

**REPORT TO THE UNITED KINGDOM BORDER AGENCY
ON
“OUTSOURCING ABUSE”**

by

BARONESS NUALA O’LOAN DBE

MARCH 2010

FOREWORD

At various stages in 2007-2008 the Agency faced criticism in some elements of the press for the alleged systemic abuse of detainees. These were extremely serious allegations and we sought evidence from those publishing this information. In July 2008 the publication 'Outsourcing Abuse Report' publicly repeating the systemic abuse allegation and claimed there were 300 allegations supporting such a claim. Both the then Home Secretary and I were very concerned about these allegations as it is fundamental that all people we detain are treated with care, dignity and respect and those that undertake detention, removal or escorting on our behalf maintain that standard.

The then Home Secretary thus appointed Baroness O'Loan to independently review the circumstances to establish the truth and make recommendations as appropriate. She was given every access she requested to ensure she was properly able to undertake the task. I am very grateful to Baroness O'Loan for her thoughtful Review which has established that there was no systemic abuse, nor indeed were there 300 allegations. I hope this is now accepted by those who seek to damage the reputation of our contractors who, in the main, manage our removal centres and undertake escorting duties with considerable care for those in their custody, often in the most difficult of circumstances. She does, however, find that in some of the earlier cases she has considered there was a failure to have in place proper processes for dealing with allegations of mistreatment, something which has now been addressed.

Baroness O'Loan also makes recommendations as to how we can improve the management of removals and our complaints investigation processes. I welcome those recommendations which will make a valuable contribution to our continuous improvement and public confidence in this important aspect of our work.

The Review reflects improvements over the years as to how complaints are investigated, and the additional safeguards that have been built into our processes. I am not complacent about this and I intend to ensure we maintain robust systems of accountability to ensure that we root out any individual whose behaviour falls below the high standards we should rightly demand in this sensitive area. The public deserve nothing less.



Lin Homer
Chief Executive
UK Border Agency

TERMS OF REFERENCE

The Terms of Reference for this review were agreed with the Home Secretary.

They were:

1. To review all complaints detailed in the dossier "Outsourcing Abuse" which have already been investigated by the UK Border Agency and/or HMPS:
 - Those cases already reviewed by the Prison and Probation Ombudsman in order to ascertain whether there is new information which was not reasonably available to the investigators at the time and to make recommendations whether the weight of the new evidence warrants the complaint to be re-investigated.
 - Those cases which have not already been reviewed by the Prison and Probation Ombudsman in order to ascertain whether the investigation conducted by the UK Border Agency and/or HMPS was robust, thorough and conducted in a fair manner, and whether the matter should be re-investigated.
2. To review the contemporary methodology, approach and application to the investigation of serious complaints referred to in the dossier:
 - Whether the procedures in place at the time the complaint was made were robust and thorough enough to enable investigations to be conducted in a fair manner to both complainants and the individuals under investigation and where concerns about procedures have been identified, bring these to the attention of the Chief Inspector of the UK Border Agency (or HMPS equivalent (if it exists) where appropriate) ;
 - Whether the approach provides for a framework in which the Agency or Prison Service is able to substantiate on the balance of probabilities whether or not an allegation can be substantiated.
3. To report to David Wood, Strategic Director of the Criminality and Detention Group and Michael Spurr, Chief Operating Officer of National Offender Management Service, where appropriate, the findings of the reviews and to make recommendations where the Agency's approach to the investigation of complaints submitted to the Professional Standards Unit might be improved.
4. To bring to the Home Secretary's personal attention any issues which are a cause of concern, arising either from individual cases or any systematic or wider issues you might consider.

EXECUTIVE SUMMARY

1. During the period covered by the Outsourcing Abuse Report, between 2002 and 2008, the number of persons who were removed or departed voluntarily from the United Kingdom was 447,605. During the last financial year 81,386 individuals were removed by escorts. Of these, 78,734 were movements within and around the UK, and 2,652 were accompanied overseas removals.
2. Although the Outsourcing Abuse Report was stated to cover some 300 cases, only 48 cases were actually identified in the Report. They were numbered as follows: A1- A12, B1–B9, C1–C10, D1–D6, E1-E2, and F1–F9. It is only possible to respond to those allegations in respect of which an individual can be identified and an investigation conducted. The 48 cases referred to 46 individuals. In 29 cases complaints had been made about at least one incident. Three cases were removed from the review: case A1 was removed because “the case was incapable of review”; case D5 was removed because it was referred by the Complainant's solicitors to the Independent Police Complaints Commission; and case E1 was withdrawn because it was not suitable for investigation. In 16 cases no complaint had been made.
3. I examined the files which were available in the 29 cases in which complaints were made. Two of the investigations had been adjudicated by the Prisons and Probation Ombudsman and I identified no fresh evidence in those cases. Of the rest, 4 investigations were satisfactory. In 5 cases there was so little information that it was not possible to comment. In 18 cases the investigations were not adequate, or there was no investigation. Two were HM Prison Service cases, and I referred those cases back to the United Kingdom Border Agency for referral to HM Prison Service.
4. The United Kingdom Border Agency Professional Standards Unit investigated 11 of the remaining 16 cases which had not been the subject of complaint. They also investigated one case in which a complaint had been made but there had been no investigation. Those investigations were satisfactory. Of the others, in 4 cases investigation quite simply was not possible, in 1 case the matter had been referred to the Prisons and Probation Ombudsman.
5. The Review identified matters of concern. As each issue came to my notice, I informed the United Kingdom Border Agency of my concerns. In some cases these matters had already been identified, and action had been taken. In other cases the United Kingdom Border Agency sent me a considered response. On occasion there quite simply had been a failure to deal properly with the complaints which had been made and this was acknowledged.
6. No complaints in relation to the treatment of children were identified in this Review, other than that in one case a mother stated that her three year old had wet herself because she had not been taken to the toilet.
7. The Review of those cases, which were capable of review, indicates that there is, and was, no pattern of systemic abuse by persons employed within the United Kingdom Border Agency detention estate, or as escorting officers.
8. An analysis was conducted of all the individuals who were identified as the subject of a complaint, or as being present at an incident, to determine whether there was a pattern of wrongful behaviour. No such pattern emerged from the analysis. I also examined whether the combination of particular staff working together led to an increased likelihood of a complaint. This proved not to be the case. Finally, I examined the allegations of misuse of force to determine whether there was a pattern of unlawful, unnecessary or disproportionate use of force leading to injury. No such pattern emerged, other than the fact that use of handcuffs is commonly associated with injury of varying levels, and that people complained about being handcuffed or restrained and then assaulted. In those cases I examined whether the alleged assaults had been properly investigated
9. Detainees are often, understandably, very distressed about the circumstances in which they find themselves. They often do not wish to be taken from the location in which they are currently living or being held, either for transfer to an Immigration Removal Centre, or for removal from the United Kingdom. Where this happens it is legitimate for those charged with removing or transferring the detainee to use such force as is lawful, necessary and proportionate. When a

detainee resists the use of force there is a possibility that injury may occur. That does not, in itself, make the use of force unlawful.

10. Use of force by Detention Custody Officers and Escort Officers takes two principal forms – the use of handcuffs and the use of control and restraint techniques. Detention Custody Officers are not routinely equipped with handcuffs. Escort Officers are equipped with handcuffs. Officers do not carry any form of baton or other similar equipment. Leg restraints are also used to facilitate the removal of a non-compliant detainee outside the detention estate.
11. One of the functions of the Review was to determine whether the use of force in each case involving a complaint of misuse of force, had been properly investigated, so that any misconduct had been identified and dealt with in accordance with disciplinary procedures, and decisions could be made as to whether an officer should lose the accreditation which enabled them to work within the detention estate and on escort duties. In the earlier cases there was little evidence of such proper investigation; in the later cases there has been a significant improvement.
12. Control and restraint techniques are used to bring a person, who is not compliant with what is being asked of them, under control. The control and restraint procedures used by contractors working for the United Kingdom Border Agency are those used by HM Prison Service. They involve a series of detailed procedures which are used to minimise the possibility of pain and injury to the detainee, or those required to restrain them. Many of the techniques which are described in the Outsourcing Abuse cases are standard Control and Restraint techniques, the use of which is lawful in specified circumstances. Such use of force must, of course, also be necessary and proportionate. The same procedures are used for all categories of people: young, old, weak, strong, sick and well. Consideration of issues of proportionality and necessity in relation to the proposed use of force by means of Control and Restraint techniques cannot be identified in a number of the cases in this Review.
13. Many of the complaints in the Outsourcing Abuse Report involved alleged handcuff injuries. When handcuffs are used, and the individual struggles against the handcuffs, injury very often results. However the Review has identified problems and confusion in relation to the use of handcuffs which require to be addressed.
14. Over the period under investigation there was inadequate management of the use of force by the private sector companies. This resulted, on occasion, in failures properly to account for the use of force by recording fully the circumstances and justification for the use of force. The use of force training which officers receive does refer to the legal obligations governing the use of force. However this was not reflected in the bulk of the case papers which I examined. I have therefore made recommendations to address this issue.
15. There have been three changes to the governmental arrangements for the management of immigration issues during the period covered by the cases. These have resulted in some disruption to the processes of dealing with the cases. However significant progress has been made recently across a range of issues.
16. There have been a number of changes in the companies holding the contracts to run the various parts of the detention estate, and to escort detainees outside the estate. On occasion the way in which the transfers have been effected has resulted in an inability to retrieve complaints files, and a loss of accountability.
17. The investigation procedures and management prior to 2008 were not adequate to ensure that investigators conducted an investigation of the standard which should have been required.
18. In the past complaint investigations did not occur until the completion of any criminal investigation or any civil litigation. In a number of the cases in Outsourcing Abuse these policies led to lengthy delays and even, in a few cases, resulted in no investigation. This is no longer the case.
19. Examination of the complaint files in the earlier cases indicates confusion as to responsibilities, some lack of training and of understanding of the complaints procedures which applied, and management deficiencies in identifying these problems and addressing them. That situation has now improved and the procedures and policy guidance are better than they were. However there is scope for further development of policies, and I have made recommendations to address these issues.

20. There was an insufficient number of trained staff available during the course of some of the earlier investigations. On one occasion an untrained employee was required to conduct an investigation into a complaint of assault occasioning a serious injury.
21. Service complaints and complaints of minor misconduct are now investigated by the service providers. Serious complaints are investigated by the United Kingdom Border Agency Professional Standards Unit.
22. The current investigation procedures are much improved, but there remains a need for further development of the processes to ensure that investigations will be conducted in a fair manner to both complainants and the individuals under investigation, and that the approach will provide for a framework in which the United Kingdom Border Agency is able to substantiate on the balance of probabilities whether or not an allegation can be substantiated.
23. There were no case papers available to me in respect of two of the four HM Prison Service cases, as there had been no complaint. In one case there had been a complaint, but no papers were available. In the fourth case there was no investigation. It is not therefore possible to comment on HM Prison Services procedures and practices. The cases were brought to the attention of HM Prison Service.

CONCLUSIONS

1. Many people from different parts of the world wish to gain the right to live and work in the United Kingdom. Their rights of access and residence are determined by law. Those who do not satisfy the requirements which would enable them to stay in the United Kingdom must return to their country of origin, or, where applicable, to the country in which they first entered the European Union. The United Kingdom Border Agency has the responsibility for giving effect to the law in such cases.
2. There are those who think that the United Kingdom should not seek to return such people to the countries from which they came. However this is a matter of law. The United Kingdom Border Agency has the responsibility for enforcing the law.
3. Inevitably, many of these cases involve tragic and difficult circumstances. Others involve people who have been able to settle unlawfully in the United Kingdom, and who must subsequently be removed. Detainees are often, understandably, very distressed about the circumstances in which they find themselves.
4. The Outsourcing Abuse Report provides details of 48 cases, referring to 46 individuals. Three cases were removed from the review: case A1 was removed because "the case was incapable of review"; case D5 was removed because it was referred by the Complainant's solicitors to the Independent Police Complaints Commission; and case E1 was withdrawn because it was not suitable for investigation. In 16 cases no complaint had been made. In 29 cases complaints had been made.
5. I examined the investigations which had been conducted in the 29 cases in which complaints were made. Two of the investigations had been adjudicated on by the Prisons and Probation Ombudsman and I identified no fresh evidence requiring investigation in those cases. Of the rest, 4 investigations were satisfactory. In 5 cases there was so little information that it was not possible to comment. In 18 cases the investigations were not adequate, or there was no investigation. Two were HM Prison Service cases, and I referred those cases back to the United Kingdom Border Agency for referral to HM Prison Service.
6. The United Kingdom Border Agency Professional Standards Unit investigated 11 of the remaining 16 cases which had not been the subject of complaint. They also investigated one case in which a complaint had been made but there had been no investigation. Those investigations were satisfactory. One issue was raised for further examination. Of the others, in 4 cases (two of which were Prison Service cases) investigation quite simply was not possible; in 1 case the matter had been referred to the Prisons and Probation Ombudsman.
7. The Review identified matters of concern. As each issue came to my notice, I informed the United Kingdom Border Agency of my concerns. In some cases these matters had already been identified, and action had been taken. In other cases the United Kingdom Border Agency sent me a considered response. On occasion there quite simply had been a failure to deal properly with the complaints which had been made and this was acknowledged.
8. In the earlier part of the period covered in the Outsourcing Abuse report, there were a number of procedures which effectively resulted in an inability to conduct a proper investigation of a complaint made: these included procedures and practices dictating that there should be no complaint investigation pending the completion of any criminal investigation or proceedings, and pending also the outcome of any civil litigation. The result of these practices was that where complainants brought civil actions or made criminal complaints, they often did not receive a proper response to any complaints which they made. This is no longer the case.
9. Examination of the complaint files in the earlier cases indicates confusion as to responsibilities, some lack of training and of understanding of the complaints procedures which applied, and management deficiencies in identifying these problems and addressing them. That situation has now improved and the procedures and policy guidance are better than they were. However there is scope for further development of policies, and I have made recommendations to address these issues.

