

D3548

Professional Standards Unit
Home Office Security
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Dear D3548

I am writing in response to your complaint relating to events of 7 March 2017 where you alleged that you were assaulted and subjected to excessive force during an incident at Brook House IRC.

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.

As you are aware your correspondence was passed to the Professional Standards Unit (PSU) which 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.

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 and the investigation into your complaint has now been concluded.

You were interviewed on 24 March 2017 and provided further detail of the allegations. All relevant information held by Brook House IRC including CCTV footage, Incidents and Use of Force Reports and medical records were obtained and examined. In addition, Detention Centre Manager (DCM) Steve Dix was interviewed regarding the allegations made. After review of the collated evidence, it was considered that no further evidence gathering or witness interviews were needed.

Having considered all of the evidence including the G4S reports and statements and the subsequent interview with DCM Dix, present during the incident, this investigation has found them to be credible; consistent and containing corroborative evidence. All the Detention Custody Officers (DCOs) involved in the incident with you were accredited in the latest Home Office Control and Restraint (C&R) techniques and completed the relevant paperwork following the incident.

Your complaint alleged that you were subjected to a sexual assault and excessive force and that you were paraded naked, in front of female DCOs, which humiliated you. The accounts provided by the G4S DCOs in their reports of what took place and their perceptions of the incidents are consistent and there is significant disparity between these and your version of events. The CCTV, reports and witness evidence of the actual incidents all corroborate each other. Given this, it is concluded by this investigation, that on the balance of probabilities, it

is the DCOs that have provided an accurate explanation of the events on 7 March 2017.

In summary, taking into account of all the information gathered, there is no evidence to substantiate that you were assaulted as alleged in your complaint. There is no evidence to support the allegation that you were subjected to excessive force or that you were humiliated as alleged. In contrast evidence overwhelmingly demonstrates that it was only when necessary, as a result of your refusal to comply with a lawful request and your own non-compliant conduct that G4S DCOs used appropriate Home Office approved C&R techniques.

Given this, and taking into account the evidence available it is considered that the use of force was reasonable, necessary and proportionate to the situation faced by the DCOs on 7 March 2017 and that due care and attention was provided to both your medical requirements and your personal dignity. Furthermore on the evidence available, it is concluded that all the additional allegations made in your complaint are **unsubstantiated**.

The specific allegations made in your complaint; the consideration process and the conclusions made during this investigation have been set out in full below.

Allegation 1

That on 7 March 2017 whilst refusing to leave your room in Brook House IRC you were subjected to a sexual assault and excessive force was used upon you which resulted in an injury to your testicles which has impacted upon your mental wellbeing;

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You stated in your complaint and subsequent interview that on 7 March 2017 that you were assaulted by a G4S DCO by means of having your testicles squeezed and the force used on you was excessive as the DCOs could not gain control. You further stated that the force used resulted in bruising and injury to your testicles and wrist and that you considered that this was a sexual assault which had had a negative impact upon your current mental health including bringing back memories of former abuse. You further stated that you refused to leave your room as you had an outstanding appeal.

G4S DCM Dix stated that: he refutes all the allegations made in your complaint; You refused to leave your room on multiple occasions for your removal to Jamaica; he assembled two teams to control both you and your room mate; the C&R was relatively straight forward with no difficulties; the handcuffs were applied due to your non-compliance and your possession of a razor blade; there were no injuries noted by the DCOs or the Healthcare officials present although you did complain of a sore wrist and claimed that you had swallowed a razor blade. In relation to the outstanding appeal he stated that there was no evidence of this; it was common for detainees to claim this and that the Tascor team viewed your movement should proceed as planned.

G4S DCOs further stated that: the force used included: use of a shield; isolating the arm; arm hold/lock; inverted wrist locks; thumb locks in addition to the application of handcuffs; the force was necessary as a result of your failure to comply with a lawful order or any reasonable instruction; to prevent self harm and harm to others given your possession of a blade; the force used was reasonable and proportionate to the resistance that you

demonstrated and there were no visible injuries to you following the C&R.

Whilst the CCTV footage of the C&R on 7 March 2017 is obscured at times it does cover the force deployed and techniques used. It shows that the C&R was relatively straight forward, lasting approximately 1 minute 30 seconds in length and that your compliance was quickly gained. As stated by Police Constable Pearson who has investigated the criminal allegation of assault and has also reviewed the footage, there is no evidence of an assault and at no point can you be heard complaining about your testicles being squeezed.

Medical records show that you did not report any injury to your testicles in the 36 hours following the use of force on 7 March 2017. You made no report of an injury to your wrist other than immediately after the removal of handcuffs on 7 March 2017. Furthermore no record is noted of any injury following the C&R nor any treatment or medication for this alleged injury other than the provision of Ibuprofen on one occasion on 9 March 2017. It is noted that on 8 March 2017 you repeatedly stated that you had swallowed a razor blade.

Home Office Policy states that the application of physical techniques is to be used only when other methods not involving the use of force have been repeatedly tried and failed, or are judged unlikely to succeed, and action needs to be taken to prevent injury or harm to: detainees; DCOs; other persons; prevent escape or prevent significant damage to property. When the use of force is deemed necessary, consideration should be given to whether particular levels of force or intervention are reasonable and proportionate.

