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Handling: Investigation Report- Not for wider distribution



Home Office

HOME OFFICE SECURITY

Professional Standards Unit

A Home Office investigation into the circumstances surrounding a complaint made by D3548 in which he alleged that he was sexually assaulted by Detention Custody Staff at Brook House IRC on 7 March 2017

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1. INTRODUCTION

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- 1.1 On 10 March 2017 a complaint was received from [D3548] on form DCF9. This complaint alleged that [D3548] was sexually assaulted by a Detainee Custody Officer (DCO) whilst located at Brook House Immigration Removal Centre (IRC) prior to being placed into Rule 40.
- 1.2 On 13 March 2017 the complaint was accepted for investigation by the Professional Standards Unit (PSU) and allocated to Investigating Officer Jason Roberts.
- 1.3 This report will seek to establish the circumstances surrounding the incident referred to in the complaint and to establish if the allegations that have been made can be substantiated on the evidence available.

2. TERMS OF REFERENCE

- 2.1 The Terms of Reference (TOR) for this investigation are:
- To investigate the complaint made by [D3548] on 7 March 2017 he was assaulted, including sexually by DCO staff at Brook House IRC whilst being controlled and restrained; that force was used disproportionately; that female DCOs were present in his room which was inappropriate and that he was subjected to humiliating treatment by being paraded whilst naked, though Brook House IRC
 - To make recommendations about 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;
 - To make recommendations for line management to consider the conduct of any officer subject to investigation in light of the report;
 - To make recommendations on whether the incident highlights any good practice that should be disseminated;

3. HOME OFFICE POLICY & GUIDANCE

- 3.1 **Detention Service Order (DSO) 03/2015 - Handling of Complaints:** 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.
- 3.2 **Pertinent legislation: The Immigration and Asylum Act 1999** provides for the appointment of DCOs to exercise custodial powers in order to hold individuals safely and securely, and to escort them both in the UK and overseas in order to

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enforce their removal. The powers conferred by the act include the power to use reasonable force where necessary: *to prevent that person's escape from lawful custody; to prevent, or detect and report on, the commission or attempted commission by him of other unlawful acts; to ensure good order and discipline on his part, and to attend to his wellbeing.*

- 3.3 **Use of Force Manual 2015:** This states that for force to be lawful it must only be used when it is *reasonable* in the circumstances; *necessary; no more force* than is necessary should be used, and it should be *proportionate* to the seriousness of the circumstances.
- 3.4 **The Operating Standards for Immigration Removal Centres** underpin arrangements for the management of removal centres and provide a means of raising standards and a level of consistency across the removal estate.

4. OFFICER(S) SUBJECT TO INVESTIGATION

- 4.1 [D3548] did not indicate in his original complaint the individual who he alleged sexually assaulted him on 7 March 2017 or who used excessive force on him. From the G4S paperwork it has been established that the following officers were involved in or witness to the incident involving of [D3548].

- Detention Custody Manager (DCM) Steve Dix
- DCM Nathan Ring
- DCO Ben Shadbolt
- DCO Matthew Wheeler
- DCO Hayley Kavanagh
- DCO Billie Kilbey
- DCO Bonnie Spark

5. CHRONOLOGY OF INVESTIGATION

- 5.1 On 10 March 2017 a complaint and an allegation of assault was received from [D3548] [D3548]. It was accepted for investigation by the PSU on 13 March 2017.
- 5.2 On 20 March 2017 evidence relating to the incident, including Statements and Use of Force reports were received from Brook House IRC. The following day the CCTV footage of the incident was received.
- 5.3 On 24 March 2017 [D3548] attended an interview by telephone and provided further details of the alleged assault.
- 5.4 On 28 March 2017 a response from Sussex Police was received stating that they were taking no further action into this matter.
- 5.5 On 5 April 2017 DCM Steve Dix was interviewed as both subject and witness to the alleged assault on [D3548].

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- 5.6 On 11 April 2017 after review of current evidence including the video footage covering the alleged assault and the Police assessment, a decision was made, in liaison with SIO Lindy Beach, that it was proportionate to conclude the investigation on the evidence currently available.
- 5.7 On 28 April 2017 Investigating Officer Jason Roberts completed the investigation report into [D3548] complaint. On the same date the Investigating Officer wrote to [D3548] and to Detention Services to outline the investigation findings.