10. Operational instructions on the use of force provide that force can be used *“to keep a detainee in custody, to prevent violence, to prevent destruction of property of removal centre or of others, and to prevent detainees from seeking to prevent their removal physically or physically interfering with the lawful removal of another detainee.”*

Rule 41(1) of the Detention Centre Rules 2001 states that officers should *“not use force unnecessarily, no more than is necessary.”*

11. Over the period under investigation there was inadequate management of the use of force by the private sector companies. This resulted, on occasion, in failures properly to account for the use of force by recording fully the circumstances and justification for the use of force. The use of force training which officers receive does refer to the legal obligations governing the use of force. However this was not reflected in the bulk of the case papers which I examined. I have therefore made recommendations to address this issue.
12. In three cases serious physical injury was identified – those cases involved a broken finger, a punctured lung and a dislocated knee. In the first two cases there was no satisfactory explanation as to how these injuries occurred. In the third case there was no clear evidence as to how the injury was sustained, although the CCTV showed that it happened during a violent struggle in a confined space in the back of a vehicle as escort officers tried to put handcuffs and leg restraints on the individual concerned before taking him for boarding. He was resisting strongly, and at the time when the injury occurred the camera was blocked by the back of one of the escort officers. In other cases there were allegations of injury in respect of which it was not possible to make any determination because of the absence of evidence. In some cases the evidence showed conclusively that what was alleged had not happened.
13. The Review of those cases, which were capable of review, indicates that there is, and was, no pattern of systemic abuse by persons employed within the UKBA detention estate, or as escorting officers. Of the 144 Detention Custody officers who are identified as having been involved in some way in the cases over the six year period, 129 were identified on only one occasion. Twelve were identified in two cases and three were identified in three cases over the six year period.
14. An analysis was conducted of all the individuals who were identified as the subject of a complaint, or present at an incident, to determine whether there was a pattern of individual wrongful behaviour. No such pattern emerged from the analysis. I also examined whether the combination of particular staff working together led to an increased likelihood of a complaint. This proved not to be the case. Finally, I examined the allegations of misuse of force to determine whether there was a pattern of unlawful, unnecessary or disproportionate use of force leading to injury. No such pattern emerged, other than the fact that the use of handcuffs can be associated with injury of varying levels, and that people complained about being restrained and then assaulted. Such complaints were examined as part of the Review.
15. I have concerns in relation to the guidance, management and training, for the use of handcuffs, and I have made recommendations to address these issues.
16. There are among the Outsourcing Abuse cases a significant number of people who have self-harmed or attempted suicide. The evidence suggests that there may well be heightened levels of anxiety and illness among those detained. All these factors must also be further considered if there is to be a reduction in the number of occasions on which force is used, and an improvement in the way in which force is used. In particular, it is vitally important that every attempt is made to reach a situation in which force does not have to be used. I have made recommendations to address these issues.
17. There were four cases involving HM Prison Service staff. In two cases, A2, and F8 there was no complaint. In one case, A8, HM Prison Service staff were subject to complaint, but there was no investigation. In the particular circumstances of this case, this was in accordance with Immigration and Nationality Directorate procedures at the time. In case A5 there appears to have been an investigation, but there are no papers. It is not, therefore, possible to comment on whether the HM Prison Service process was robust, thorough and conducted in a fair manner, or whether the matter should be re-investigated. Nor is it possible to comment on whether the procedures in place at the time the complaint was made were robust and thorough enough to enable investigations to be conducted in a fair manner to both complainants and the individuals under investigation. Finally it is not possible to say whether the approach provides for a

framework in which HM Prison Service is able to substantiate on the balance of probabilities whether or not an allegation can be substantiated.

18. The many changes which have been made following the establishment of the United Kingdom Border Agency Professional Standards Unit have resulted in higher standards of investigation and better trained staff. There is a definite trend to more effective investigation. The recommendations which I have made should facilitate an investigations framework in which the United Kingdom Border Agency will be able to substantiate, on the balance of probabilities, whether or not an allegation can be substantiated, and which is fair to both the complainant and the officers, subject of complaint.

RECOMMENDATIONS

COMPLAINTS PROCEDURES

1. The Complaints Management Guidance should be reviewed to clarify the process and purpose of the informal resolution procedure. A process of regular review of matters which are informally resolved, and officers subject to complaint, should be established to enable effective management of the process and to ensure that the process works properly.
2. The United Kingdom Border Agency should further develop its "Instructions to Staff" on the conduct of an investigation into an allegation of serious misconduct.
3. The United Kingdom Border Agency should review the process for handling complaints to ensure consistency of procedure in all immigration removal centres, including those run by HM Prison Service.
4. The United Kingdom Border Agency and all the service providers should examine all documentation to ensure that there is no ambiguity about when, and by whom, a complaint, by a detainee, of criminal conduct should be reported to the police.
5. The United Kingdom Border Agency Professional Standards Unit investigators should be provided with detailed guidance and training on the mechanisms and techniques available to Detention Custody Officers and Overseas Escorts using force, with specific information on the requirements for compliance with the law in the use of such force.
6. On receipt of a letter about a civil action relating to the conduct of a person employed by the United Kingdom Border Agency or any of its contractors, the detainee or his representative should be asked whether there is a wish to make a complaint.
7. The United Kingdom Border Agency should review its arrangements for the retention of files when detainees are transferred from the detention estate to the Prison Service estate, and when any contract for the provision of services for the management of the detention estate, and for escorting detainees is terminated.
8. The United Kingdom Border Agency should review its processes, to facilitate speedy access to detainee files when they have been archived following the removal of a detainee.
9. The United Kingdom Border Agency should produce a leaflet which states how its complaints procedures work, what the responsibilities of the service providers and the United Kingdom Border Agency are to complainants, what the possible outcomes are and what the time scales are for the completion of the investigation. It should be made available to all complainants, and should be accessible, in varying formats and languages, to those who may be held within the detention estate or who are being escorted outside the estate.
10. Where any Detention Custody Officer or Escort Officer is the subject of three or more complaints in a rolling twelve month period, information about those complaints should be used by the United Kingdom Border Agency to monitor service delivery, and by the service provider as a management tool to identify training or welfare needs, and to identify possible management failure. This recommendation applies in all cases, notwithstanding the outcome of any investigation.
11. The United Kingdom Border Agency should set standards for the investigation of all complaints of misconduct by staff in Immigration Removal Centres, on escort duty in the United Kingdom, and on removals to other countries to ensure consistency and best practice in complaints investigation.

USE OF FORCE

12. There should be a review of the training provided for the use of force, and of the annual re-training, to ensure that, in any case in which force is used, officers are trained to consider constantly the legality, necessity and proportionality of that use of force.
13. On all occasions on which force is used, officers should be required to justify that use of force by reference to the necessity, proportionality and legality of the particular use of force.
14. There should be a review of the circumstances in which handcuffs are used and of the type of handcuffs used. In particular there should be clear guidance given to staff in relation to the occasions on which it is necessary and proportionate for people to be handcuffed at all, and when it is necessary to handcuff them behind their backs. The guidance should also include consideration of how people's toileting and personal hygiene arrangements should be provided for. This review should include the circumstances in which people may be handcuffed whilst receiving medical treatment and whilst hospitalised.
15. The existing instructions proscribing the pulling of handcuffed individuals by the handcuffs should be re-issued to all staff to ensure that there is compliance with the law.
16. In all circumstances in which force is used, every care should be taken to protect the privacy and dignity of the individual being restrained.
17. There should be a review of the control and restraint techniques and of the Guidance used to determine what improvements could be made. Such a review should encompass consideration of control and restraint training and the physical techniques used in mental health establishments.

MEDICAL ISSUES

18. The United Kingdom Border Agency should ensure that where patients wish to complain about the treatment which they receive in NHS facilities, provision is made for them to get access to the NHS complaints system.
19. When assessing the medical evidence in a complaint involving personal injury the investigator must be able to distinguish injuries which were suffered in the home country, injuries which are the consequence of self-harm, and injuries which may have been caused by detention and escort staff, and which are the subject of complaint. To enhance the value to be gained from the work of the independent medical experts it is recommended that, in so far as is possible, medical evidence is made available in a timely manner, and that doctors differentiate the three (or more) different types of injury on which they report.

OTHER ISSUES

20. It is recommended that in the absence of justifiable reasons for the presence of men during a search of a woman, they should be asked to withdraw if the woman asks for this to be done.
21. CCTV is routinely kept for a limited period of one month. It is recommended that in any case in which injury requiring hospitalisation is sustained, any CCTV in respect of the incident in question should be kept for at least six months to facilitate any criminal or complaint investigation.
22. The Chief Inspector of the United Kingdom Border Agency should examine the extent of compliance by the United Kingdom Border Agency with the recommendations of this Review and should report back on the recommendations to the Chief Executive of the United Kingdom Border Agency within twelve months.

REVIEW METHODOLOGY

1. In conducting this review all investigative reports and papers, available medical evidence and other evidential material, and Prisons and Probation Ombudsman Reports, were examined.
2. Former and current complaints handling policy and guidance documents were examined, as were former and current policy documents and guidance in relation to the use of force.
3. I was given full access to the UKBA detention estate and visits were made in connection with the review to:
 - United Kingdom Border Agency Headquarters London;
 - United Kingdom Border Agency offices Croydon;
 - Colnbrook Immigration Removal Centre;
 - Harmondsworth Immigration Centre;
 - Yarl's Wood Immigration Removal Centre;
 - Heathrow Airport;
 - Control and Restraint Training.
4. Discussions were held with the Chief Inspector of the United Kingdom Border Agency, various lawyers and medical experts and Medical Justice.
5. A removal at Heathrow Airport was viewed.
6. Every paper in the files was read, and assessed in the context of the law and any relevant policy. Where there was lack of clarity about any matter, or failures in any investigation, this was referred to the Strategic Director of the Criminality and Detention Group to enable a response to be made by the United Kingdom Border Agency.
7. Although each case was reviewed using the same methodology, the findings vary because in some cases there was no, or virtually no, material to review and to comment on. In other cases there were very extensive files.
8. I am satisfied that every effort was made by the United Kingdom Border Agency and its Professional Standards Unit to retrieve all the material which is available.

THE REMOVAL OF PERSONS FROM THE JURISDICTION BY THE UNITED KINGDOM BORDER AGENCY

1. Many people from different parts of the world wish to gain the right to live and work in the United Kingdom. The law provides one set of rules for citizens of the European Economic Area, and another set for those who come from outside those territories.
2. The report "Outsourcing Abuse" refers to cases involving people who come from areas not governed by European Freedom of Movement Law.
3. Such individuals come to the United Kingdom from all over the world, and their rights of access and residence are determined by law. Those who do not satisfy the requirements which would enable them to stay in the United Kingdom must return to their country of origin, or (where applicable) to the country in which they first entered the European Union.
4. The government agency responsible for giving effect to Immigration Law is the United Kingdom Border Agency.
5. In order to fulfill its legal obligations the United Kingdom Border Agency maintains a number of Immigration Removal Centres, which provide accommodation for those awaiting removal after a decision has been made to deport them. The United Kingdom Border Agency uses both HM Prison Service and private contractors to run the Immigration Removal Centres, and also uses private contractors to manage the removal of people both around and from the United Kingdom.
6. During the period covered by the Outsourcing Abuse Report, between 2002 and 2008, the number of persons who were removed or departed voluntarily from the United Kingdom was 447,605.
7. During the last financial year 81,386 individuals were removed by escorts. People will not be removed using force if they agree to go voluntarily. In such cases the United Kingdom Border Agency will seek to facilitate their removal to their home countries. If they do not agree to go voluntarily, then the law requires that they must be removed. In such circumstances they will be collected from their homes and taken to Immigration Removal Centres, where they will be held prior to their arranged removals.
8. 78,734 removals were within and around the United Kingdom. They include the process of collecting people from their homes, and of transferring them around the detention estate to facilitate the accommodation of all those who must be held. There is consideration of their particular needs which may dictate that they should, if possible, be held at a particular location. This may, of course, necessitate the removal of people already occupying the required accommodation to alternative locations.
9. There were 2,652 accompanied removals of individuals from the United Kingdom during the last financial year.
10. If force is required to be used, whether by detention, or in the process of removal to another location, that force must be lawful, necessary and proportionate.
11. All those who come to the United Kingdom, in whatever capacity, are entitled to the protections afforded by the law. They are entitled to be treated with respect for their dignity, their beliefs and all their other rights under the law. They must not be subjected to inhuman or degrading treatment. These legal principles underpin the contractual arrangements governing the outsourcing of the running of Immigration Removal Centres.

THE OUTSOURCING ABUSE REPORT

1. Although the Outsourcing Abuse Report was stated to cover some 300 cases, only 48 cases were actually identified in the Report. They were numbered as follows: A1 -A12, B1–B9, C1–C10, D1–D6, E1-E2, and F1–F9.
2. The 48 cases identified in Outsourcing Abuse related to 46 individuals.
3. Of the 46 individuals identified in Outsourcing Abuse, three cases were removed from the Review by agreement between those who created Outsourcing Abuse and the United Kingdom Border Agency. Case A1 was removed because “the case was incapable of review”. Case D5 was removed because it was referred by the Complainant's solicitors to the Independent Police Complaints Commission. Case E1 was withdrawn “because it was not suitable for investigation”.
4. Cases D3, F5 and F9 were reviewed to see if there was further evidence which had not been examined by the Prisons and Probation Ombudsman.
5. In 16 of the remaining 43 cases there had been no complaint. They were Cases A2, A9, A10, A11, A12, B1, B4, B6, C3, C4, C9, F1, F2, F4, F8 and F9. This meant that these cases had not previously come to the attention of the United Kingdom Border Agency and that therefore no investigation could have occurred. In those cases in which the persons involved could be identified, the United Kingdom Border Agency Professional Standards Unit conducted an investigation. This process was completed in October 2009. Those investigations were reviewed.
6. Of those cases which were investigated pursuant to the decision by the United Kingdom Border Agency to investigate cases in respect of which no complaint had been made, the investigations were satisfactory.
7. In 4 cases investigation was not possible.
8. In one case the matter had been referred to the Prisons and Probation Ombudsman.
9. Complaints had been made in 29 cases. The way in which those matters were handled was reviewed.
10. In 4 cases of the 29 cases in which a complaint was made, there was a satisfactory investigation.
11. In 5 of the 29 cases there was insufficient information to comment.
12. In 18 cases, of the 29 in which a complaint was made, either the investigation was unsatisfactory or there was no investigation.
13. Two cases had been referred to the Prisons and Probation Ombudsman.
14. Four cases involved incidents which occurred in establishments run by the HM Prison Service. The United Kingdom Border Agency was informed of these matters.
15. Of the 48 cases, three serious physical injuries were reported: a dislocated knee, which occurred in 2007, a broken finger which occurred in 2007 and a collapsed lung, which occurred in 2005. In all three cases complaints were made. There was no investigation in one case and unsatisfactory investigations in the other two. In the case in which there was no investigation it was not possible to identify the officers concerned, but in the other two cases seven officers were identified. Six of the seven officers were only involved in one case in Outsourcing Abuse, and one officer was involved in two cases.
16. Complaints of criminality were made in 27 of the 46 cases. No further action was taken by police in any of the cases.
17. Of the 144 Detention Custody officers who are identified as having been involved in the Outsourcing Abuse cases over the six year period, 129 were identified on only one occasion; 12 were identified in two cases; and three were identified in three cases. The Review has identified

no evidence of systemic abuse among those employed by the contractors who provide detention and escorting services to the United Kingdom Border Agency.

