. None of the officers recalled a situation where two officers controlled his head in an attempt to turn him around.
- 7.2.6 DCM Dix was seen applying ratchet bar handcuffs to [D1234] wrists behind his back while he was seated on the floor. He said he applied the handcuffs so there was a finger width space between the cuff and the wrist as per C&R guidance. While the application of handcuffs was an approved technique, NTRG advised the application of handcuffs to the rear should only be done once the person was standing up but found that no apparent distress was caused to [D1234]

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D1234 by the application of the cuffs in the circumstances. DCM Dix explained that he considered the application of the handcuff shortened the time the officers spent trying to control **D1234** and get him to a standing position.

- 7.2.7 **D1234** was carried in handcuffs, an approved use of force technique, due to his refusal to bear weight and walk. DCM Dix and DCO Sayers both described this technique as being uncomfortable for the person being carried. It was considered likely **D1234** may have felt the cuffs cutting into his wrists at this point. **D1234** was very vocal and was heard screaming, shouting, praying and chanting throughout the incident but at no point was he heard complaining about the handcuffs either at the initial application or during the carry.
- 7.2.8 **D1234** head was controlled from the front during the carry. Both officers - DCO Sayers and DCO Murphy, said this was the approved technique. DCM Dix said the head should normally be controlled and supported from the rear. NTRG also stated head support should be provided from the rear to avoid constricting the persons' ability to breathe. The video footage showed that **D1234** breathing was not impacted as he continued to shout, pray and chant loudly.
- 7.2.9 As **D1234** was handed over to the TASCOR officers, SDCO Owen said he requested a handcuff be applied as it was apparent **D1234** was not complying with the G4S officers. DCO Haynes applied a set of rigid bar handcuffs to the left wrist and DCM Dix removed the left side of the cuff he had applied at this point. DCO Haynes said he did not use the application of pain through the handcuff upon initial application but applied it twice at a later stage as **D1234** refused to comply with instructions and he gave warnings prior to their application. SDCO Lawson described using pain compliance through **D1234** left wrist once and said he gave clear instructions and warning to **D1234** prior to it. While the video footage suggested pain compliance was used on a couple of occasions, the warnings were not audible. No strikes or blows were made.
- 7.2.10 TASCOR officers work to HOMES. The use of a handcuff to induce compliance through the application of pain as well as through the wrist was approved under HOMES. DCO Maynard stated **D1234** complained his wrist was hurting from the handcuff and the wrist was visibly swollen, bruised and red.
- 7.2.11 The handcuff DCM Dix had applied was fully removed once TASCOR officers had gained sufficient control prior to carrying **D1234** to the vehicle. DCO Maynard stated the rigid bar handcuffs were fully removed in the vehicle at 21:56 once **D1234** had stopped to physically resist the officers. The timing was consistent with what could be read on the PER report. Given the level of resistance **D1234** had displayed, this was considered the first reasonable opportunity to remove the handcuffs respectively.
- 7.2.12 From the footage, officer reports and accounts during interview it was evident **D1234** continually struggled and resisted the TASCOR officers to gain control and they in turn found it difficult to control him such was his resistance to their efforts. **D1234** was observed twice spitting at DCO Haynes. SDCO Lawson described he was kicked in the groin area which was witnessed by SDCO Owen,

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DCO Haynes and others.

- 7.2.13 All the G4S and TASCOR officers spoken to, denied holding [D1234] by the throat nor did they witness anybody else doing so. No evidence was seen on the video footage that [D1234] was grabbed by the throat at any point by a G4S or TASCOR officer.
- 7.2.14 None of the officers recalled a situation where [D1234] legs were pushed up from the feet and this was not seen on the video footage.
- 7.2.15 Medical records from 29 March 2017 showed [D1234] sustained a skin tear to one of his left toes. It was not clear at what point or how this injury was sustained. DCO Sayers said he controlled [D1234] legs during the initial struggle on the floor. He said there was no one in front of him and he did not see anyone stamp on [D1234] toes. All the other officers spoken to were clear that they did not stamp on his toes and they did not witness anyone else doing so. DCM Dix, SDCO Lawson and DCO Jones said it was possible an officer may have accidentally stood on [D1234] toes during the struggle. The video footage did not show such an event and no reaction or complaint was observed from [D1234] which may have indicated such an event.
- 7.2.16 It was clear from the evidence seen [D1234] refused to engage with the officers and despite best efforts they could not establish any meaningful rapport with him until he was informed his flight was cancelled.
- 7.2.17 The NTRG review confirmed that the force used was not excessive and was necessary, proportionate and reasonable in the circumstances.