6. SUMMARY OF EVIDENCE

6.1 INCIDENT BACKGROUND

- 6.2 On 7 March 2017 [D3548] refused to leave his room at Brook House IRC after Tascor DCOs had arrived to collect him for his scheduled removal from the United Kingdom. [D3548] refused to comply with any reasonable request from Brook House IRC DCOs so control and restraint (C&R) techniques were used to present him to Tascor DCOs prior to him leaving Brook House IRC.

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6.3 COMPLAINANT EVIDENCE – EVVROD TAYLOR

- 6.4 On 24 March 2017 [D3548] attended an interview by telephone and provided further details of his complaint and the alleged assault and degrading treatment. The salient points are as follows:
- 6.5 He stated that on 7 March 2017 at approximately 11pm, Duty manager, Steve Dix “burst” into his room along with six to eight DCOs who were all equipped with shields and riot gear. He stated that he was asleep at the time, naked and was told to leave his room which he refused. He stated that he was told that if he did not leave he would be made to leave.
- 6.6 He stated that he refused again and at this point officers entered his room and he was forced back onto his bed during which time the front of his neck was squeezed and his hand was bent backwards. He stated that he was told to “spit out the razors” by the DCOs which he did not have, although he admitted to having told DCM Dix earlier in the day that he had a razor blade in his mouth.
- 6.7 He stated that he was naked during the restraint and noticed two female DCOs were present which he felt was both embarrassing and inappropriate. He stated that he had seen the DCOs subsequently and that they had laughed about this incident with him which had left him humiliated.
- 6.8 He stated that the DCOs had some difficulty in restraining him quickly and the team became “agitated” and at this point one of the team squeezed his testicles in an attempt to restrain him. He stated that he did not see who this was and could not identify the DCO as they were wearing helmets and riot gear but believed this could have been DCM Dix who was “gay” and “if a gay person grabs his testicles it is sexual assault”.

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- 6.9 He stated that following the assault he was placed in handcuffs behind his back and his boxer shorts were applied by DCM Dix. He stated that he was then paraded down the stairs, half naked and barefooted and was not permitted to put his clothes on despite repeated requests. He stated that all of the events were witnessed fully by his room mate, [D1349] and that he was willing to act as a witness for this investigation.
- 6.10 He stated that he did not make a complaint at the time regarding his testicles being squeezed, nor did he ask to see a doctor, but he did report to Healthcare the following day that he had bruising on his throat and testicles and was given Paracetamol for this. He stated that he was now suffering from anxiety, depression and nightmares as a result of this incident as he had been previously abused as a child.
- 6.11 He stated that he had refused to leave his room for up to an hour prior to the use of force because he had an outstanding JR appeal. He stated that he had informed DCM Dix regarding his appeal number and that he assured him he would bring this to the notice of the relevant people. He concluded by stating that he had reported this matter to the Police and had a reference number.

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6.12 **G4S/ BROOK HOUSE IRC EVIDENCE**

- 6.13 G4S have provided a range of documentary evidence including, CCTV, Incident Reports, Use of Force Reports, Medical Records (with informed consent) and other written records relating to [D3548] detention. Only where relevant to the investigation ToR have these have been summarised below. All evidence provided has been considered and has been annexed for further reference.

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6.14 **BODYCAM FOOTAGE CCTV FOOTAGE – BROOK HOUSE IRC**

- 6.15 Body Worn video footage was obtained covering the incident involving [D3548] on 7 March 2017. All footage has been viewed in the course of this investigation and there is no evidence to support [D3548] allegations or to demonstrate that he was assaulted. The Body Worn Video is split into three separate sections. All are date and time stamped.
- 6.16
- **Section One** is 3.19 minutes in length. The footage shows DCM Dix briefing DCOs where it is explained that: an intervention will be made into [D3548] room as he was refusing to leave for his charter flight; he had blades in his mouth; [D3548] would be handcuffed given the risk; [D3548] had a history of drugs; racism and aggression; the planned intervention had been authorised and agreed by the IRC Duty Director; Two Healthcare medics are present at the briefing.
 - **Section Two** is 12.57 minutes in length. The footage shows DCM Dix leading the DCOs to [D3548] room. DCM Dix looks through the door observation panel and remarks that "he is naked". The door is opened and [D3548] is

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asked three times by DCM Dix if he will “walk”. The DCO team then enter the room. The footage next shows [D3548] controlled by the shield on his bed and he can be heard to say “I will walk”. The C&R incident, including the application of the shield, the use of controlling locks and the application of handcuffs, lasts 1 minute and 31 seconds. The footage records no significant events or comments during the C&R other than [D3548] shouting repeatedly “my wrist is broken”. The camera operator can be heard requesting permission to point the camera towards the ceiling for [D3548] dignity. This is done and [D3548] is asked if he will get dressed and he affirms this. The footage next records [D3548] at 6 minutes 42 seconds where he is seen being carefully guided down a set of stairs and where he is presented wearing jogging bottoms to Tascor without incident.