THE COMPLAINTS MECHANISMS

1. Complaints handling processes have changed on a number of occasions during the period covered by this review. Initially complaints were handled by the contracted service providers for the location at which the complaint arose. Complaints were also handled by an Immigration and Nationality Directorate unit, called the Immigration Service Customer Relations Unit, which no longer exists. There was some non-compliance with the Unit's complaints procedures in that criminal allegations were not always reported to the police as they should have been, and it was made difficult for complainants to complain in two cases. The procedures provided for investigation of the use of force, following police investigation which had resulted in a decision to take no further action. However this did not always happen. There were deficiencies in the Immigration Service Customer Relations Unit's record keeping and a number of papers are no longer available.
2. Responsibility for complaints handling and the oversight of contractors' complaints handling procedures was transferred to Border Immigration Agency Detention Services in April 2007. There were some deficiencies in their processes, and in the training and management of investigators.
3. Responsibility transferred to United Kingdom Border Agency Professional Standards Unit in April 2008. There has been significant improvement in the processes since then. Further improvements are recommended in this Review.
4. There were four cases involving HM Prison Service staff. In two cases, A2, and F8 there was no complaint. In one case, A8, HM Prison Service staff were subject to complaint, but there was no investigation. In the particular circumstances of this case, this was in accordance with Immigration and Nationality Directorate procedures at the time. In case A5 there appears to have been an investigation, but there are no papers. It is not, therefore, possible to comment on whether the HM Prison Service process was robust, thorough and conducted in a fair manner, or whether the matter should be re-investigated. Nor is it possible to comment on whether the procedures in place at the time the complaint was made were robust and thorough enough to enable investigations to be conducted in a fair manner to both complainants and the individuals under investigation. Finally it is not possible to say whether the approach provides for a framework in which HM Prison Service is able to substantiate on the balance of probabilities whether or not an allegation can be substantiated.

CURRENT COMPLAINTS HANDLING PROCEDURES

1. The current procedure for dealing with complaints is articulated in the Complaints Management Guidance, dated February 2008 and a Professional Standards Unit document, "Instructions for Staff," dated September 2009. Complaints divide into service complaints, misconduct complaints suitable for informal resolution, and serious misconduct complaints.
2. On occasion complaints have been received with a notification of a civil action. On other occasions there may be uncertainty as to whether a complaint is intended.

RECOMMENDATION

On receipt of a letter about a civil action relating to the conduct of a person employed by the United Kingdom Border Agency or any of its contractors, the detainee or his representative should be asked whether there is a wish to make a complaint.

3. Complaints should be made within three months of the incident that is the subject of the complaint.
4. All complaints received in the sealed complaint boxes, which are located in each immigration removal centre, are collected by the United Kingdom Border Agency Contract Monitor. They are then sent to the United Kingdom Border Agency Professional Standards Unit and a decision will be made about who should deal with the complaint.
5. Matters relating to service delivery, such as access to and the provision of health services, and less serious allegations will be dealt with by the service provider.
6. This will be done through an Informal Resolution procedure which is very similar to police informal resolution procedures. The procedure is provided for in the Complaints Management Guidance.

RECOMMENDATION

The Complaints Management Guidance should be reviewed to clarify the process and purpose of the informal resolution procedure. A process of regular review of matters which are informally resolved, and officers subject to complaint, should be established to enable effective management of the process and to ensure that the process works properly.

7. There are differences in the complaints procedures adopted within different parts of the detention estate. This could lead to confusion as detainees are transferred within the estate. A common set of complaints procedures applicable in all parts of the detention estate and to all functions within the estate would enhance accountability.

RECOMMENDATION

The United Kingdom Border Agency should review the process for handling complaints to ensure consistency of procedure in all immigration removal centres, including those run by HM Prison Service.

8. Although there are currently targets and guidance, there is also a need for clear standards for the investigation of all complaints arising in the course of escort and detention.

RECOMMENDATION

The United Kingdom Border Agency should set standards for the investigation of all complaints of misconduct by staff in Immigration Removal Centres, on escort duty in the United Kingdom, and on removals to other countries to ensure consistency and best practice in complaints investigation.

9. Although complaints which are suitable for informal resolution fall at the lower end of the spectrum of possible misconduct, repeated behaviour of a particular type can be indicative of a lack of effective management, a need for training, or the need to facilitate the individual in addressing some personal issues in their life. If such matters continue to be unaddressed they may result in future mistreatment of detainees, with possible consequential deterioration of the relationships

between the contractor's staff and the detainees, and ultimately significant difficulties within the detention estate

RECOMMENDATION

Where any Detention Custody Officer or Escort Officer is the subject of three or more complaints in a rolling twelve month period, information about those complaints should be used by the United Kingdom Border Agency to monitor service delivery, and by the service provider as a management tool to identify training or welfare needs, and to identify possible management failure. This recommendation applies in all cases, notwithstanding the outcome of any investigation.

10. More serious complaints will be investigated by the United Kingdom Border Agency Professional Standards Unit, or in the cases of Lindholme, Dover and Haslar Immigration Removal Centres which are run by HM Prison Service, by HM Prison Service.
11. Misconduct complaints fall into 7 categories:
 - Criminal (Theft)
 - Criminal (Assault)
 - Criminal (Sexual Assault)
 - Criminal (Fraud Corruption)
 - Racism (and other discrimination)
 - Unfair treatment (including harassment)
 - Other unprofessional misconduct
12. There is now a specific requirement that contractors and United Kingdom Border Agency staff must report any complaints that a detainee has been the victim of a criminal act to the police. The Professional Standards Unit must also be notified and provided with details. However there may still be some confusion about who is responsible to do this, and clarity is required.
13. The Detention Services Order 14/2008 states that *"if a detainee makes an allegation that they have been the victim of a crime then the contractor must report the allegation to the police."* The Form DCF 9, on which complaints are to be made, contains a provision which states that *"if your complaint makes an allegation of criminal behaviour you will be interviewed and asked if you wish the complaint to be referred to the police."* There is an inconsistency here with the statement that all criminal complaints must be reported to the police. Such allegations should be reported to the police in all cases.
14. There may be a delay between the receipt of the complaint, and the interview of the complainant in the course of the complaint investigation, resulting in failure to recognise quickly that a criminal complaint is being made and to report to the police immediately as required. That delay could prejudice a police investigation.

RECOMMENDATION

The United Kingdom Border Agency and all the service providers should examine all their documentation to ensure that there is no ambiguity about when, and by whom, a complaint, by a detainee, of criminal conduct should be reported to the police.

15. Where there is a serious misconduct complaint the United Kingdom Border Agency or HM Prison Service, as appropriate, will consider whether suspension of accreditation should occur. It is for the employer to determine any penalty which should be imposed for any misconduct which is identified. The United Kingdom Border Agency will determine whether accreditation should be withdrawn following a finding of misconduct.
16. There is clear identification, in the Guidance, of the management information which may derive from the complaints process, and which can be used to enhance service delivery by the United Kingdom Border Agency.
17. In some areas the Instructions to staff are more comprehensive than in others. There is a need for more detailed guidance on HOW to investigate different types of allegation, such as allegations of assault.

RECOMMENDATION

The United Kingdom Border Agency should further develop its “Instructions to Staff” on the conduct of an investigation into an allegation of serious misconduct, to include matters such as:

- instruction on how the investigator should identify “suspects” in an investigation, and what they should do when it becomes clear that somebody whom they had thought was a witness, is a suspect;
 - detailed reference to all forms which must be completed in relation to any particular event which may be the subject of complaint, such as Use of Force Forms, Incident Forms, Cancellation Forms indicating why a planned removal has not taken place. This will provide a check list for investigators;
 - clear instruction that witnesses and suspects should be reminded of their ethical obligations at the beginning of an interview;
 - examples of the variety of witnesses who might be available to the investigator;
 - the processes for dealing with third parties such as airlines or airport authorities;
 - the requirement for the investigator to seek the complainant’s consent for access to their medical records, and the mechanisms for accessing such records in particular cases;
 - provision for cases in which the complainant may be deported, and there is an urgency attaching to the need to interview the complainant;
 - details of the extent to which CCTV should be available in particular circumstances;
 - the necessity to investigate allegations of abuse of force having regard on each occasion to the necessity, proportionality and legality of each occasion on which force is used.
18. There is now a good template for the reporting of the complaint investigation, which did not exist during the earlier investigations.
19. Investigators are required to conduct investigations in cases in which the threshold for a criminal prosecution is not reached, and there can be no further action by the police. Such cases will be investigated by the United Kingdom Border Agency Professional Standards Unit as disciplinary matters. The standard of proof in disciplinary cases is the balance of probabilities. Investigators currently have no training in relation to the use of force, particularly the use of handcuffs and leg restraints.

RECOMMENDATION

Investigators should be provided with detailed guidance and training on the mechanisms and techniques available to Detention Custody Officers and Overseas Escorts using force, with specific information on the requirements for compliance with the law in the use of such force.

20. Although there is information available to detainees about the complaints process, this should be made clearer and more informative.

RECOMMENDATION

The United Kingdom Border Agency should produce a leaflet which states how its complaints procedures work, what the responsibilities of the service providers and the United Kingdom Border Agency are to complainants, what the possible outcomes are and what the time scales are for the completion of the investigation. It should be made available to all complainants, and should be accessible, in all ways, to those who may be held within the detention estate or who are being escorted outside the estate.

21. In one case which I reviewed the complainant was in prison when he was interviewed, rather than in the detention estate, and as a consequence of this many of his records were no longer held by the United Kingdom Border Agency. They were not available to the investigator. They should have been. In other cases the termination of a service contract meant that files were no longer available.

RECOMMENDATION

The United Kingdom Border Agency should review its arrangements for the retention of files when detainees are transferred from the detention estate to the Prison Service estate, and when any contract for the provision of services for the management of the detention estate and for escorting detainees is terminated.

22. There was some evidence that detainee files are archived very quickly after removal. This has led to an inability on the part of the investigator to access the files quickly to find information about witnesses, and their whereabouts, at the time of the incident.

RECOMMENDATION

The United Kingdom Border Agency should review its processes to facilitate speedy access to detainee files when they have been archived following removal.

OVERSIGHT OF AND ACCOUNTABILITY FOR THE COMPLAINTS PROCESS

1. When a complaint has been made, and a response received there is a right of access, in specific circumstances to a variety of oversight mechanisms. They include:
 - The Prisons and Probation Ombudsman
 - The Parliamentary and Health Services Ombudsman
 - The Independent Police Complaints Commission
 - The Chief Inspector of the United Kingdom Border Agency
 - The Independent Monitoring Boards

2. There are also a number of other oversight mechanisms which have responsibilities in relation to Immigration Removal Centres. They include:
 - HM Chief Inspector of Prisons
 - HM Chief Inspector of Education, Children's Services and Skills
 - The Children's Commissioner
 - The Care Quality Commission

RECOMMENDATION

The Chief Inspector of the United Kingdom Border Agency should examine the extent of compliance by the United Kingdom Border Agency with the recommendations of this Report and should report back on the recommendations to the Chief Executive of the United Kingdom Border Agency within twelve months.

FACTORS PREVIOUSLY INHIBITING OR PREVENTING INVESTIGATION

1. In the course of this review a number of factors were identified which either inhibited or prevented the investigation of the complaint when it was made, or my review of the way in which the complaint was handled. Most of those issues have now been addressed. Those factors were as detailed in the following paragraphs.
2. If a criminal complaint had been made by a detainee, and the complainant had been deported, police normally decided that there should be no further action. This continues to be the case. The United Kingdom Border Agency Professional Standards Unit now prioritises the interview of people who have made complaints against Detention Custody Officers and Escort Officers, and are about to be deported, so that an investigation is possible. This is important so that any person who may have been guilty of misconduct knows that an investigation will occur.
3. Use of force allegations, which had been investigated by the police and in respect of which the Crown Prosecution Service or the police had declared that there should be no prosecution, were not previously routinely examined by Home Office staff or by the Contract Provider to assess the lawfulness, necessity and proportionality of the use of force. It is now the case that the investigation of such allegations by the United Kingdom Border Agency Professional Standards Unit will commence on receipt of the allegation.
4. In the past, matters which were the subject of a criminal complaint were not previously investigated until the police had completed their investigation. This led to a number of delays which could make any complaint investigation more difficult. This is no longer the case. On very rare occasions the police ask that the United Kingdom Border Agency investigation be suspended until police inquiries are completed. However in such cases the United Kingdom Border Agency Professional Standards Unit investigation will recommence investigation when notification is received from the police.
5. If a complainant has been deported there can be no access to medical records unless the appropriate consent has been received prior to deportation. This frequently did not happen. It is now the case that if a complainant fills in a complaint form, then s/he will be invited to give his/her consent for access to his/her medical records when making the complaint. However, where the person does not have access to a complaint form, there is virtually no possibility of acquiring the relevant consent. In most cases involving allegations that a person has suffered injury, any subsequent complaint will not be capable of full investigation without access to the medical records. United Kingdom Border Agency Professional Standards Unit staff will now seek to get consent for access to the medical records of people who have been deported and have subsequently complained.
6. It was formerly the case that complaints could be investigated by the United Kingdom Border Agency Contract Monitors. Contract Monitors who had no training and no experience in investigating complaints were previously asked to investigate on occasion. This no longer happens.
7. Although Company 3 staff do carry complaints forms in their vehicles, complaints forms were not carried by the other escorting agencies. I brought this matter to the attention of the United Kingdom Border Agency, which has now issued an instruction to ensure that complaints forms are always available to complainants.
8. There has been a lack of clarity across the Detention Estate about who is responsible for reporting criminal allegations by detainees to the police. In some cases detainees were told that they had to do it themselves, but did not have the necessary access to do so. Since December 2008, any allegation of criminal conduct made by a detainee against other detainees, staff of another Centre, United Kingdom Border Agency officials or escorting contractors must be referred to the police by the contractor, and the United Kingdom Border Agency Centre Monitor must be informed. Any such complaint will also be referred to the police by the United Kingdom Border Agency Professional Standards Unit, who will also liaise with police to ascertain the outcome of any investigation of a criminal allegation by a detainee.

9. When a civil action commenced any investigation of a complaint made by a detainee stopped until the civil action was completed. Civil actions normally take several years to resolve and this made subsequent investigation impossible in some cases. This no longer happens.
10. Many detainee files were stored, prior to March 2007, in a location which has been contaminated by rats. Health and safety advice is that the files should not be touched, but should be destroyed by a specialist contractor. The files are therefore not available. This compounded the difficulties of conducting this Review, and the difficulties encountered by those investigating the sixteen Outsourcing Abuse cases in respect of which there had been no complaint.
11. There is a requirement for timeliness in the investigation of complaints made. Interview of a complainant two years after the event, as happened in one of the complaint cases is not satisfactory. It is recognised that the entirely proper decision by the United Kingdom Border Agency to investigate all the Outsourcing Abuse cases which had not been the subject of complaint, inevitably meant that such investigations, whilst they were completed as rapidly as possible, were conducted in most cases long after the alleged event which gave rise to the investigation.