Conclusion

There is no evidence to support the allegation that on 7 March 2017 after refusing to leave your room for a chartered flight to Jamaica you were assaulted. There is no evidence to support the allegation that you were subjected to excessive force by the G4S DCOs or that you were injured as claimed. Whilst you freely admitted that you refused to leave your room and claimed that you had an outstanding appeal, Home Office records on 7 March 2017 indicate that there was no barrier to your removal from the UK.

As to the allegation of sexual assault, all G4S staff denied this happened and there is no evidence of this on the CCTV. This allegation had been raised with Sussex Police who have stated that there is no evidence of this and no further action will be taken.

The allegation that the force used resulted in an injury to your wrist, testicles and has impacted upon your mental health is not supported by the available medical evidence. You were examined three times on 8 March 2017 and you did not raise either the injury to your wrist, your testicles or your mental health. Whilst you did state that you had pain in your testicles to a Doctor on 9 March 2017 you only requested Ibuprofen as treatment. There was no further record of this injury or treatment for this on your medical notes.

Even if accepted as genuine, it is not clear when or how the injuries to your testicles and wrist occurred. It is considered that there is always a risk of injury when applying a C&R technique especially where determined resistance and non compliance is demonstrated. It was only as a result of your verbal and physical resistance to your movement that force was deemed necessary. It is also noteworthy that you had a razor blade in your possession and staff were aware of this when applying the C&R techniques. Whilst it is considered possible that some soft tissue bruising may have occurred during the application of the C&R techniques it is considered these would have been superficial in nature and not of the nature alleged.

As to the consideration of the force used, Home Office policy permits DCOs to use force when dealing with a disruptive or non-compliant detainee. From the witness evidence and accounts of the G4S DCOs involved it is apparent that you were unhappy about your removal from the UK and were determined to try to frustrate this movement by non compliance with the in-country escort process; by threatening to self harm using a razor blade and by removing your clothes. Given this, it is considered that the use of force to gain your compliance, was reasonable, necessary and proportionate.

Taking into consideration all of the evidence available to this investigation, it is considered, on the balance of probabilities, that you were not subjected to excessive force, nor were you assaulted or injured as alleged. Whilst acknowledging that it was reasonable, proportionate to employ force to restrain you, given your non compliance and resistance to removal from the UK, it is also considered that no more force than was necessary was used and for the minimal amount of time to gain your compliance in conjunction with your lawful movement. As such, the complaint is **unsubstantiated**.

Allegation 2

That on 7 March 2017, during your Control and Restraint, female DCOs were present your room which was inappropriate and humiliating and that following the Control and Restraint you were subjected to humiliating treatment by being paraded, whilst naked, though Brook House IRC;

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You stated that you were naked on your bed prior to DCOs rushing into your room and that during the restraint you noticed two female DCOs were present which you believed was both embarrassing and inappropriate. You stated that following the C&R you were placed into handcuffs, behind your back, and your boxer shorts were applied following which you were paraded down the stairs, half naked and barefoot whilst being refused permission to get fully dressed.

G4S DCM Dix stated that: aware of your removal you presented yourself naked in the middle of your room refusing to leave; everything possible was done to protect your dignity both during the use of force and afterwards; DCOs are deployed as operationally required including female officers; your state of undress was taken into account resulting in one of the female DCOs remaining outside of the room; you requested to get fully dressed after the C&R but as you were handcuffed you were assisted to partially dress; he did not want to risk further loss of compliance and possible injury to staff whilst attempting to further dress you given your possession of a razor blade.

G4S DCOs stated that: you undressed yourself and repeatedly refused requests to get dressed; Female DCO A remained out of your sight and outside of the room until needed and to maintain your dignity; Female DCO B faced away from you at all times and never saw you undressed; Female DCO C entered your room to monitor D1349 who was refusing to leave and for the majority of time faced away from you;

CCTV evidence shows you in a state of undress in your room however, the female DCOs, whilst present are not actively involved in the C&R and are not facing you. Furthermore, as soon you are under control the Body Worn Camera is diverted and does not resume coverage of you until you are wearing your jogging pants. The video footage captures audio

of the consideration given to preserving your dignity and DCM Dix's assistance in dressing you.

Conclusion

There is no evidence to support your allegation that on 7 March 2017 either during or after your C&R you were subjected to degrading and humiliating treatment. By your own admission you refused to leave your room necessitating a physical intervention by Brook House IRC staff. You presented yourself naked for your removal in the middle of your room and whilst you stated that you were naked because you were sleeping and were hot, it is considered that this was done solely to frustrate the lawful removal.

Evidence shows that you refused to get dressed prior to the use of force which resulted in C&R being undertaken whilst you were naked. Following the C&R you were dressed by DCM Dix and presented to Tascor staff wearing underwear and jogging bottoms. This is considered to have been an appropriate and a fair "risk based decision" especially given your possession of a razor blade.

As to your statement that you were humiliated in front of female DCOs, it is considered that any humiliation would have been very limited given two female DCOs were facing away from you and the third DCO remained outside of your room. It is further considered that any humiliation suffered, however small, was one of your own making by undressing immediately prior to your removal.

As to the deployment of female staff involving non compliant male detainees, it is considered that staff deployment is an IRC operational management decision and should be based on operational demand, risk factors and the individual circumstances faced. Taking into consideration all of the evidence available to this investigation, it is considered, on the balance of probabilities, that this aspect of the complaint is **unsubstantiated**.

I recognise that you feel that you had cause to complain about the events of 7 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. I am enclosing for your information a leaflet which explains the role of the PPO in our complaints procedures.

Yours sincerely

Jason Roberts
Investigating Officer
Professional Standards Unit.