- **Section Three** is 1 minute in length. This footage shows DCM Dix debriefing the DCOs on the C&R of [D3548]. It is considered that there is nothing relevant to the ToR in this footage.

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6.17 WITNESS EVIDENCE – USE OF FORCE REPORTS / RESPONSE TO ALLEGATIONS: DCM RING; DCO WHEELER; DCO SHADBOLT

- 6.18
- On 7 March 2017 the DCOs involved in the incident were all C&R trained in line with current guidance;
 - [D3548] refused to leave his room voluntarily for a charter flight to Jamaica;
 - [D3548] had undressed himself and refused to get dressed;
 - The team were briefed that [D3548] had stated he had a “blade”;
 - [D3548] refused repeated appeals to comply with the removal order;
 - [D3548] room mate, [D1349] refused to leave room C/218;
 - Two teams of four officers were assembled; briefed and kitted in full PPE for a planned intervention;
 - DCM Dix was the supervising officer; DCO Wheeler was the head and shield officer; DCM Ring was the left arm officer; DCO Shadbolt was the right arm officer; DCO Spark was support officer;
 - Following entry into [D3548] room he was quickly restrained on his bed with the shield, prior to DCOs taking full control of his arms and wrists;
 - [D3548] was controlled and restrained without difficulty or incident but remained resistant until DCM Dix applied the handcuffs;
 - DCM Dix put boxer shorts and jogging bottoms on [D3548] to maintain his dignity;
 - No one squeezed [D3548] testicles at any point and no one witnessed this;
 - [D3548] was relocated and presented to Tascor DCOs with no further incident;
 - The force used included: use of the shield; isolating the arm; arm hold and lock; inverted wrist locks; thumb locks;
 - The force used was necessary to undertake the lawful movement of [D3548] and to maintain good order. The force was reasonable and proportionate to the resistance and non-compliance [D3548] demonstrated;
 - Nurse G Sihai was present during the C&R and noted no injuries;

Annex E 6.19 **WITNESS EVIDENCE – WITNESS STATEMENTS – DCO KAVANAGH, DCO SPARK; DCO KILBY**

6.20 The female DCOs involved in the alleged incident with [D3548] have all completed the statements for this investigation. These have been annexed for further reference. Whilst not replicated individually the salient points stated are as follows:

- DCO Spark was part of a team put together to present [D3548] a non compliant detainee for his charter flight: She was informed that he was undressed in his room and so remained out of his sight, outside of the room until needed and to maintain his dignity;
- DCO Kavanagh was part of a team charged with ensuring that [D3548] room mate did not get involved in a potential use of C&R; she faced away from [D3548] at all times and never saw him undressed;
- DCO Kilby entered [D3548] room to monitor [D1349] who was refusing to leave the room. For the majority of time she faced away from [D3548]
- DCM Dix was heard informing [D3548] to get dressed which he refused;
- [D3548] stated that he would not leave for the planned flight;
- DCM Dix explained to [D3548] each step of the process in an attempt to deescalate the situation;

Annex F 6.21 **INTERVIEW SUMMARY: DCM STEVE DIX**

6.22 On 5 April 2017 DCM Dix was interviewed. The salient points from this and his written report are as follows:

6.23 He stated that on 7 March 2017 he had been to see [D3548] to discuss his planned removal the following day to Jamaica. He stated that during this conversation [D3548] had said he would not be going and that he had an appeal. He stated that such a claim was normal and he had no evidence of any appeal so he explained to [D3548] that he would speak to the Tascor escorts and they would check with the Home Office. He stated that he had seen a razor blade in [D3548] mouth at this point and [D3548] made no attempt to hide this.