THE USE OF FORCE

1. Issues in relation to the use of force by staff employed by the Contractors emerged during the Review.
2. Inevitably many of these cases involve tragic and difficult circumstances affecting people who have never managed to settle outside their home country. Others involve people who have been able to settle unlawfully in the United Kingdom, and who must subsequently be removed. Detainees are often, understandably, very distressed about the circumstances in which they find themselves. There are also among the Outsourcing Abuse cases a significant number of people who have self-harmed or attempted suicide. The evidence indicates that there may well be heightened levels of anxiety and illness among those detained. All these factors must be taken into account in attempts to reduce the number of occasions on which force is used, and to improve the way in which force is used. In particular it is vitally important that every attempt is made to reach a situation in which force does not have to be used.
3. Detainees often do not wish to be taken from the location in which they are currently held, either for transfer to another Immigration Removal Centre or for removal from the United Kingdom. Where this happens it is legitimate for those charged with removing or transferring the detainee to use such force as is lawful, necessary and proportionate. When a detainee resists the use of force there is a possibility that injury may occur. That does not, in itself, make the use of force unlawful.
4. The use of force is not a common occurrence in the Detention Estate: for example in Harmondsworth Immigration Removal Centre, force was used on 43 occasions during the year 2008-2009, despite the fact that during that year 4733 people entered and left Harmondsworth Immigration Removal Centre.
5. Operational Instructions on the Use of Force provide that force can be used “*to keep a detainee in custody, to prevent violence, to prevent destruction of property of removal centre or of others, and to prevent detainees from seeking to prevent their removal physically or physically interfering with the lawful removal of another detainee.*”
6. Rule 41(1) of the Detention Centre Rules 2001 states that officers should “*not use force unnecessarily, no more than is necessary.*”
7. Force is used by adopting certain techniques referred to as “Control and Restraint” procedures, which are designed to allow officers to take control of an individual without causing unnecessary pain or distress to that individual, whilst minimising the risk of injury to the officers.
8. The same procedures were used for all categories of people: young and old, weak and strong, sick and well, in the cases I examined during my Review. Consideration of the legality, proportionality and necessity of the proposed use of force by means of Control and Restraint techniques cannot be identified in a number of the cases in this review.
9. In the course of the Review there were also a number of cases in which there was no evidence of consideration of the proportionality of the use of handcuffs and leg restraints both before, during and after that use of force. There was one case in which a very young woman was lifted almost naked and carried through an Immigration Removal Centre to another location. She was handcuffed behind her back, and the blanket which was supposed to shield her from view fell off. There was no evident consideration of whether this was necessary and proportionate.

RECOMMENDATION

There should be a review of the training provided for the use of force, and of the annual re-training, to ensure that, in any case in which force is used, there is constant consideration of the legality, necessity and proportionality of that use of force.

RECOMMENDATION

On all occasions on which force is used officers should be required to justify that use of force by reference to the necessity, proportionality and legality of the use of force.

10. Mechanical restraint takes the form of handcuffs (of varying kinds) and leg restraints, which will be used if the detainee cannot be persuaded to do whatever is lawfully required of him/her voluntarily, is resisting removal or is attacking the officers or others.
11. There appeared to be no consideration in some cases, of whether the person should be handcuffed to the front or behind the back. To be handcuffed behind your back, particularly on long journeys as happened in some of these cases is unlikely to be a proportionate or necessary use of force, if the effect of it is to cause additional pain and discomfort, rather than to achieve greater security.
12. In many of the cases in this Review detainees suffered injuries consequential upon the use of handcuffs. It is acknowledged that injuries can be caused by a detainee twisting their wrists inside the handcuffs. However, examination of files has shown that handcuffs have been used by staff, on occasion, to pull people forward. This is not the purpose for which the bar on rigid handcuffs is designed and it is most unlikely to be a proportionate use of force, as injury and pain are very likely in these circumstances.

RECOMMENDATION

The existing instructions proscribing the pulling of handcuffed individuals by the handcuffs should be re-issued to all staff to ensure that there is compliance with the law.

13. On two occasions in the course of this Review I encountered cases in which an airline refused to carry a detainee because they were wearing rigid handcuffs. The Escort Officers carry only rigid handcuffs. This inevitably led to a significant loss of public money as the removals had to be re-arranged.
14. There were two cases in which women were handcuffed whilst receiving hospital treatment. Both cases occurred when the detainees were in Scotland. There were no such cases in England. Whilst the policies do provide for handcuffing in such circumstances, it is of course essential that a proper risk assessment has been conducted, and that there is continuing consideration of the necessity and proportionality of such use of force. Such risk assessment should include consideration of the options as to the location in which the medical service could be provided within the hospital (e.g. a room without windows does not present any opportunities for escape other than through the door); and the past history of the detainee, in particular whether there has ever been any incident in which the detainee has attacked themselves or anyone else. The presumption must be that handcuffs will not be used unless it is absolutely necessary.
15. There was also a case in which a woman was handcuffed during a flight and when she wished to go to the toilet the handcuffs were not removed. The female detention escort officer had to adjust her clothing and take care of her personal needs. There was no evidence of consideration of the necessity and proportionality of such use of force or of any alternative strategy to provide for the situation.

RECOMMENDATION

In all circumstances in which force is used, every care should be taken to protect the privacy and dignity of the individual being restrained.

RECOMMENDATION

There should be a review of the circumstances in which handcuffs are used and of the type of handcuffs used. In particular there should be clear guidance given to staff in relation to the occasions on which it is necessary and proportionate for people to be handcuffed at all, and when it is necessary to handcuff them behind their backs. The guidance should also include consideration of how people's toileting and personal hygiene arrangements should be provided for. This review should include the circumstances in which people may be handcuffed whilst receiving medical treatment and whilst hospitalised.

RECOMMENDATION

There should be a review of the control and restraint techniques and of the Guidance used to determine what improvements could be made. Such a review should encompass consideration of control and restraint training and the physical techniques used in mental health establishments.

Use of force training

16. The United Kingdom Border Agency has been using external providers to run the detention estate since at least 1995. All detention custody officers and escort officers employed by service providers are accredited and individually licensed by the United Kingdom Border Agency. Such licences will be withdrawn where necessary in order to ensure the protection of detained persons.
17. Overseas Escorts, who accompany persons being deported where the presence of such escorts has been assessed to be necessary, are subject to monitoring of their use of control and restraint, to address any issues which come to light. Detention Custody Officers who work in the Immigration Removal Centres are similarly subject to control by the employing company.
18. In any circumstance in which the risk assessment for a removal indicates that there are medical issues affecting the person being deported, the escort team may include a trained medical assistant, provided by a private sector contractor.
19. The service providers train their own staff in control and restraint, their trainers having been trained by the Prison Service to the Prison Service standards, which are agreed by the United Kingdom Border Agency.
20. It is stated in the Use of Force Guidance that in dealing with difficult detainees, the staff should focus on de-escalation, to ensure that force is only used as a last resort. Detainees who are becoming unsettled when a removal is imminent are to be advised that disruptive behaviour will not prevent removal, whether immediate or in the future.
21. Escort training is a month long course, including practical elements such as methods of control and restraint and first aid and law, including immigration-related issues and human rights law. A module is delivered by the United Kingdom Border Agency Contract Monitor covering United Kingdom Border Agency expectations in relation to the delivery of the service. Control and Restraint Training is refreshed through a minimum 8 hour course every 12 months.
22. In order to remain accredited officers must advise the United Kingdom Border Agency of the completion of required refresher training.
23. Use of Force reports, and Incident Reports which have to be submitted following any application of restraints or actual force, are monitored by the United Kingdom Border Agency contract monitors.
24. CCTV is normally kept for one month. However complaints can be made within three months, a charge of common assault can be prosecuted within six months and an charge of serious assault can be prosecuted at any time.

RECOMMENDATION

In any case in which injury requiring hospitalisation is sustained, any CCTV in respect of the incident in question should be kept for at least six months to facilitate any criminal or complaint investigation.

MEDICAL COMPLAINTS

1. One of the cases involved a complaint against NHS staff. It was not investigated as the United Kingdom Border Agency does not have the power to investigate such cases. However no action can be seen to have been taken in relation to this matter.

RECOMMENDATION

The United Kingdom Border Agency ensure that where patients wish to complain about the treatment which they receive in NHS facilities, provision is made for them to get access to the NHS complaints system.

THE ROLE OF INDEPENDENT MEDICAL ADVISORS

1. There is no doubt that independent medical advisors have a significant role to play where there is a complaint, and injury is alleged to have resulted from misconduct by detention custody officers or escort officers. Regardless of the availability of health care within Immigration Removal Centres, detainees may well be re-assured by the ability to access independent medical advice.
2. The Outsourcing Abuse statement contains excerpts from a number of medical reports. Those excerpts provide information of three types. firstly evidence relating to the injuries allegedly suffered as a consequence of misconduct, and a professional opinion as to whether the injuries are consistent with the complaints which have been made; secondly information referring to injuries suffered by an individual as a consequence of self harm, and thirdly information about injuries consequential upon torture and ill treatment suffered outside the United Kingdom. It is important to be able to assess the application of all this information for the purposes of complaint investigation.
3. In many cases the excerpts quoted in Outsourcing Abuse were from medical reports which were not made available to the investigators. Sometimes the medical reports are provided to the complainant's solicitors for the purposes of a civil action. In such cases the material contained in Outsourcing Abuse could not be used to inform the investigation.
4. In other cases the medical reports were the result of a medical examination conducted a long period after the incident that is the subject of complaint. In such cases where there can be no proof as to what happened between the date of the incident that is the subject of complaint, and the date of the medical examination, the relevance of the report to the investigation may be limited. The investigator cannot make an assumption that an injury occurred as a consequence of an alleged assault rather than as a consequence of another unrelated and unknown incident.

RECOMMENDATION

When assessing the medical evidence in a complaint involving personal injury the investigator must be able to distinguish injuries which were suffered in the home country, injuries which are the consequence of self-harm, and injuries which may have been caused by detention and escort staff, and which are the subject of complaint. To enhance the value to be gained from the work of the independent medical experts it is recommended that, in so far as is possible, medical evidence is made available in a timely manner, and that doctors differentiate the three (or more) different types of injury on which they report.

emergency travel documentation on 25 June 2007. The events contained in the Outsourcing Abuse document are said to have occurred three days later on 28 June 2007.

2. The evidence, including Mr Hines' testimony and CCTV footage of two incidents which occurred during the night of 28/29 June indicate that :
 - i. The incident began at about 20.00 hrs on 28 June 2007. Mr Hines was dissatisfied with the food provided to him. He was a vegan and objected to the vegetarian food, although he did eat certain non-vegan foods.
 - ii. Mr Hines became angry and kicked the bin in the Detention Custody Officer's office. He went back upstairs; an officer tried to speak to him but he did not want to speak. He stated that he took the bin from his room to empty it, and went downstairs.
 - iii. He reached the Servery and was told by officers that he was becoming aggressive and angry. A decision was taken to take him into the yard to de-escalate the situation.
 - iv. He stated that he refused to go outside and an officer grabbed him. He asked to go back to his room but was told that he was aggressive, and was to be removed from association with other detainees because he had failed to comply with the instructions which he had been given.
 - v. Control and Restraint techniques were used to take him to the Rule 42 area in which detainees are separated from other detainees. No handcuffs were used in this restraint. There were no reports of any injury to the officers or to Mr Hines. He said he did not make it easy for the Detention Custody Officers. The CCTV of this removal was not retained because the incident had not been the subject of complaint.
 - vi. When Mr Hines was taken to the room in the Room 42 area he tried to make a noose out of his sheets. The sheets and all the furniture were removed to prevent him from self-harming. He was still struggling. He was advised to take it easy several times, but he said that he ignored this. He was restrained on the floor and put in a relocation position, to allow the officers to withdraw without any further confrontation. This involved one Detention Custody Officer putting Mr Hines' hands behind his back and putting weight on his leg before releasing him and backing out of the cell. Mr Hines said that he tried to see who was on his back during the struggle and shouted about his leg. Mr Hines said that he then removed his underpants and started shouting.
 - vii. The control logs for the Rule 42 area show that at 20.14 he was kicking and banging on the door with his head. At 20.16 a nurse came, but Mr Hines was behind the door, was shouting and aggressive, and declined to calm down to see the nurse. The nurse decided to come back later. At 20.25 Mr Hines was seen to pick something from the floor and tried to cut his wrist. It transpired that he had smashed the light switch in his room.
 - viii. Mr Hines was relocated to another room using more Control and Restraint techniques. In the course of this an officer again put him into position face down on the floor with his hands behind his back and the officer put his weight on Mr Hines' leg to allow egress from the room.
 - ix. The Rule 42 Log states that between 20.25 on 28 June and 00.15 on 29 June 2007 Mr Hines:
 - Smashed a light switch at 20.35 and tried to "self harm" his wrist. He was changed into anti-ligature clothing and placed on Level 1 SHARF Watch;
 - Tried to rip up the anti-ligature clothing into which he had been changed;
 - Again tried to interfere with the light switch;
 - Continued to shout;
 - Threatened to smash a Detention Custody Officer's head and eat his brains;
 - Tried to find a point to which to tie his dreadlocks, in an apparent attempt to self harm.
 - x. Although Mr Hines did not refer to a second move in the Rule 42 area, an Incident Report states that at 00.15 Control and Restraint techniques were used by staff using personal protection equipment to relocate Mr Hines to another room by 00.32. This was done because of damage to the room he was in. A nurse was present during the removal.
 - xi. The video log of this removal, timed at 00.15, shows that an officer checked Mr Hines' hair and shorts pocket. A pat down search was conducted and the hem of Mr Hines' shorts was checked. Although Mr Hines was shouting, particularly about his leg being broken, the removal was effected without injury and there is no evidence of Mr Hines struggling throughout the relocation. To enable the officers to withdraw from the room Mr Hines was again told to go down on his front, which he did, and one officer again placed his weight on Mr Hines' legs to allow the other officers to withdraw. He then withdrew himself. Mr Hines can be heard on the video shouting, "you are breaking my leg." A Detention Custody Officer in the room showed the person recording the video a broken light switch and the wires which had been pulled out, in the cell from which Mr Hines was removed.