Conclusion

- 7.2.18 The evidence showed that [D1234] offered considerable and sustained resistance to the officers' legitimate use of force in seeking to restrain and control him in the circumstances. Reasonable steps were taken by staff in the first instance to encourage [D1234] compliance. In the face of his continued verbal non-compliance and his physical attempts to frustrate his removal, each of the teams was justified in using force in accordance with the respective Operating Standards.
- 7.2.19 The handcuffs were removed at the earliest opportunity; one after [D1234] was sufficiently under control by TASCOR officers and the other after he had stopped physically resisting the officers once in the vehicle. The leg restraints and WRB were removed at Stansted Airport once [D1234] was informed the flight was cancelled and his compliance significantly improved.
- 7.2.20 While some aspects such as the application of the ratchet bar handcuff by G4S and the head control from the front during carrying [D1234] in handcuffs were not applied to taught standards, they were not considered to have negatively impacted on the extent and duration of the use of force.
- 7.2.21 After careful consideration it was concluded that no excessive force or more

force than necessary was used and the force used was reasonable, proportionate and justified in the circumstances as confirmed by the NTRG review and therefore the complaint was **unsubstantiated**.

Allegation 2

7.3 [D1234] dignity was violated

Review

7.3.1 [D1234] said he was carried out of his cell completely naked and was stripped of all his dignity. He said he was driven naked to Stansted Airport.

7.3.2 The video evidence showed [D1234] was sat naked on the bed when G4S officers arrived at his room. The briefing prior to the intervention included consideration and mitigation for this by taking a sheet to protect [D1234] modesty.

7.3.3 The video evidence further showed the camera was diverted to the ceiling for a period during the initial struggle during which DCM Dix could be heard explaining it was diverted as [D1234] was naked and to protect his dignity. The sheet was quickly placed over [D1234] once the officers had some control. DCO Olayie said he held the sheet in place during the carry ensuring [D1234] was covered from just below the chest to his thighs. This was confirmed by the other officers who all said [D1234] dignity was protected with the sheet as well as what was seen on the footage.

7.3.4 DCM Dix was heard asking [D1234] if he wanted to get dressed but there was no response other than shouting and chanting.

7.3.5 TASCOR officers said [D1234] was presented to them naked with only a sheet to cover his modesty. The footage showed TASCOR officers also attempted to hold the sheet in place during [D1234] violent resistance to them gaining control.

7.3.6 DCO Maynard who was in the vehicle said [D1234] was taken to the vehicle naked with only a sheet covering him. He stated [D1234] was repeatedly asked if he wanted to get dressed but he refused each time. This was supported by DCO Winstanley's report and DCO Jones' account during interview.

7.3.7 SDCO Owen said clothing was taken and kept in the part of the vehicle where [D1234] sat so he could get dressed when he wanted. All the officers were clear it was [D1234] choice to remain naked and they could not force him to get dressed.

Conclusion

7.3.8 [D1234] was naked when officers arrived at his room. He was given repeated opportunities to get dressed both by G4S and TASCOR officers which he ignored or refused each time.

- 7.3.9 The evidence showed consideration was given in preparation for and during the intervention to cover [D1234] dignity throughout. It appeared the application of the sheet and holding it in place during the carry may have been given priority over the taught standard for head support.
- 7.3.10 It was considered [D1234] dignity was protected during the incident and the complaint was **unsubstantiated** in this regard.

Allegation 3

- 7.4 The WRB was applied by TASCOR officers over a lump in [D1234] stomach

Review

- 7.4.1 [D1234] said both his legs were tied and a strap was applied over his stomach to strap him up and this was applied over a lump in his stomach for which he was awaiting surgery.
- 7.4.2 SDCO Lawson said he applied the WRB but he was not aware of any medical condition preventing its use. SDCO Owen corroborated this recalling at interview that he was not informed of any medical conditions for [D1234]. Both officers said had they been made aware this would have been taken into account.
- 7.4.3 SDCO Lawson said the WRB was not applied extremely tight and he ensured it was applied correctly. SDCO Owen said he checked the belt for correct application although this was not visible on the video footage.
- 7.4.4 The footage showed the belt was applied while [D1234] was in a seated position on the floor. NTRG said this was not to the taught standard as the belt should be applied while the person was kneeling or standing but on this occasion it did not appear to be to the detriment of [D1234] or the application. The footage showed that officers attempted repeatedly to get [D1234] to his knees but he did not comply with their instructions and strongly resisted their efforts.
- 7.4.5 SDCO Lawson said the belt was designed to fit comfortably, was made of soft, flat material and there was nothing which would dig in. He said it should not have caused [D1234] any discomfort and he did not recall him complaining about the belt hurting his stomach. While [D1234] was shouting throughout, he was not heard on the video footage complaining about the WRB or this causing him discomfort on the lump he said he had on his stomach.
- 7.4.6 All the TASCOR officers spoken to said medical professionals were present during the use of force and could have interjected if they had any concerns on the use of the WRB. This was not the case. The limited medical notes available showed an entry made by the doctor on the day of the removal stating [D1234] [D1234] had not disclosed any medical issues. The same doctor made an entry on 29 March 2017 with reference to a pre-surgery assessment for a lump in the abdominal wall the previous Friday. It was not clear whether this information was