6.24 He stated that he spoke to the Tascor DCOs and they made some checks before stating they were prepared and ready to take [D3548] He stated that he assembled two teams of four, in full PPE and briefed them on the risks and situation faced. One team was for [D3548] himself and the second team was present to control [D1349] if needed, as he was refusing to leave room 218.

6.25 He stated that as soon as [D3548] saw him through the flap of his door he presented himself, fully naked in the middle of his room. He stated that [D3548] was asked on two separate occasions to leave his room which he declined so he considered that force would be necessary to comply with the lawful movement order.

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- 6.26 He stated that the C&R was relatively straight forward with no difficulties in applying the controlling locks and that [D3548] quickly became compliant. He stated that he applied the handcuffs for both the safety of the DCOs and Mr [D3548] as he was mindful of the razor blade he had seen earlier.
- 6.27 He stated in relation to female officers being used that sometimes this is unavoidable and officers had to be used as operationally needed. He stated that he had taken [D3548] state of undress into account resulting in one of the female DCOs remaining outside of the room.
- 6.28 He stated that everything possible was done to protect [D3548] dignity both during the use of force and afterwards. He stated that [D3548] had requested to get dressed after the C&R but as he was handcuffed he was assisted to partially dress. He stated that [D3548] was presented to Tascor DCOs in this manner as he did not want to risk further loss of compliance and possible injury whilst attempting to further dress him.
- 6.29 He stated that he totally refutes all of the allegations made in [D3548] complaint and that at no time did he squeeze [D3548] testicles, nor did he witness this. He further stated that the force used was necessary and proportionate and that [D3548] dignity was maintained at all times on 7 March 2017. He further stated there were no injuries noted by the DCOs or the Healthcare official present although [D3548] did complain of a sore wrist and claimed that he had swallowed a razor blade.

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- 6.30 [D3548] **MEDICAL RECORDS**
- 6.31 [D3548] medical records were obtained by consent. Only aspects relating to the allegation of assault on 7 March 2017 and any alleged subsequent injuries have been summarised below.

8 MARCH 2017

- **06:16:** Surgery: Staff Nurse Grace. Records state: Now back from failed flight now demanding that he wants name of each and every officer who used force on him. Diagnosis: also demanding to see manager and he stated last night he has swallowed a blade but no one has seen him swallowing the blade.
- **13:40:** Surgery: Brook House nurse. Records state: Did not attend appointment.
- **20:49** Surgery: Brook House Healthcare Assistant. Records state: Patient said that he had swallowed a blade although no one witnessed this.

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- **10:48** Surgery: Dr Chaudhary. Records state: Claims pain in testicles from when he was to fly out and was restrained by officers. Would like some Ibuprofen. Not in intense pain or problems urinating.

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H 6.32 **SUSSEX POLICE COMMUNICATION**

6.33 On 28 March 2017 Roger Pearson Police Constable CP196 in Sussex Police wrote the following communication for the investigation.

6.34 "I have attended Brook House and reviewed body worn video of the cell extraction, at no point did I see any evidence of an assault. The cell extraction was a legal use of force by officers during the course of their duty, I did not hear the DP complain about his testicles being squeezed at any time during the procedure. I have spoken with the DP who has made the complaint to managers at the detention centre and there is an internal enquiry. Police told the DP that as no evidence was seen there will be no further police action and the matter will be left for the internal enquiry to handle. The DP told me that he refused to leave the cell and did resist officers who went in".

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I 6.35 **HOME OFFICE CID DATABASE**

6.36 **D3548** Home Office CID record indicates that he is subject to a Deportation Order. It further states a number of criminal convictions and cautions which are considered relevant for this investigation to take into account. These include but are not limited to: the possession and supply of controlled drugs; using threatening, abusive or insulting words/ behaviour likely to cause harm or distress; committing a series of acts with intent to prevent course of justice.