- xii. He was seen by a nurse at 09.15 on 29 June 2007. He had flooded his room and ripped his mattress.
 - xiii. He was seen again at 09.58 the same day. He had blood on his hand due to damage to the room
 - xiv. A doctor visited him and saw him through the window of his room. The doctor recorded that he was very angry, agitated, urinating on the floor and refusing food.
 - xv. The Rule 42 Log shows that between 00.32 and 15.00 hours on 29 June Mr Hines:
 - Pulled a Velcro strip from the window and attempted to self strangulate (a three man team went into the cell and remove the Velcro and withdrew without any injury);
 - Said that he would kill a Detention Custody Officer when released;
 - Attempted self harm and tried to remove the screws from his window and light switch;
 - Threatened to kill another Detention Custody Officer;
 - Said that he would kill someone to get back to prison;
 - Urinated through the gap under his door;
 - Was swearing and abusive to the doctor.
 - xvi. A second video shows Mr Hines being removed for the second time in the Rule 42 area to a new room, which he agreed not to damage. He was much calmer by this stage and the CCTV shows a completely uneventful removal. Mr Hines can be seen walking down the block with the officers. He allowed the officers to check his dreadlocks, (he had stated in his evidence to the investigator that his dreadlocks had been cut off and left in the exercise yard when he was taken from the yard). He was compliant during a search by waving a wand across his body, and when he was also searched physically. He was told that he was being taken to the Vulnerable Persons Unit because of a fear of him self-harming.
 - xvii. At 15.10 he was seen again by the nurse. He had a small bruise on his right foot. He said that he had a metal pin in his leg and that he had told the Detention Custody Officers this during his removal; there was swelling and warmth to the knee. He was walking with a limp. He refused painkillers.
 - xviii. He was seen by a doctor at 17.00. He said his knee was swollen and painful. He refused to allow the doctor to examine the knee. He refused to take any painkillers. He was advised to use specific medication, and the doctor said that if there was no improvement in one week an x-ray should be taken. Mr Hines confirms in his testimony that this happened. He was given an ice pack by the nurse at 17.28.
 - xix. On 30 June Mr Hines was again seen by a nurse. A note on file on this date states that Mr Hines "has a metal plate in his knee which was inserted in his knee at a young age". He told her his leg was very painful. It was swollen and tender to the touch. An icepack was again applied and he refused painkillers. He was then sent to hospital for examination. An x-ray disclosed no bone damage. Mr Hines was prescribed anti-inflammatory drugs and painkillers. Mr Hines stated that he was not x-rayed on this occasion, but evidence of an x-ray is in the medical records.
 - xx. He was subsequently seen every day (except 04 July when he was with the police) by medical staff, and by 05 July he was again refusing painkillers, saying that he had extra pain and that his knee could not be touched. The nurse recommended a further visit to hospital.
 - xxi. On 6 July Mr Hines refused to go to hospital. On 07 July he was again taken to hospital. He stated at interview by the United Kingdom Border Agency investigators that when "he was taken to hospital for a second visit, he had not seen Healthcare at all". This is not consistent with the extensive medical evidence which is available.
 - xxii. An x-ray on 07 July disclosed no breaks, but identified fluid on his knee. Mr Hines insisted on leaving the hospital before his final consultation as he wanted to return to the Centre for an arranged visit.
 - xxiii. There are no further entries on his medical records until 24 July 2007 and 30 July 2007 when the medical records show him refusing food but buying noodles, biscuits, milk, crisps and flavoured water from the shop.
3. No complaint was made about this matter in 2007.
 4. This matter was investigated following the decision by the Director of Detention and Criminality that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated. A complaint was subsequently made on 15 August 2008, when Mr Hines was contacted.
 5. The investigation was conducted as thoroughly as was possible, having regard to the time which had elapsed between the incident and the date of complaint.
 6. The complaints made by Mr Hines in 2008 were not substantiated by the investigator, and my review did not find any new evidence requiring investigation.

REVIEW FINDINGS: The Outsourcing Abuse allegation

1. There is no evidence to support the allegations contained in the Outsourcing Abuse Report other than that Mr Hines' knee was swollen on 29 June 2007. It cannot be proved how or when this injury occurred. It may have been the result of the use of the authorised "relocation technique". It is accepted by all the officers that this technique was used. I accepted that this was necessary. There is no evidence that the officers knew that Mr Hines had had a knee injury, which had necessitated the insertion of a metal plate in his knee. Mr Hines told medical staff about his previous knee problem on 29 June 2007, after the incidents referred to had occurred.

REVIEW FINDING: Criminal complaint

1. A criminal complaint was referred to police at Hillingdon by the United Kingdom Border Agency Professional Standards Unit on behalf of Mr Hines. The police decision was that there would be no further action.

REVIEW FINDING: Civil Action

1. A civil action in the name of Marcus Brown (also known as Clifford Hines) v Home Office and Company 1, seeking damages, has been initiated.

REVIEW FINDING: No complaint until 15 August 2008

1. This complaint was investigated. The details of the complaint and the United Kingdom Border Agency findings, following the investigation, were as follows:
 - The complainant asked for a vegan meal, and was taken out by 9 officers. He was restrained, sexually and physically assaulted and his feet were badly bruised. An officer grabbed his private parts. This complaint was not substantiated.
 - The complainant was taken to segregation and left all night in a cell despite informing the officers on duty he was in pain. He was then taken to another cell and forced to the ground, he thought his leg was broken and was in agony. This complaint was not substantiated.
 - The complainant had only rice and salad to eat. This complaint was not substantiated.
 - The complainant had to drink toilet water after being refused water to drink. This complaint was not substantiated.
 - The complainant was subject to racism during a visit to the local hospital Accident and Emergency Department. The United Kingdom Border Agency cannot investigate complaints against NHS medical staff.
 - The complainant was passing blood as a result of second assault. This complaint was not specifically dealt with, but both assault allegations were held to be unsubstantiated.

REVIEW FINDINGS: The United Kingdom Border Agency investigation

1. Mr Hines was located in HMP Highdown by the United Kingdom Border Agency Professional Standards Unit in 2008. He was unaware that he was the subject of one of the "Outsourcing Abuse" complaints.
2. Mr Hines was interviewed twice at length. He was co-operative with the investigation and twice gave his consent for the investigators to have access to his medical records, in August and in October 2008.
3. At the first interview with him on 14 August 2008, over a year after the alleged incident, Mr Hines said that he had been visited by a doctor from Medical Justice after the alleged incident, and he thought that this was where the Outsourcing Abuse report might have come from.
4. Although Mr Hines said his solicitor was going to submit a complaint and that his room mate had written a complaint and put it in the complaints box, there is no record of any complaint having been received by the Centre or by the United Kingdom Border Agency.
5. There is, however, an entry in Mr Hines' physical care records on 07 July 2007, indicating that a letter was received from Mr Hines solicitor stating that "he was to attend hospital for further examination". This letter is not among the various papers on file. It would indicate that Mr Hines' solicitor had been contacted and had communicated with someone at Colnbrook about his client's health. This matter was drawn to the attention of the United Kingdom Border Agency with a view to further investigation to determine whether this was the complaint to which Mr Hines had referred.
6. A very lengthy investigation was carried out by the United Kingdom Border Agency Professional Standards Unit. All five Company 1 officers involved in the incident were interviewed. Various documents and the available CCTV recordings were examined. The Colnbrook medical records for Mr Hines were examined, which clearly indicate that Mr Hines was suffering from a swollen painful knee. The Incident Report Forms and Use of Force forms were also examined.

2. However, papers provided by Mr PS's solicitor demonstrate that they wrote on 27 January 2005 complaining that Mr PS suffered a burn injury to his back. They asked for his removal to be delayed. The response was that there would be no delay, and that Mr PS could sue from Jamaica.
3. A HM Prison Service significant events/problems form states that Mr PS had scald injuries to his back on 25 December 2004 at 07.10 and that paramedics were called. First aid was administered and he was then transferred to Haslar A&E. He returned to Haslar Immigration Removal Centre with dressings and analgesia. The Governor called for an ambulance.
4. Portsmouth Hospital records show that Mr PS arrived at 09.06.
5. On 07 February 2005 HM Prison Service stated that there were no witnesses and that 21 detainees had been questioned but that no information was forthcoming. The staff who found Mr PS did not see anyone out of bed.
6. On 21 March 2005 Mr PS's solicitors made a complaint to Immigration Services Customer Relations Unit.
7. On 01 June 2005 HM Prison Service wrote to Mr PS's solicitors saying that there was no evidence to support an allegation of verbal abuse, but that Mr PS had waited too long to wait for appropriate treatment.
8. In the circumstances in which no complaint papers are available, no further investigation is possible.

REVIEW FINDINGS: The Outsourcing Abuse statement

1. The papers which are available state that Mr PS was attacked by an unknown person during the night of 25 December 2004. He suffered burns.
2. The medical records state that Mr PS was taken to Haslar A&E, not to a Segregation Unit.
3. When Mr PS arrived at Portsmouth Hospital at 09.06, his burns had been dressed. However the papers which are available indicate that an ambulance should have been called earlier, since this was the governor's first action on arriving at Haslar Immigration Removal Centre. There was certainly a delay in getting Mr PS to hospital.

REVIEW FINDINGS: Criminal Complaint

1. A complaint was made to the police by Mr PS about the alleged assault on him by another detainee at Haslar Immigration Removal Centre on 25 December 2004. In the absence of witnesses, CCTV or an identified suspect the police were unable to progress the matter.

REVIEW FINDINGS: The complaint

1. On 21 March 2005 Mr PS's solicitors made a complaint to Immigration Services Customer Relations Unit that:
 - the Detention Custody Officers at Haslar Immigration Removal Centre did not help Mr PS when he was assaulted;
 - that they took him to the segregation unit, but that he was given no medical attention and so Mr PS soaked his sweat shirt in water to put on back. The floor became very wet in the process;
 - that Mr PS was not moved to a dry room until Detention Custody Officers were asked to do so by Governor, when the Governor came on duty. The solicitors also stated that Mr PS was without his shoes during this time and that Mr PS waited 35 minutes for medical treatment.
2. A response to the solicitors on 30 March 2005 stated that a Home Office Immigration and Nationality Directorate senior investigator would investigate the allegations which had been made.
3. On 18 May 2005 the Home Office Immigration and Nationality Directorate wrote to the solicitors stating that the officers who dealt with Mr PS were employed by HM Prison Service and they, HM Prison Service, and not the Home Office, would investigate.
4. On 01 June 2005 HM Prison Service wrote to Mr PS's solicitors saying that there was no evidence to support an allegation of verbal abuse, but that Mr PS had waited too long to wait for appropriate treatment.
5. The investigator advised that he had spoken to the police, who had investigated Mr PS's allegations and refuted a suggestion that the Detention Custody Officers who had accompanied Mr PS to his police interview had repeatedly interrupted the taking of Mr PS's statement. Police stated that they had no problem with the conduct of the Detention Custody Officers. The Complaints were not substantiated.

REVIEW FINDING: The investigation

1. It is not possible to comment on the HM Prison Service investigation since no papers are available. There is nothing further which can be done in investigative terms at this juncture.

Case A6 Mr Andrey Gurtoviy Ukraine
The Outsourcing Abuse allegation

45 year old Ukrainian, Mr Andrey Guroviy and his wife were detained at Harmondsworth IRC. They had previously been detained at Yarl's Wood IRC during the fire and riot there on February 14th 2002, and say they were traumatised as a result. Mr Guroviy says that on April 4th 2002 they were told to pack and that they were to be transferred to a detention centre in Scotland and says that he refused to go. He claims that detention custody officers employed by UK Detention Services Ltd threw him down to the floor, pushing his face down and hit his leg, and that one officer pulled his head back and put two fingers up his nose

A report by Dr Stuart Turner (an independent doctor) on 31st January 2005 noted exacerbation of Mr Guroviy's depressive disorder. He noted his injuries from the alleged assault included cuts and bruises to his face and body. A complaint about the alleged assault was made to the Home Office which was investigated but not upheld, although there was some criticism of the way Mr Guroviy and his wife were dealt with. Mr Gurtoviy lodged a civil action case regarding the alleged assault which was settled out of court.

FINAL REVIEW FINDINGS

1. Mr and Mrs Gurtoviy were detained at Harmondsworth Immigration Removal Centre. They had been transferred to Harmondsworth following a fire at Yarl's Wood Immigration Removal Centre some six weeks previously. On 4 April 2002 they were told that they were to be moved to Dungavel Immigration Removal Centre. They did not wish to go, and an incident ensued during which Mr Gurtoviy was injured as he was removed from the area by Detention Custody Officers.
2. Mr Gurtoviy later made a complaint on 16 April 2002 and again through his solicitor on 10 May 2002, stating that, since Mr Gurtoviy would not be making a criminal complaint, the Immigration Services Unit should investigate.
3. The person charged to investigate Mr Gurtoviy's complaints had no training in complaints handling or investigation. When this fact was drawn to the attention of management the investigator was offered a one day course. This was an inadequate response. The investigator continued to investigate the matter.
4. The independent medical examination and the subsequent medical report are dated some three years after the incident. In the absence of evidence as to what happened during the intervening period, the cause of the exacerbation of Mr Gurtoviy's depressive illness, which is described in the "Outsourcing Abuse" report, cannot be ascertained.
5. There is no evidence on the available facts of any attempt to de-escalate the situation before recourse was made to the use of force, nor of any consideration of the proportionality of the force used.
6. A fax to the Home Office by a Home Office employee, in relation to the complaint which was made, states, "a cynic would suggest that solicitors have found a new regular source of income/scam. Good job I'm not a cynic". There is no evidence of any managerial response to this offensive and inappropriate communication.
7. The Incident Report Form refers to Mr Gurtoviy and his wife only by their detention numbers and not by their names. This is not acceptable.
8. The investigation which was conducted had many flaws, and was limited by the procedures in place at the time and by the lack of training, experience and management of the investigator. No further investigation is possible.

REVIEW FINDINGS: The Outsourcing Abuse allegation

1. An Incident Report on the file refers to the situation on 04 April 2002.
2. The report states that Mr Gurtoviy was shouting that he would not go to Dungavel and that his wife was standing in front of him. It does not mention a hostage situation. He had torn a shirt up and bound it around his wrists to prevent any injury from any handcuffs which might be used.
3. Officers then moved in and placed Mr Gurtoviy on the floor. They stated in their use of force forms that this was because of a hostage situation.
4. He suffered injuries, about which he subsequently complained, and his wife asked that those injuries be photographed. This was done, but his wife was not satisfied with the quality of the pictures and requested that more pictures be taken.

REVIEW FINDINGS: Criminal complaint

1. Mr Gurtoviy asked for a criminal complaint to be made about his injuries. The file records that Home Office staff said that he should do this himself. He did not do so. No referral was made to the police by Home Office staff. There is no evidence that any criminal investigation took place.
2. There was no evidence of any policy requiring the communication to the police of an allegation by a detainee that a criminal offence had been committed. This lacuna has now been filled and all such allegations are required to be reported to the police.

REVIEW FINDINGS: The complaints made by Mr Gurtoviy on 16 April 2002 and by his solicitor on 10 May 2002

1. Mr Gurtoviy made a complaint alleging assault on 16 April 2002 in relation to the incident on 04 April 2002 at Harmondsworth Immigration Removal Centre. This complaint was not substantiated.
2. On 10 May 2002 his solicitors said that they wanted a Home Office investigation of:
 - i. the denial of access by Mr Gurtoviy to legal advice;
 - ii. the failure to give him adequate notice of the proposed removal from Harmondsworth to Dungavel;
 - iii. the fact that no photos were taken of his injuries despite a request by his wife that photos should be taken.
3. The Home Office response of 23 February 2003 to the complaints made by his solicitors on 10 May 2002 was that:
 - i. Lawyers were not relevant to the decision to transfer Mr and Mrs Gurtoviy to Dungavel Immigration Removal Centre, however there was no intention to deprive Mr and Mrs Gurtoviy of access to their lawyers
 - ii. It was accepted that no notice was given; and
 - iii. Photographs were taken of Mr Gurtoviy's injuries.

