

**D1234**

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Dear **D1234**

I am writing in response to your complaint against officers at Brook House IRC and TASCOR about an incident that occurred on 28 March 2017.

I was sorry to learn of your concerns and would like to assure you that the Home Office is committed to providing a courteous and professional service and any complaint about the way in which officers, or other staff, carry out their duties is viewed most seriously and independently investigated.

Correspondence from your MP Harriet Harman was passed to the Professional Standards Unit (PSU) on 18 July 2017 having been received in the Home Office on 30 June 2017. This included your complaint and an extract of your medical records. PSU has responsibility for the investigation of allegations of misconduct or inefficiency against members of the Home Office or those acting on behalf of the Home Office, across the United Kingdom.

Since the matters you raised included allegations of a potential criminal nature, the matter was separately reported to Sussex Police for investigation. The police recorded your complaint under reference number 47170128845.

As Investigating Officer I have carefully considered your complaint in accordance with the Home Office complaints procedures. In considering your complaint, I have examined all the relevant documents and records pertaining to your complaint. I have interviewed officers from Brook House IRC, TASCOR officers and sought expert advice on the use of force. There was considerable video evidence which I have also reviewed.

I was unable to speak to you regarding your complaint as you were removed from the UK before the complaint was received by PSU and no contact information was available

Having examined matters carefully and having considered all the information available to me, I have found insufficient evidence to prove that these officers behaved in the unprofessional way that has been alleged.

My findings are set out below.

The video evidence showed that officers asked you on multiple occasions, and during the course of the day, to comply with their legitimate instructions to transfer you from the centre. You refused to comply and did not engage with the officers. Every attempt was made by officers to explain to you what was happening. When you refused to get dressed and leave your room officers were required to intervene. I have therefore concluded that the decision to use force to remove you was justified.

The use of force was also captured on video. This evidence showed that you offered considerable resistance over a sustained period of time to the officers' legitimate use of force in seeking to restrain and control you in these circumstances.

You complained about the use of handcuffs, which caused you pain to your wrist. A Brook House IRC officer applied a handcuff to cuff your hands behind your back while you were seated on the floor. I found that the technique of applying handcuffs to the rear while you were seated had been removed from Home Office approved techniques. I found that due to your continued resistance and non-compliance the video evidence showed that the officers struggled to apply approved locks on your arms, the application of the handcuffs in the circumstances was justified and did not negatively impact on the extent and duration of force used.

You refused to comply with instructions to walk and the officers were required to carry you in handcuffs. This was an approved use of force technique.

TASCOR escorts work to the Home Office Manual for Escorting Safely (HOMES). The use of handcuff to induce compliance through the application of pain is approved under HOMES. The evidence confirmed that the handcuffs were removed at the earliest opportunity. The handcuffs the Brook House IRC officer had applied was fully removed once TASCOR officers had sufficient control of you in the reception area of Brook House IRC and the handcuffs a TASCOR officer had applied was removed in the vehicle after you stopped physically resisting the officers.

You complained that you hit your head on the floor and two officers held your head and turned it violently which caused your neck to crack. None of the officers saw you hit your head on the floor and it was not seen on the video footage. The footage also did not show two officers turning your head. The officers were clear during their respective interviews that they did not see two officers turn your head as you described nor did they hear you complain about your neck.

You complained an officer held your throat. All the officers denied holding you by your throat nor did they witness anybody else doing so. No evidence was seen on the video footage that you were held by the throat at any point by a Brook House or TASCOR officer.

You complained that your legs were pushed up from your feet and this was hurting your knees. None of the officers recalled a situation where your legs were pushed up from the feet and this was not seen on the video footage.

You complained that an officer violently stamped on your toes. Medical records indicated you sustained a skin tear on one of your left toes. All officers were clear that they did not stamp on your toes and they did not witness anyone else doing so. The video footage did not show such an event and no reaction or complaint was observed from you which may have indicated such an event.

The video evidence showed a number of officers seeking to restrain and control you. I have concluded the number of officers who were actively seeking to restrain you was proportionate to your continued and sustained resistance.

After careful consideration I concluded that no excessive force or more force than necessary was used and the force used was reasonable, proportionate and justified in the circumstances and therefore the complaint was unsubstantiated in this regard.

You complained that the waist restraint belt which had been applied was applied over a lump in your stomach for which you were awaiting surgery. The evidence showed that medical professionals and the doctor did not consider this to impact on the officers using force. The officer who applied the belt said he was not aware of your condition, he however ensured the belt was not applied too tight. The belt was also checked by another officer for correct application. Both stated that medical professionals were supervising the use of force and could have intervened at any point if they had concerns over the use of the belt. None of the officers heard you complain about your stomach or the belt causing you discomfort. After careful consideration I have concluded you complaint was unsubstantiated in this regard.

You complained you were carried out of your cell completely naked, were stripped of all your dignity and driven naked to Stansted Airport. The video evidence showed you were sat naked on the bed when officers arrived at your room. The video also showed that great efforts were made to protect your dignity throughout the incident by placing a sheet around you. The officers stated you were repeatedly asked if you wanted to get dressed which you either ignored or refused. Clothing was taken into the vehicle for you and repeatedly offered to you which you again refused. The officers stated you only agreed to get partially dressed at Stansted Airport once you were made aware your flight was cancelled. After considering all the evidence I concluded that the complaint was unsubstantiated in this regard.

You complained that you were thrown into a security van. This was in total contrast to the evidence seen. The officers were clear that you were carried to the vehicle, lifted

onto it and placed on a seat and this was supported by the video footage. I have therefore concluded that your complaint was unsubstantiated in this regard.

You complained you sustained injuries all over his body, bruises on your wrists, stomach and several other parts of your body, were denied access to a doctor and only allowed to see a nurse. Medical records showed that you were seen by a doctor in the afternoon of 28 March 2017. A doctor was not present at the centre at all times however nurses and paramedics were available. The officers who looked after you in the vehicle stated a medic attempted to assess you on at least two occasions but you refused to be assessed and they were unable to do so. No doctor was present at the centre at the time you returned to Brook House IRC but records showed you were seen by a nurse, a doctor's appointment was scheduled for you and you were seen by a doctor the same day. After consideration I have concluded that medical care was available to you and the complaint was unsubstantiated in this regard.

As regards to your injuries, I am satisfied that the injuries were consistent with your resistance to the officers' legitimate actions in seeking to restrain and control you to affect your removal.

I recognise that you feel that you had cause to complain about the events of 28 March 2017. All Home Office employees are fully aware of the emotional effects their job can have on members of the public. I can assure you that officers are trained to conduct themselves in a professional and courteous manner at all times making every effort to ease the situation for everyone concerned.

It is always regrettable when someone has cause for complaint; however I hope that you will be assured that your concerns have been viewed seriously and properly addressed. We are constantly striving to improve customer service standards within the Home Office and it may also be of interest to you to know that the Prisons and Probation Ombudsman (PPO) provides an independent oversight of detention complaints. The PPO will consider the quality of our decision making and review ongoing cases; the PPO also identifies strengths and weaknesses and resolves process issues. All complainants have the right to appeal investigations decisions regarding their complaint to the PPO. Further information can be obtained from their website: [www.ppo.gov.uk](http://www.ppo.gov.uk)

Yours sincerely

Jana Schwab  
Investigating Officer  
**Professional Standards Unit**