7. CONSIDERATION OF EVIDENCE AND CONCLUSIONS

- 7.1 The investigation into [D3548] complaint where he alleged that on 7 March 2017 he was assaulted and subjected to excessive force by G4S DCOs whilst located at Brook House IRC has now been concluded.
- 7.2 [D3548] was 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.
- 7.3 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 DCOs involved in the incident with [D3548] were accredited in the latest Home Office C&R techniques and completed the relevant paperwork following the incidents.
- 7.4 [D3548] complaint alleged that he was subjected to a sexual assault and excessive force and that he was made to walk naked in front of female DCOs which humiliated him. 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 [D3548] 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.
- 7.5 In summary, taking into account of all the information gathered, there is no evidence to substantiate that [D3548] was assaulted as alleged in his complaint. There is no evidence to support the allegation that he was subjected to excessive force or that he was humiliated as alleged. In contrast evidence overwhelmingly demonstrates that it was only when necessary, as a result of [D3548] refusal to comply with a lawful request and his own non-compliant conduct that G4S DCOs used appropriate Home Office approved C&R techniques.
- 7.6 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 [D3548] was provided with due care and attention to both his medical requirements and personal dignity following this. Furthermore on the evidence available, it is concluded that all the additional allegations made by [D3548] in his complaint are **unsubstantiated**.
- 7.7 The specific allegations made in [D3548] complaint; the consideration process and the conclusions made during this investigation have been set out in full below.
- 7.8 **Allegation 1**
- 7.9 That on 7 March 2017 whilst refusing to leave his room in Brook House IRC [D3548]

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was subjected to a sexual assault and that excessive force was used upon him which resulted in an injury to his testicles which has impacted upon his mental wellbeing;

7.10 Review

- 7.11 [D3548] stated in his complaint and subsequent interview that on 7 March 2017 that he was assaulted by a G4S DCO by means of having his testicles squeezed and the force used on him was excessive as the DCOs could not gain control. He further stated that the force used resulted in bruising and injury to his testicles and his wrist and that he considered that this was a sexual assault which had had a negative impact upon his current mental health including bringing back memories of former abuse. He further stated that he refused to leave his room as he had an outstanding appeal.
- 7.12 G4S DCM Dix stated that: he refutes all the allegations made in [D3548] complaint; [D3548] refused to leave his room on multiple occasions for his removal to Jamaica; he assembled two teams to control both [D3548] and his room mate; the C&R was relatively straight forward with no difficulties; the handcuffs were applied due to [D3548] [D3548] non compliance and his possession of a razor blade; there were no injuries noted by the DCOs or the Healthcare officials present although [D3548] did complain of a sore wrist and claimed that he had swallowed the 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 the movement should proceed as planned.
- 7.13 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 [D3548] failure to comply with a lawful order or any reasonable instruction; to prevent self harm and harm to others given his possession of a blade; the force used was reasonable and proportionate to the resistance that [D3548] demonstrated and there were no visible injuries to him following the C&R.
- 7.14 Whilst the CCTV footage of the C&R is obscured at times it does cover the force deployed and techniques used. It shows that the control and restraint was relatively straight forward, lasting approximately 1 minute 30 seconds in length and that the compliance of [D3548] 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 [D3548] be heard complaining about his testicles being squeezed.
- 7.15 Medical records show that [D3548] did not report any injury to his testicles in the 36 hours following the use force on 7 March 2017. He has made no report of an injury to his 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 [D3548] repeatedly stated he had swallowed a razor blade.
- 7.16 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,

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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.

7.17 Conclusion

- 7.18 There is no evidence to support [D3548] complaint that on 7 March 2017 after refusing to leave his room for his chartered flight to Jamaica he was assaulted. There is no evidence to support the allegation that he was subjected to excessive force by the G4S DCOs or that he was injured as claimed. Whilst [D3548] freely admitted that he refused to leave his room and claimed that he had an outstanding appeal, Home Office records indicate that there was no barrier to [D3548] removal from the UK on 7 March 2017.
- 7.19 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.
- 7.20 The allegation from [D3548] that the force used resulted in an injury to his wrist, testicles and mental health is not supported by the available medical evidence. [D3548] was examined three times on 8 March 2017 and he did not raise either the injury to his wrist, his testicles or his mental health. Whilst he did state that he had pain in his testicles to a Doctor on 9 March 2017 he only requested Ibuprofen as treatment. There was no further record of this injury or treatment for this on [D3548] medical notes.
- 7.21 Even if accepted as genuine, it is not clear when or how the injuries to [D3548] 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 [D3548] verbal and physical resistance to his movement that force was deemed necessary. It is also noteworthy that [D3548] had a razor blade in his 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.
- 7.22 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 [D3548] was unhappy about his removal from the UK and was determined to try to frustrate this movement by non compliance with the in-country escort process; by threatening to self harm using of a razor blade and by removing his clothes. Given this, it is considered that the use of force to gain the compliance of [D3548] was reasonable, necessary and proportionate.
- 7.23 Taking into consideration all of the evidence available to this investigation, it is considered, on the balance of probabilities, that [D3548] was not subjected to excessive force, nor was he assaulted or injured as alleged. Whilst acknowledging that it was reasonable and proportionate to employ force to restrain [D3548] given his non compliance and resistance to removal from the UK, it is also considered that no more

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force than was necessary was used and for the minimal amount of time to gain his compliance in conjunction with his lawful movement. As such, the complaint is **unsubstantiated**.