REVIEW FINDINGS: The investigation

1. As has been stated the official who originally investigated the complaint had no training.
2. The complainant was not interviewed, nor was his wife who was present during the alleged incident. There is no statement of complaint. The only statements from Mr and Mrs Gurtoviy were prepared by their solicitor and are dated February 2006, long after the incident was investigated. At this time there was no requirement that the investigator interview the complainant.
3. Only one witness was interviewed, although there were other witnesses, including a nurse who was reported to have said, on the date of the incident, that there was no need for Mr Gurtoviy to be seen by a doctor. The Report does not identify the nurse and no statement was taken from her. There is no possibility of verifying whether the level of Mr Gurtoviy's injuries was such that he required medical assistance.
4. No other evidential opportunities were considered by the investigator.
5. There is no contemporaneous medical evidence, or CCTV evidence on the files.
6. Mrs Gurtoviy asked for photographs to be taken of her husband's injuries after the incident at Harmondsworth. The investigative report states that she was told that there were no batteries in the camera. Whether there were batteries was not verified by the investigators, and there are no photographs of Mr Gurtoviy's injuries in the file. However the papers provided by Mr Gurtoviy's solicitors to the Review show that the Chief Immigration Officer wrote to Mr Gurtoviy's solicitors stating that, on 5 April 2002, Mrs Gurtoviy requested that photographs be taken, and that on 6 April 2002 a further request was made by Mrs Gurtoviy that new photographs be taken, as she was not satisfied with the quality of the original photographs. There is no evidence to show that the investigator had a copy of these documents. Rather he appears to have been told that the camera was not working on the day in question.
7. In a report on the incident no mention was made of any hostage issue. However the Officer on Duty reports state that Mr Gurtoviy's wife was standing in front of him and that they feared there might be a hostage situation. Segregation reports say "subject had to be restrained to prevent hostage situation with wife".
8. The investigation which was conducted had many flaws, and was limited by the procedures in place at the time, and by the lack of training, experience and management of the investigator. No further investigation is possible.

complaint. I have seen no evidence to substantiate this stated reasoning for the decision to remove Mr Mostafa to prison on the day he made the complaint.

REVIEW FINDINGS: The Outsourcing Abuse allegation

1. Mr Mostafa was to be deported on 28 August 2007 from Campsfield Immigration Removal Centre to Italy (he is from Sudan but had entered the European Union through Italy). Company 3 staff were told, before the deportation, that he was threatening to self-harm.
2. His deportation did not occur because of an incident of self-harming, using a blade which he had about his person, which is recorded as having occurred at West Ramp Toilets, Heathrow. He was recorded as having been taken to West Middlesex University Hospital where he was examined by a psychiatric nurse and his wounds were dressed.
3. He was then taken to Colnbrook Immigration Removal Centre. A Medical Incident Report Form was completed there on 28 August 2007. During the period in question he was attended by three different nurses, and by a doctor who attended twice. He subsequently cut himself again on 29 August 2007, and attempted to self harm on 04 September 2007. He was dressed in anti-ligature clothing for his own protection.
4. I have not seen any record of him swallowing razor blades
5. Mr Mostafa made two complaints, one 49 days after the incident complained of, and one after 56 days, both well within the three month limitation for complaining.
6. He was removed to Wandsworth Prison the day after he made his first complaint on 16 October 2007.

REVIEW FINDINGS: Criminal complaint

1. There is no evidence that any complaint to the police was made by Mr Mostafa. In the letter of response to his complaint which he received, he was advised to make a complaint to the police if he wished to do so, after he had been released from detention on 7 November 2007.

REVIEW FINDINGS: The two complaints made on 16 October 2007 and on 23 October 2007

1. An unsigned handwritten statement, with a fax date of 16 October 2007, was received, alleging assaults, refusal of the right to make a complaint and refusal to allow Mr Mostafa to contact his solicitor. A Consent to Access to Medical Records, apparently signed by Mr Mostafa on the same date, is also on the file. There is no record on the files which I have seen of any response to this complaint.
2. A letter of complaint dated 23 October 2007, signed by Mr Mostafa, was received from Wandsworth Prison. Mr Mostafa's complaints and the response of the Operational Supports Unit Complaints section was as follows:
 - He was assaulted by being brutally removed from the van and subsequently subjected to degrading treatment. This was not substantiated.
 - He was not allowed to see his solicitor or make a formal complaint. This was not substantiated.
 - When he was told staff could use any force to restrain him, he retaliated by trying to destroy the cell light. His clothes were then forcibly removed. This was not substantiated.
 - On 29 August he was left for 2-3 hours without medical help for bleeding. This was not substantiated.
 - After one day "in general population" staff arrived in the middle of the night, without explanation stripped him of his clothes and he was put back on Rule 40 for 3 more days. This was not substantiated.
 - He was then subjected to verbal abuse by staff and taunted "by a [named] member of staff at the Third Country Unit of the BIA". "You are not staying in this country" and "I will deport you when I feel like it". Mr Mostafa recorded that he told the member of staff that he did not want to be deported to Italy, but was told "I will send you to any country I like, ...the law in the UK has nothing to do with it". He stated that the person said that they were the law. This matter was not dealt with.
 - That abusive and threatening language was used by a member of the Third Country Unit. This matter was not dealt with.
3. Mr Mostafa stated that he was 3 months at Campsfield, had no problems there showing that he is "non-problematic".
4. Mr Mostafa says that when he made it clear that he was going to make a formal complaint on 16 October, he was told by the Manager that he would be removed to prison, because Colnbrook could not afford his medical expenses.
5. In his complaint Mr Mostafa asked for help "to bring charges to my tormentors".

REVIEW FINDINGS: The investigation

1. Mr Mostafa declined to be interviewed despite two requests to him, and a request for assistance to an organisation from which he had sought advice. This made investigation of his complaint very difficult.
2. The CCTV recording, apart from that showing Mr Mostafa's removal from the vehicle, had been destroyed, as this material is kept for one month only. The video evidence from the van and the secure unit was no longer available for viewing. The United Kingdom Border Agency stated in a letter to me that "the hand-held CCTV footage which had been retained and was available to the investigating officer clearly showed the detainee's behaviour to have been unacceptable and that the DCOs had acted professionally in their handling of the events portrayed".
3. Mr Mostafa had provided consent for the investigator to access his medical records. However there is no evidence that those records were obtained from West Middlesex Hospital or from Company 1 or Company 3, and they did not form part of the investigation.
4. None of the staff involved was interviewed, and only one witness, the United Kingdom Border Agency Manager, was interviewed.
5. There was no consideration in the investigation report of whether the force about which Mr Mostafa complained was lawful, proportionate or indeed necessary. The Use of Force forms completed by the officers do not give sufficient detail to enable a conclusion to be reached. Indeed one form simply describes Mr Mostafa as being "non-compliant".
6. The issue of Mr Mostafa's complaint on 16 October, that he was not previously allowed to make a complaint, was not investigated. The officers were not asked about whether Mr Mostafa had sought to make a complaint and what response, if any, they had made to such a request.
7. The complaint that on 29 August Mr Mostafa was left for 2-3 hours without medical help for bleeding was held to be unsubstantiated. However records show that Mr Mostafa suffered an injury prior to his removal from the Rule 40 area to the higher security Rule 42 area at 15.20 on 29 August 2007. Mr Mostafa has said that he tried to break the light fitting in his room. An Incident Report at 15.10 on 29 August 2007 shows that he had a razor blade and cut his legs. He asked for a nurse at 16.50. At 18.50 it is recorded that his wounds had now been dressed by a nurse. In the absence of any contradictory evidence, such as that the nurse was otherwise engaged (and there is none on the file) this complaint should have been substantiated.
8. The investigation was hampered by the lack of availability of CCTV and the fact that Mr Mostafa did not respond when invited for interview. Notwithstanding this it was not a satisfactory investigation. There were important opportunities for organisational learning, which were not utilised.

Case A8 Mr. Amos Alajaibo Nigeria The Outsourcing Abuse allegation

Nigerian, Mr Amos Alajaibo said he participated in a "stay outdoors" protest at Haslar IRC. He claims that the next day, on 17th April 2006, detention custody officers brought the detainees indoors, one by one. Mr Alajaibo says he was asked whether he had spoken with the press, and said he had. He claims he was grabbed and his hands twisted backwards, then rendered unconscious (it is not known whether by head injury or choke hold). He says he recovered consciousness in a van en route to Harmondsworth IRC. He discovered a large and painful swelling of the left thigh which made it impossible to straighten his leg or walk on it for some weeks afterwards. Although he could not walk, only hop, he was denied a wheelchair. In protest, he commenced a hunger strike and then stopped drinking. He went into early (reversible) renal failure and was admitted to hospital at his request and independent doctors' insistence. After reestablishment of urine output, he was discharged to Colnbrook IRC where he stayed on hunger strike until admitted to hospital for re-feeding.

Mr Alajaibo was examined by Dr Frank Arnold (independent doctor) who noted serious injuries to all nerves at both wrists, and swelling of thigh due to large blood clot, [possibly from leg banged against van on being thrown in].

FINAL REVIEW FINDINGS

1. Mr Alajaibo made a complaint on 2 May 2006 alleging assault whilst he was being searched at Haslar Immigration Removal Centre, and subsequently during his removal to Colnbrook Immigration Removal Centre. No response was made to this complaint, because of a letter of intended legal action which was received from Mr Alajaibo's solicitors on 15 May 2006. This was in accordance with Immigration and Nationality Directorate procedures at the time, but it meant that there was no investigation of Mr Alajaibo's complaint. This is unsatisfactory.
2. Enquiries following the receipt of the civil claim show the following sequence of events:

- Following mild unrest at Haslar Immigration Removal Centre from 16.13 on 15 April 2006 to 17 April 2006, the mood changed, and 25 detainees refused to leave the exercise yard and return indoors. They began to damage chairs. Trained negotiators were called and arrived at 20.30. The Centre Manager also asked for representatives of the Independent Monitoring Board to attend at the Centre. Three members of the Independent Monitoring Board attended for the duration of the incident. At 23.30, since the matter remained unresolved, 75 staff in helmets, equipped with a baton and shield each, were deployed to the Exercise Yard.
 - Each detainee was taken by a group of 3 officers to the gym. This was all recorded and filmed and each detainee was asked if they were injured. Each detainee was subjected to a "rub down search".
 - Each detainee was then taken to the Reception area for further searching. The records show that throughout this process it was only necessary to use force on one occasion – the search of Mr Alajaibo. One of the Independent Observers noted that in Reception Mr Alajaibo refused to remove his clothing, was shouting about Human Rights, and was refusing to comply with what he was asked to do. He was restrained on the floor by several officers. He was lifted to his knees by a belt around his waist and was carried by 5 officers to a van. The Independent Observer saw him lying across a wide or double seat in the caged area of the van. He was docile. The incident was recorded on video.
 - The member of staff responsible for the video recording stated that he filmed the incident involving Mr Alajaibo, but the camera did not record. There is no evidence as to whether this cameraman recorded the other searches in the Reception area.
 - There is reference to a second cameraman and a second set of video evidence, which was never seen.
 - He was declared fit to travel by the nurse when he had been put into the van. The escort vehicle left for Colnbrook.
 - The reception forms show that Mr Alajaibo was complaining of bruising to both wrists and his right knee, when he arrived in Colnbrook. He was compliant on arrival.
3. There are inconsistencies and irregularities in the accounts in the files:
- The Use of Force form completed at 00.35 on 18 April 2006 records that Mr Alajaibo sustained no injuries and that no hospitalisation was required when Mr Alajaibo left Haslar Immigration Removal Centre. The accompanying staff statements give very little information. There are no body charts attached to the Use of Force Forms, as would have been expected. An injury report by the Nurse Manager who was present throughout recorded that Mr Alajaibo had shoulder pain. However, on arrival at Colnbrook Immigration Removal Centre Mr Alajaibo complained of injuries to both wrists and his right knee.
 - Company 3 state that Mr Alajaibo walked to the van for transfer to Colnbrook. However one of the independent observers from the Independent Monitoring Board stated that he was carried to the van by 5 officers.
 - Mr Alajaibo told his solicitors that he was unconscious in the escort van and woke up on the way to Colnbrook. However Company 3 stated that Mr Alajaibo was fully conscious during the journey.
 - Mr Alajaibo claimed in his complaint dated 2 May 2006 that he had been on hunger strike in Haslar. However there is no record in any of the files about a hunger strike prior to the incident on 17/18 April 2006.
 - In the Outsourcing Abuse report he described "a large and painful swelling on his left leg". The reception form records that on arrival at Colnbrook he complained of bruising to both wrists and the right knee. A medical report states that on 11 May 2006 he was not able to put his weight on his left leg, and had injuries to both hands. This was some 23 days after the original injury and there is no evidence as to what occurred in the interim period.
 - Mr Alajaibo asked for a wheelchair on arrival at Colnbrook and for several days thereafter. By 23 April 2006 the Colnbrook doctor had determined that Mr Alajaibo did not require a wheelchair and staff were instructed not to help him physically.
 - The Colnbrook records show that Mr Alajaibo refused food on 29 April 2006. On 30 April 2006 a Food Refusal Log was started. The Log forms from 30 April to 4 May are missing. It is recorded that he refused food on 4 and 6 May. He refused water on 7 May and was recorded as "vomiting when does". He refused food again on 9 May but the forms record that there was orange peel and biscuit wrappers in his cell and that he bought a bottle of Sprite. He refused to eat again on 13 May, but was drinking "Fortisips" and juice.
4. I have seen no record on file of Mr Alajaibo bring admitted to hospital on two occasions in connection with his hunger strike suffering from reversible early renal failure, as stated in the "Outsourcing Abuse" report.
5. The Incident Logs at Haslar Immigration Removal Centre are on file for 15 and 16 April, but there is no Incident Log for 17 April when this event occurred.