available at the time of the removal.

7.4.7 Nurse Sihlali stated during the briefing held by DCM Dix [D1234] had told the doctor he had a lump in his stomach but the doctor had no concerns. She also stated there was no medical reason preventing the use of force.

7.4.8 DCO Maynard, DCO Winstanley and DCO Jones were in the vehicle with [D1234] [D1234] and while they stated [D1234] complained about various injuries, their reports and accounts did not mention him complaining about the WRB causing him pain or discomfort. While it was possible this could have been omitted from their reports it was considered unlikely as they listed various other injuries [D1234] complained about.

Conclusion

7.4.9 There was some evidence from the medical records and G4S briefing at least Brook House IRC medical professionals had some knowledge of a lump in [D1234] [D1234] abdomen. It was clear that this was not considered by them to prevent the use of force. No evidence was seen during the course of the investigation and TASCOR officers were aware of it.

7.4.10 While the WRB was applied in a seated position on this occasion and it was evident that SDCO Lawson struggled to apply it in this position it was not considered to have prevented its correct application.

7.4.11 After careful consideration and on the balance of probability the complaint was **unsubstantiated**.

Allegation 4

7.5 [D1234] was thrown onto the vehicle

Review

7.5.1 [D1234] said he was thrown into a security van. This was in total contrast to the TASCOR officers' reports, accounts during interview and the available video footage.

7.5.2 The footage clearly showed the officers carried [D1234] onto the vehicle and placed him on the seats. While the footage was not clear whether [D1234] was carried head or feet first onto the vehicle, several officers said [D1234] was laid across the seats and then sat up as per procedure. This was not clearly visible on the footage and the footage ended as soon as [D1234] was placed on the vehicle.

7.5.3 All the officers said either in their respective reports or during interview [D1234] [D1234] was not thrown onto the vehicle but was carried to, lifted onto the vehicle and placed in the seat. Due to the officers having to lift [D1234] up the steps into the vehicle it was considered this may have felt like being thrown to [D1234] [D1234]

Conclusion

- 7.5.4 The officers strongly denied they threw [D1234] onto the vehicle. The video evidence showed [D1234] was lifted onto the vehicle and placed on the seats. Therefore the complaint was **unsubstantiated** in this regard.

Allegation 5

- 7.6 [D1234] was refused access to medical care

Review

- 7.6.1 [D1234] said he sustained injuries all over his body, bruises on his wrists, stomach and several other parts of his body and was denied access to a doctor. He said he was only allowed to see a nurse.
- 7.6.2 This was in some contrast to the available medical reports, officer reports and accounts during interview.
- 7.6.3 Medical records showed [D1234] was seen by a doctor on the day of his removal. G4S officers said he was under constant medical supervision as he was on an ACDT plan. They further stated a nurse was present throughout the use of force. This was confirmed in some respect by the video footage as well as Nurse Sihlali's statement and entry on [D1234] medical record.
- 7.6.4 DCM Dix said it was not procedure to have doctors present at the centre at the time of [D1234] removal but Nurse Sihlali was present throughout.
- 7.6.5 SDCO Owen and his colleagues confirmed they had paramedics present and available for the removal. DCO Maynard and DCO Winstanley stated a medic was called three times to assess [D1234] once he was placed on the vehicle. DCO Maynard stated [D1234] was hostile towards the medic and refused to be assessed by him.
- 7.6.6 This was somewhat corroborated by the entry made by nurse Wingert who saw [D1234] on his return to Brook House IRC in the early hours of 29 March 2017. She noted a skin tear on a left toe for which she cleaned and applied a dressing. It was considered if a medic had assessed [D1234] in the vehicle the tear would have been cleaned and dressed at this point.
- 7.6.7 No Doctor was at the centre at the time of [D1234] return but he was scheduled to see him later that day. The doctor saw [D1234] in the afternoon and noted similar observations with regard to any injuries.
- 7.6.8 [D1234] said he had to be returned to the centre in a wheelchair. DCO Whinstanley stated [D1234] had to be assisted off the vehicle on return but made no mention of the use of a wheelchair. DCO Haynes said during his interview he saw [D1234] walk back into Brook House IRC on return.