7.24 Allegation 2

7.25 That on 7 March 2017, during his Control and Restraint, female DCOs were present in Mr [D3548] room which was inappropriate and humiliating and that he was subjected to humiliating treatment by being paraded whilst naked, though Brook House IRC;

7.26 Review

7.27 [D3548] stated that he was naked on his bed prior to DCOs rushing into his room and that during his restraint he noticed two female DCOs were present which he believed was both embarrassing and inappropriate. He stated that following the C&R he was placed into handcuffs and his boxer shorts were applied following which he was paraded down the stairs, half naked and barefoot and was refused permission to dress.

7.28 G4S DCM Dix stated that: [D3548] aware of his removal presented himself naked in the middle of his room refusing to leave; everything possible was done to protect Mr [D3548] dignity both during the use of force and afterwards; DCOs are deployed as operationally required including female officers; [D3548] state of undress was taken into account resulting in one of the female DCOs remaining outside of the room; Mr [D3548] had requested to get fully dressed after the C&R but as he was handcuffed he was assisted to partially dress; he did not want to risk further loss of compliance and possible injury to staff whilst attempting to further dress [D3548] given his possession of a razor blade.

7.29 G4S DCOs stated that: [D3548] had undressed himself and repeatedly refused requests to get dressed; DCO Spark remained out of [D3548] sight and outside of the room until needed and to maintain [D3548] dignity; DCO Kavanagh faced away from [D3548] at all times and never saw him undressed; DCO Kilby entered [D3548] room to monitor [D1349] who was refusing to leave and for the majority of time faced away from [D3548];

7.30 CCTV evidence shows [D3548] in a state of undress in his room however, the female DCOs, whilst present are not actively involved in the C&R and are not facing [D3548] Furthermore, as soon [D3548] is under control the Body Worn camera is diverted and does not resume coverage of [D3548] until he is wearing his jogging pants. The video footage captures audio of the consideration given to preserving [D3548] dignity and DCM Dix's assistance in dressing [D3548]

7.31 Conclusion

7.32 There is no evidence to support [D3548] allegation that on 7 March 2017 either during or after his C&R he was subjected to degrading and humiliating treatment. [D3548] by his own admission refused to leave his room necessitating a physical intervention by Brook House IRC staff. [D3548] presented himself naked for his removal in the middle of his room and whilst he stated that he was naked because he was sleeping and was

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hot, it is considered that this was done solely to frustrate the lawful removal.

- 7.33 Evidence shows that [D3548] repeatedly refused to get dressed prior to the use of force which resulted in C&R being undertaken whilst he was naked. Following the C&R he was 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 [D3548] possession of a razor blade.
- 7.34 As to [D3548] statement that he was 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 [D3548] and the third DCO remained outside his room. It is further considered that any humiliation suffered, however small, was of [D3548] own making by undressing immediately prior to his 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.
- 7.35 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**.

8 RECOMMENDATIONS

- 8.1 [D3548] complaint is considered unsubstantiated and the PSU investigation has not identified any aspects where a recommendation for change is considered appropriate or necessary in line with the Home Office's commitment to continuous improvement. It is also considered that there is no good practice that should be disseminated as a result of this investigation.

9 ANNEXED DOCUMENTS

- 9.1 A. COMPLAINTANT EVIDENCE - [D3548]
B. G4S/ BROOK HOUSE IRC EVIDENCE
C. CCTV EVIDENCE
D. G4S EVIDENCE
E. G4S STATEMENTS
F. INTERVIEW SUMMARY: DCM STEVE DIX
G. [D3548] MEDICAL RECORDS
H. SUSSEX POLICE COMMUNICATION
I. HOME OFFICE RECORDS

End of Report.

OFFICIAL - SENSITIVE

Name: Jason Roberts Name: Lindy Beach.

Grade: Chief Immigration Officer Grade: Senior Investigating Officer

Signed: Signed:.

Date: 27 April 2017 Date: 27 April 2017