FINAL REVIEW FINDINGS

1. Mr TB was unaware of the allegations which referred to him and which were contained in the Outsourcing Abuse report.
2. Mr TB had been convicted of a crime following his arrival in the United Kingdom and had been sentenced to 18 months in prison. A Deportation Order was signed and two attempts to remove him were made.
3. Mr TB was the subject of two attempted removals on 3 October and 4 November 2006. Both these removals did not take place as the airline refused to carry him because he was being noisy and disruptive to other passengers. There is no evidence that he was assaulted on either occasion, although there is evidence that control and restraint procedures were used on him when he became violent and aggressive.
4. Mr TB attended an unsuccessful bail hearing on 11 April 2007 and was to be returned to Colnbrook IRC.
5. Mr TB had had abdominal surgery five days before the hearing on 11 April 2007. An independent medical report on 13 April 2007 refers to a 7cm healing operation wound in the abdomen, which was tender with some swelling above the wound. He had spent the previous five days in the Healthcare Unit. There is no evidence that his escorts were made aware of this. It did not form part of the risk assessment. His medical condition on this occasion should have formed part of the risk assessment, particularly as he had a history of being non-compliant, and there was therefore a distinct possibility that Control and Restraint procedures might have to be used.
6. When Mr TB arrived back at Colnbrook Immigration Removal Centre at 18.30 on 11 April the records show that he was highly aggressive and non-compliant. They do not show that he was unconscious. He was taken to the Rule 42 area.
7. The reports show that on arrival he had grazes to his face, which were the consequence of his being restrained on a concrete floor. It is recorded that at 20.00 hours he refused to let the nurse look at these abrasions, that he said that he was "OK" and that he appeared confused. At 21.58 hours he was seen by the nurse. He refused medication, but his cut was cleaned. He refused the food which was provided that day. Meals were provided the following day but were not eaten. At 15.00 hours he was taken from the Rule 42 area and returned to the Rule 40 area. There is no mention of any head injury or of him requiring to be seen by a doctor.
8. Mr TB made a complaint to police on 12 April 2007.
9. An investigation was conducted by the United Kingdom Border Agency, pursuant to the decision that all cases in the Outsourcing Abuse report which had not been the subject of complaint should be investigated. Mr TB complained about incidents involving nine staff from Company 3 in 2006 and five staff employed by Company 1 in 2007.
10. The investigation which was conducted by the United Kingdom Border Agency following receipt of the Outsourcing Abuse document was hampered by the two years which had elapsed since the events referred to in "Outsourcing Abuse", and by the lack of availability of documents. This investigation was as thorough as was possible in the circumstances.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. Mr TB was involved in three incidents on 03 October 2006, 04 November 2006 and 11 April 2007. As is stated in Outsourcing Abuse, Mr TB was the subject of two attempted removals and there was an incident after a bail hearing, following which Mr TB made a complaint to police about an alleged assault. The allegations in Outsourcing Abuse were not substantiated by the evidence which is available.

REVIEW FINDINGS: Criminal complaint.

1. A complaint was made on behalf of Mr TB, by a friend, to police on 12 April 2007. The Crown Prosecution Service decided that there should be no further action in March 2008.

REVIEW FINDINGS: No complaint

1. No complaint was made by Mr TB to the Border Immigration Agency or to any of its service providers.
2. This matter was investigated following the decision by the Strategic Director of the Detention and Criminality Group that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.

REVIEW FINDINGS: the United Kingdom Border Agency investigation

1. The investigation which was conducted took place more than two years after the first two incidents. Mr TB was interviewed
2. No CCTV was available, and no medical reports are available other than one report from Mr TB's mental health records, and two reports by an independent doctor, one dated 28 November 2006 and the other dated 14 April 2007, three days after the third event. All other documents including the Use of Force reports and the Incident Reports were examined by the United Kingdom Border Agency Professional Standards Unit investigator.
3. When Mr TB was interviewed he was in prison, rather than in the detention estate, and as a consequence of this many of his records were no longer held by the United Kingdom Border Agency. They were not available to the investigator. They should have been.
4. Mr TB had made it quite clear to the Detention Custody Officers on 03 October and on 04 November 2006 that he did not want to be deported.
5. He said that on 03 October 2006, on arrival at the aircraft he told the escorts that he would not go to Congo. He was forced out of the van, handcuffed and beaten. He said that a passenger on the aircraft told others he was a deserter and it would be dangerous for him to return. He was held in his seat for twenty minutes. The pilot came to see him. He told the pilot he was beaten and bleeding and the pilot would not carry him. He was returned to the vehicle and was beaten on the face and the back of his hands. He saw the doctor at Harmondsworth. He had pain all over his body. The doctor gave him nothing. He said that he could not walk unaided.
6. The Detention Custody Officers gave evidence that handcuffs and leg restraints were used. Mr TB was carried on board struggling and trying to head-butt the seat in front. He was shouting at other passengers and they complained to the aircrew. After twenty five minutes they were told to disembark.
7. It is recorded that the airline refused to carry Mr TB on 3 October 2006 because he was being violent and was a disruption to other passengers.
8. Mr TB made it clear that he had no complaints about the officers during the period when he was waiting for his flight.
9. On 04 November 2006 Mr TB said that he was put on the aircraft and said he did not want to go. He said that the officers kicked him on the face in the plane. His mouth was bleeding. He said that the officer got boxing gloves out of his luggage and punched him several times whilst he was restrained. He said that other passengers saw it, and the pilot came and told the officers they could not do this; they should "get outside". He was returned to Colnbrook where the Nurse gave him medication and cleaned his face.
10. The Detention Custody Officers said that on 04 November 2006 Mr TB was handcuffed before boarding as a precaution. He did not want to go. When other passengers began to board he started to struggle and shout. He tried to head-butt the seat in front. The other passengers were upset. Within about 60 seconds the captain would not carry them, and they returned to the vehicle.
11. It is recorded that on 4 November he was removed from the plane because of noise and disruption to other passengers.
12. He also claimed that he was assaulted on a journey from court to Colnbrook IRC on 11 April 2007. He had appeared at court for a bail hearing which was unsuccessful. He returned to Colnbrook IRC and was to be relocated to the Segregation Unit under Rule 42. He was forced to go there by three officers. He stated that he was unable to walk and was pushed by three officers. He said that everything went dark and he woke up the next day in the Segregation Unit.
13. The Detention Custody Officers said that on 11 April 2007 Mr TB was aggressive to staff at court, and caused substantial damage to the court holding room. Control and Restraint techniques were necessary to take Mr TB from the holding room to the vehicle. He was returned to Colnbrook Immigration Removal Centre.
14. The Incident Report stated that Mr TB bit one of the Detention Custody officers and that he had grazes to his face because they had used the Control and Restraint techniques on a concrete floor.
15. It is recorded in the Rule 42 log that Mr TB arrived at 18.30. He was highly aggressive and non-compliant. At 20.00 he refused to let the nurse look at his abrasions. He said he was "OK" but appeared confused. At 21.58 he was seen by nurse, refused medication, his cut was cleaned. He refused the food which was provided that day. Meals were provided the next day but were not eaten. At 15.00 he was returned to the Rule 40 accommodation.
16. Mr TB claims to have suffered a head injury during the incident on 11 April 2007. There was a letter from an independent doctor dated 13 April 2007 which stated that he had asked for regular head injury observations as Mr B said that he had a head injury following his return from court on 11 April 2007. He had described double vision, dizziness and vomiting on 12 April and 13 April 2007.

dossier which had not already been investigated would be investigated. An investigation was initiated and a complaint was subsequently received.

3. Contemporaneous witness statements had been taken from other detainees in 2005.
4. Ms BM had been the subject of a failed removal to Kenya on 19 May 2005 when she missed her flight because the escorts who were to collect her arrived late. She was very distressed about what was happening to her. There is a record of an attempted suicide by hanging on 15 May 2005. She had written a suicide letter on 23 May 2005. On 25 May 2005 she had swallowed dishwasher tablets and had subsequently developed diarrhoea and vomiting.
5. Ms BM was removed from her room using force. The level of that force was proportionate, and it can be seen that the decision to use force was justifiable and necessary, if she was to be removed from the room. At the end of the incident Ms BM can be seen on CCTV talking peacefully to the nurse.
6. Ms BM's medical condition was known to staff at Company 1 from the date of her admission. The fact that she had been unlawfully detained because cognizance was not given to the state of her mental health, has been acknowledged by the United Kingdom Border Agency. Her detention was contrary to the Enforcement Instructions and Guidance Manual (Detentions and Removals) paragraph 55.10 of which states that "The following are considered suitable for detention only in very exceptional circumstances, whether in dedicated Immigration Detention accommodation or elsewhere:
"Those suffering from serious medical conditions or the mentally ill"
7. As a consequence of her admitted unlawful detention all acts using force against her are also unlawful.
8. Ms BM was taken to the airport on 26 June. She said that she was still suffering from an upset stomach, and soiled herself because the escorts would not stop to allow her to use the toilet. This should not have happened. The airline then refused to carry her.
9. The civil action which Ms BM brought was settled, and police decided that there should be no further action.

REVIEW FINDINGS: The Outsourcing Abuse Allegation

1. The CCTV recording of the incident does not show the use of excessive force on Ms BM, but because she was mentally ill she should not have been detained and any use of force was agreed to be unlawful.

REVIEW FINDING: Criminal complaint

1. A criminal complaint was referred to Bedford Police by the Complainant on 30 June 2005. The police decision was that there would be no further action.

REVIEW FINDINGS: No complaint

1. There is no evidence of any complaint. The matter was investigated by the United Kingdom Border Agency in accordance with the decision which had been made.

REVIEW FINDING: Civil Action

1. A civil action in the name of Ms BM was brought against Company 1 and the Home Office seeking damages. It had been served on Company 1 earlier. A defence was filed and the matter was settled.

REVIEW FINDINGS: The United Kingdom Border Agency Investigation

1. A lengthy statement had been made by Ms BM. There were also statements from a number of other detainees, and from the officers involved in the removal of Ms BM from her room. Correspondence from Ms BM's lawyers and Incident and Use of Force forms, medical evidence and temporary confinement records were all examined.
2. The evidence which was collected at the time indicates that Ms BM had been detained between 28 April 2005 and 16 July 2005.
3. There had been at least three attempts to remove Ms BM on 5 May 2005, 30 May 2005 and 19 June 2005. Following the third attempt Ms BM became very distressed and the investigation supports the fact that she was throwing her clothes around the room. Witness statements indicate also that chairs were on their sides, the bin was disturbed on the floor, and liquid was running down the wall.
4. There is CCTV recording of Miss BM's removal from the main part of the Centre to the Removal From Association Unit. This shows no indication of any assault of Ms BM, other than the use of the Control and Restraint techniques which staff were instructed to use to move her. She was handcuffed because of the struggle and can be seen to be both non-compliant and violent. She refused to move and can be seen to struggle to drop to the floor in corridor. She was carried to

the Removal From Association Unit. She was not dragged at any point. Her dignity was preserved at all times as best it could be.

5. The CCTV is consistent with the account given by the Company 1 staff involved in the removal.
6. The investigation which was done in this case was as thorough as possible, having regard to the circumstances. No further investigation is required.

Case A12 Ms J N Democratic Republic of Congo
The Outsourcing Abuse allegation

On October 25th 2003 Ms JN says she was forcibly removed to another room by two female and two or three male Officers at Yarl's Wood IRC (at that time run by GSL), whilst naked. She was wrapped in a blanket and handcuffed and taken by car to the airport to a plane on which she was to be removed to the Democratic Republic of Congo. She received blows to her back, her arms were twisted and her stomach crushed. Ms JN says she was pushed her to her knees while she was naked, her arm was twisted behind her back and she was struck on her back. She was left in another room and attempted suicide by tying a torn sheet around her neck, but she was then handcuffed, given a dress and nothing else, and taken to Heathrow. The pilot refused to take her because of the state she was in. Her injuries were reported as being pain, soreness and bruising to the body. She suffered shock and distress and worsening of her post traumatic stress disorder and major depressive disorder. A medical report was written by Dr S Turner, consultant psychiatrist on 29th April 2004.

After the attempted removal failed she was returned to Yarl's Wood later that morning. She had not been given notice of removal and, therefore, use of force was unlawful. On 29th and 30th October 2003 she was handcuffed to officers from Dungavel IRC (run by Premier Custodial Group Ltd) and taken for an examination of her uterus while remaining handcuffed.

She settled her civil action case concerning the assault at Yarl's Wood and the allegation of article 3 ECHR violation (intimate examination when handcuffed). Settlement was agreed with Premier Custodial Group Ltd (regarding the Article 3 violation) and further settlement was agreed with Company 5UK Ltd and Home Office (the latter was also liable because of the unlawful removal) at a mediation meeting.

FINAL REVIEW FINDINGS

1. Ms JN arrived in the United Kingdom on 04 February 2002 and claimed asylum. Her application was refused on 23 February 2002. Her appeal was refused 08 January 2003. Leave to appeal to the Tribunal was refused on 18 March 2003. Ms JN then left the United Kingdom and went to the United States on a forged French document. She returned to the United Kingdom on 30 July 2003 and made a fresh application for asylum. That application was heard and refused on 11 August 2003.
2. On 15 August 2003 Ms JN said that she would kill herself rather than return to the Democratic Republic of the Congo.
3. On 31 August 2003 the Immigration and Nationality Directorate maintained its refusal of asylum.
4. On 09 September 2003 Ms JN again threatened self harm if she was removed.
5. She had no travel documents and staff from the Embassy of the Democratic Republic of the Congo agreed to issue an emergency travel document on 10 September 2003.
6. On 24 October 2003 Removal Directions were issued. They were not communicated in writing to Ms JN. The Chief Immigration Officer apologised in writing to Ms JN for the "upset and uncertainty that this caused you".
7. At 02.20 hours on 24 October 2003 Detention Custody Officers entered Ms JN's room at Yarl's Wood Immigration Removal Centre. It was stated by the Detention Custody Officers that she was told to get up and get dressed and pack because she was going to the airport for removal; that she refused to co-operate, took off her clothes and shouted and resisted. It was said that there were attempts to dress her but she would not cooperate. She was taken to Temporary Confinement, for twenty minutes. Whilst there she attempted to self harm using her bedding and T shirt, which were removed. In the course of the removal Ms JN was alleged to have bitten one of the Detention Custody Officers.
8. She refused to get dressed. She was subsequently covered with a blanket and taken in handcuffs to Heathrow Airport. She has said that she put on a dress before arrival at Heathrow, but she had no underwear or shoes. The airline refused to carry her.
9. After she was refused by the airline she was taken to a police station and was subsequently taken to Ealing Hospital suffering from abdominal pain.
10. The Company 4 escort report states that she was returned to Yarl's Wood Immigration Removal Centre, and placed in the Temporary Confinement Unit for her own protection and that of others

because she had attempted to self harm and had been violent. Notes indicate that she was calm and compliant on return from the airport at 21.45. On the basis of these notes it incorrectly appears that she was returned directly from the Heathrow Airport to Yarl's Wood Immigration Removal Centre, rather than being taken to a police station and to Ealing Hospital.