Conclusion

- 7.6.9 [D1234] alleged he was denied access to a doctor but this was in contrast to his medical records which showed he was seen by a doctor in the afternoon prior to his removal.
- 7.6.10 Doctors were not present at the centre at all times. The evidence showed [D1234] [D1234] was offered and had access to fully qualified medical professionals and it was considered he had appropriate access to medical care.
- 7.6.11 After consideration and on the balance of probability the complaint was unsubstantiated in this regard.

8. RECOMMENDATIONS

8.1 Local Brook House IRC – Training

Recommendation 1

- 8.1.1 [D1234] was handcuffed to the rear while seated by DCM Dix. NTRG advised this technique had been removed and the detainee would be required to stand in order to apply handcuffs for a supine position.

Action 1

- 8.1.2 Staff should be reminded that the technique to handcuff a detainee for a supine position required the detainee to stand before the handcuffs could be applied. The centre should consider whether further training was required for staff to ensure they were fully aware of the current handcuff techniques available.

8.2 Local Brook House IRC – Training

Recommendation 2

- 8.2.1 [D1234] was carried in handcuffs and his head was supported from the front. NTRG advised while this was an approved use of force technique, the standard taught included head control from behind. This was contrary to DCO Sayers' and DCO Murphy's accounts at interview, who both said the head was to be controlled from the front in the technique.

Action 2

- 8.2.2 Staff should be reminded of the taught technique for head support during a handcuff carry.

8.3 Local Brook House IRC – Training

Recommendation 3

- 8.3.1 The NTRG report advised [D1234] head was lower during the second part

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of the carry which could cause medical implications as the amount of space the diaphragm had to move was restricted.

Action 3

- 8.3.2 Staff should be reminded that a detainee's head must not be brought too low for an extended period of time to avoid the diaphragm being restricted and to avoid potential medical implications.

8.4 **Local - Brook House IRC – Training**

Recommendation 4

- 8.4.1 The NTRG report stated the use of controlling locks at the beginning of the restraint may have reduced the time of the restraint. The 'hold' staff had of the detainee did not appear to put them or the detainee at any high level of risk. The potential was considered to still be there.

Action 4

- 8.4.2 Staff should be reminded to apply controlling locks rather than compromising with 'holds' to avoid putting the detainee, themselves or other officers at risk.

8.5 **Individual - Brook House IRC – Conduct**

Recommendation 5

- 8.5.1 DCM Dix held a briefing prior to the intervention which was considered of a high standard. Throughout the incident there was excellent communication and instruction to all team members from DCM Dix.

Action 5

- 8.5.2 DCM Dix be commended for his briefing and general supervision of the intervention with a difficult detainee.

8.6 **National – TASCOR – Training**

Recommendation 6

- 8.6.1 NTRG stated head support was at times applied in an upright position. This was not as taught. On this occasion control of the head was maintained without bringing the head forward.

Action 6

- 8.6.2 Staff should be reminded that the detainee's head should be brought forward as per the standard taught to maintain support of the head.

8.7 **Individual – TASCOR – Other**

Recommendation 7

- 8.7.1 The investigator and NTRG found it difficult to read SDCO Stevens' UOF report due to largely illegible handwriting. This meant an interview was required which might not have been necessary if the full report could be read.

Action 7

- 8.7.2 SDCO Stevens be reminded that it was important his UOF reports were legible to all those needing to review them. He may wish to consider typing the reports in future.

Jana Schwab
Investigating Officer
04 October 2017

Simone Parish
Senior Investigating Officer
04 October 2017

Annexes

- A Complaint
- B Response letter to Harriet Harman MP
- C Email from Mr Autrey
- D NTRG report
- E Incident and UOF reports Brook House
- F Interview summary DCM Dix
- G Interview summary DCO Sayers
- H Interview summary DCO Murphy
- I Interview summary DCO Olayie
- J UOF reports TASCOR
- K Interview summary SDCO Owen
- L Interview summary SDCO Lawson
- M Interview summary SDCO Stevens
- N Interview summary DCO Jones
- O Interview summary DCO Hayes
- P Video footage review