11. She was subsequently taken from Yarl's Wood Immigration Removal Centre to Dungavel Immigration Removal Centre.
12. An investigation of Ms JN's complaint about what happened to her on 24 October 2003 was conducted. The complaints file can no longer be found. It was accepted that she had not been given notice of removal, but her complaints were otherwise unsubstantiated.
13. There is no record of a complaint about the handcuffing at Hairmyres Hospital. There is an indication among the loose bundle of papers which are available in this case that the Centre Manager at Dungavel Immigration Removal Centre, made a complaint to police on behalf of Ms JN and that she was interviewed by Strathaven Police on 1 November. It is stated that police decided that there should be no further action.
14. The papers which are available show that Ms JN was taken to Hairmyres Hospital in Scotland where she was examined and treated. It is accepted that she was handcuffed during her time at hospital apart from the period when she was undergoing surgery. There is no evidence of any consideration of the proportionality or necessity of this prolonged use of force, which was degrading in the circumstances in which Ms JN was undergoing an intimate medical examination. There seems to have been no consideration of whether this course of action might be in breach of Article 3 of the European Convention on Human Rights. There is nothing in the papers which I have seen to justify the intimate examination of Ms JN in handcuffs, in the presence of Detention Custody Officers, or her continued handcuffing when subsequently admitted to hospital.
15. A summons was issued against Ms JN on 24 April 2004 in respect of the alleged biting of a Detention Custody Officer. The prosecution was discontinued as it was not in the public interest to prosecute.
16. There are many contradictions in the papers which are available, and missing papers. In the absence of the relevant documents it is not possible to conduct any further investigation. It is not possible to comment on the investigation which was conducted.

REVIEW FINDINGS: The Outsourcing Abuse Allegation

1. Ms JN was forcibly removed from her room as she refused to comply with the instructions which were issued to her. There is no evidence that she was beaten in the way she described. However there is no CCTV of the removal from her room to the Temporary Confinement Unit.
2. She was taken to the Temporary Confinement Unit.
3. She refused to put her clothes on and was taken to Heathrow wrapped in a blanket. She put on her dress on arrival at Heathrow.
4. The airline refused to carry her and she was taken to a Police Station, where she was seen by a doctor, complained of abdominal pain and was taken to Ealing Hospital. She was subsequently taken back to Yarl's Wood Immigration Removal Centre.
5. She was removed to Dungavel Immigration Removal Centre.
6. She was taken in handcuffs to hospital in Scotland on two occasions. She was handcuffed throughout most of her time at the hospital, including during an intimate examination. The handcuffs were removed when she was taken into theatre for surgery.

REVIEW FINDINGS: Criminal complaint

1. The Centre Manager at Dungavel made a complaint to police on behalf of Ms JN and that she was interviewed by Strathaven Police on 1 November. It is stated that police decided that there should be no further action.

REVIEW FINDINGS: Civil Action

1. Legal proceedings were issued on 28 October 2004 against the Home Office, Company 5 and Company 4 in relation to the incident which occurred on 28 and 29 October 2003.

REVIEW FINDINGS: The complaint about the incident on 25 October 2003

1. The DCF 9 complaint form which Ms JN completed in relation to the incident on 25 October 2003 is no longer available, although a copy of part of it is appended to papers prepared for a civil action. This document indicates that when the Detention Custody Officers came to her room she asked them where she was going but they did not tell her. She complained that she was then pushed onto the floor and one of the Detention Custody Officers put his foot on her back and was beating her, and turning her head, she complained that this was torture. She said she was not well and she wanted to see her GP.

Dr Richard Bennett (independent doctor) examined Ms HY on the June 7th 2007 at Yarl's Wood IRC. Ms HY's injuries were reported to include bleeding and swelling of the wrists leaving scars, small linear wounds, puncture type lesions, and partial deafness in the left ear. The alleged assault was reported to Heathrow CID who took no further action. A complaint was made to the Detention Services Complaints Section on the July 2nd 2007 relating to excessive force used by the escort; the allegations were not upheld. A request to the Prison Ombudsman to investigate the complaint was made on the 20th November 2007.

FINAL REVIEW FINDINGS

1. There were very few papers in relation to this matter. Those papers and the CCTV which does exist do not corroborate the account in "Outsourcing Abuse".
2. Ms HY was picked up 5 hours late for her journey to the Sudan by a team of two men and one woman employed by Company 3. The delay was caused by changes to her flight arrangements.
3. She resisted being searched prior to her departure from Yarl's Wood. She objected to being searched in front of men.

RECOMMENDATION

Whilst it is normal, even in airport search procedures, to search women in the presence of men, it is recommended that in the absence of justifiable reasons for the presence of men during a search of a woman, they should be asked to withdraw if the woman asks for this to be done.

4. Ms HY was handcuffed for the journey from Yarl's Wood Immigration Removal Centre to Heathrow Airport. There is no evidence of any consideration of the proportionality of the decision to handcuff her and to keep her handcuffed until she was taken to the Short Term Holding Facility at Heathrow Airport, while arrangements were made for her to be taken to an Immigration Removal Centre. The justification given for the use of handcuffs on the journey to Heathrow Airport was that she had twice refused to be searched. This is not in itself a reason to handcuff her for a car journey to and around Heathrow Airport.
5. There is no indication of how Ms HY came to suffer the injuries which were recorded on 16 May 2007.
6. The CCTV which was made available commences at 22.34 on 14 May and shows Ms HY being brought into the office at the Short Term Holding Facility after the failed removal. She shows no sign of being in distress or pain. She can be seen to be handcuffed to the front and the handcuffs are then removed, and she goes into the adjoining room where she joins other people. She takes a seat, sits quietly for a while and then moves about the room. At 23.02 she can be seen eating a sandwich. She does not indicate any distress or discomfort whilst eating. She then disposes of the rubbish in the bin, and sits looking at a book and rocking slightly. At 00.51 she leaves the room and goes through the office where she collects her case and leaves, pulling the case behind her. I have seen no evidence that Ms HY was, or had been, assaulted when she was taken back to the airport.
7. Ms HY did have injuries which were identified and documented at a medical consultation on 16 May 2007. A medico-legal report was prepared by an independent doctor on 07 June 2007 after an interview of 1 hour and 10 minutes (an interpreter was present for 20 minutes). The doctor states that he had had full access to Ms HY's medical records. He reports injuries as detailed following the consultation of 16 May - "lacerations to wrists. Bruise to left leg. Bruise to ribs, bruise laceration to eye." There is no reference to a thigh injury.
8. The CCTV which I have viewed does not indicate that Ms HY was in pain or distress at any point. However, there are 5 DVDs labeled "HY" which cannot be played. In these circumstances it is not possible to comment further.

REVIEW FINDINGS: The Outsourcing Abuse Allegation

1. Ms HY was taken from Yarl's Wood Immigration Removal Centre for deportation to Bahrain.
2. Her complaint was very similar to the Outsourcing Abuse statement. She was searched in front of the male Detention Custody Officers by a female officer.

REVIEW FINDINGS: Criminal complaint

1. A criminal complaint was made at Heathrow Northside Police Station. A member of the aircrew was a witness in the investigation. Ms HY's injuries were said to be consistent with restraint. No further action was directed.

REVIEW FINDINGS: The complaint

1. A complaint was made by Ms HY on 2 July 2007. Her allegations are largely consistent with those contained in the Outsourcing Abuse report:
 - That she was collected 5 hours late from Yarl's Wood Immigration Removal Centre to be taken to Heathrow Airport;
 - That her clothes were lifted up when she was searched by the female Detention Custody officer in the presence of male Detention Custody Officers;
 - That she was pushed roughly in handcuffs;
 - That she was told to shut up;
 - That a finger was jabbed into her right eye;
 - That she suffered blows to her left jaw and upper thigh;
 - That she was threatened by a Detention Custody Officer - she did not allege racist comments.
2. The complaint was investigated by the Border Immigration Agency Customer Relations Unit.
3. The complaint was not substantiated.

REVIEW FINDINGS: the investigation

1. Ms HY was interviewed by the investigator, who had access to the relevant papers. She told the Investigator that she thought she had a broken jaw and back injuries.
2. There is no evidence of either a broken jaw or back injuries.
3. The Detention Custody Officers denied assaulting Ms HY. They said that they had used Control and Restraint techniques.
4. The only CCTV available for examination by the Investigating Officer showed the handover to Airport Custody Officers. Ms HY made no allegations in respect of this event.
5. The medical evidence which was available was examined.
6. The Detention Custody Officer denied lifting her clothes when searching her.
7. No CCTV was available from Yarl's Wood where Ms HY was searched and the handcuffs were put on, prior to her being taken to Heathrow Airport.
8. There was no CCTV of her return from the aircraft to the van. This is where the alleged assault is said to have occurred. It is not known what is on the 5 DVDs which cannot be played. The United Kingdom Border Agency was unable to arrange access to the content of the DVDs.
9. Given the very few papers which were available to me it is not possible to comment on the thoroughness of the investigation conducted. The full medical records were not with the papers and are critical to any understanding of Ms HY's injuries.

Case B3 Mr. Suren Khachatryan Armenia **The Outsourcing Abuse allegation**

Armenian, Mr Suren Khachatryan resisted removal on 4th April 2005 on an Aeroflot flight by clinging to railings near the aircraft at Heathrow airport. The removal was abandoned and he says he was thrown into a security van where he claims he was handcuffed, verbally abused, stamped on, and kicked several times by immigration escorts employed by GSL UK Ltd. He says he was left in an immigration holding bay without medical support for hours He suffered a punctured lung.

A complaint about the alleged assault was made to the police who took no further action. A complaint was also made to the Home Office. Mr Khachatryan was interviewed but no further action was taken.

FINAL REVIEW FINDINGS

1. Mr Suren Khachatryan was being deported in 04 April 2005 through Heathrow Airport.
2. He resisted being taken onto the plane and was taken to a Holding Centre in the airport. He complained of assault by the escorting officers and of severe chest pain.
3. Medical assistance was sought, but there is no direct evidence of what the ambulance man found on examination. Mr Khachatryan states that the ambulance man said that he was fine, and that his severe chest pain could be muscular or have been caused by broken ribs. He stated that it was up to the Detention Custody Officers to decide whether they wanted to take Mr Khachatryan to hospital.
4. Mr Khachatryan was then returned to Campsfield House Immigration Removal Centre and seen by a nurse. Mr Khachatryan was then taken to John Radcliffe Hospital, where he was diagnosed as suffering from a pneumothorax (collapsed lung).
5. There was no proper investigation of Mr Khachatryan's complaint about the assault which was alleged to have caused the collapsed lung, or of whether the force used against him was lawful, necessary or proportionate.

6. There is no explanation of how Mr Khachatryan suffered his injuries. He did not have them before the attempted removal, and he did have them by the time the paramedic was called at Heathrow Airport.
7. I referred this case to the Strategic Director of the Criminality and Detention Group at the United Kingdom Border Agency. His response was to “concede that in [this case] the evidence does not confirm that the investigation was completed to a sufficient standard. I would however say that I do not think that this automatically substantiates the allegation, and I can say with confidence that it would not happen today.”
8. Whilst accepting that the failure to investigate does not automatically substantiate the allegation, I am of the view that the injuries reported to the paramedic at Heathrow Airport are very relevant in any analysis of this case, and it is most regrettable that, as the Strategic Director of the Criminality and Detention Group stated, “there are very few people who were around at the time and that are still with us, and none are able to throw any light on what was conducted.”

REVIEW FINDINGS: Outsourcing Abuse Allegation

1. Mr Khachatryan was taken to Heathrow Airport for removal to Uganda on 04 April 2005. He resisted the deportation. Handcuffs were applied and he was carried from the departure gate. He did not state in his complaint that he was held for hours without medical attention. Rather, he states that a paramedic was called, that he was seen by the nurse on arrival at Campsfield House and given painkillers and sent to hospital.
2. Mr Khachatryan did complain of assault in similar terms to the description in the Outsourcing Abuse statement.
3. Mr Khachatryan was subsequently found to have a collapsed lung.

REVIEW FINDINGS: The criminal complaint

1. Mr Khachatryan asked for police to be called on his return to Campsfield House on 4 April 2005, following a failed removal from Heathrow Airport to Armenia. They attended at 11.00 pm and he made a complaint. They returned the following day and took a statement which is on the file. The police investigation was concluded on 25 May 2005 with a recommendation for no further action.

REVIEW FINDINGS: The complaint

1. Mr Suren Khachatryan, who was from Armenia, was being deported from Heathrow. He complained of abuse of force by his Company 5 escorts, both to the police on 04 April 2005, and by Form DC9 on 07 April 2005. He stated that:
 - At the gate he held onto the fence and refused to board. He was pulled off the fence using unreasonable force, his fingers were bent back, his leg was pulled away from the fence.
 - He was held on the ground by a boot on each shoulder.
 - He was then handcuffed to the rear.
 - He was dragged to the van, where he was thrown in “back down” onto the floor.
 - For 5-10 minutes two Detention Custody Officers (DCOs) from Company 5 repeatedly kicked him – one, who was Asian kicked him in the stomach, the other, who was English, kicked him in the chest. He identified those officers by their physical appearance.
2. They were subsequently named by Company 5.
3. These complaints were all found not to be substantiated by both Company 5 and the Immigration and Nationality Directorate.

REVIEW FINDINGS: The investigation

1. There were two investigations. One by Company 5, dated 04 May 2005 found the complaints not substantiated. The second was by the Immigration and Nationality Directorate and the report is dated 18 July 2005. Mr Khachatryan's complaints were again not substantiated.
2. Mr Khachatryan stated that after he was removed from the departure gate, he was then taken to the Heathrow Detention Centre. Since he was complaining of severe chest pain, he was checked by an ambulance man who said he was fine, having checked his heart rate. He stated that the ambulance man said that his severe chest pain could be muscular or caused by broken ribs and that the paramedic said that it was up to the Detention Custody Officers whether they took him to hospital or not. He stated that he was returned to Campsfield House and seen by a nurse who gave him painkillers.
3. He was then taken to Oxford Radcliffe Hospital where he was diagnosed with a pneumothorax (collapsed lung). Mr Khachatryan reports in his complaint that the medical report from this visit comprised four pages. There is one page on file. It is incomplete. He was referred back for further hospital attendance and declared unfit to fly.
4. Deficiencies in the Investigation File include the following:
 - There appears to be missing medical evidence from John Radcliffe Hospital.

7. The only contemporaneous evidence of injury to Ms ER, which was available to the Investigator, was that on 18 May she was given a plaster for a minor cut to her thumb and on 19 May she complained to the doctor of pain in her left shoulder and knee. The medical officer, who accompanied Ms ER, reported that at "19.10 Ms ER was disruptive at the gate. Handcuffs were applied. Ms ER was refused entry to the aircraft by the station manageress and returned to the van. She had a small graze to left thumb cleaned inspected and a plaster provided. At 19.30 cuffs off." On 19 May she saw the doctor, but would not give consent for access to her medical records, which were held by St James' Hospital. The doctor stated that she was walking comfortably.
8. An independent doctor attempted to visit Ms ER on 26 August 2005, and reported that he was refused access, and that the duty nurse would not discuss the patient with him on the telephone until she had seen written consent from the patient. The doctor phoned again and agreed to fax a letter of consent to be signed by Ms ER. An hour later the nurse was reported to have said that the fax had arrived but it was not her job to get the patient's signature. The nurse is reported to have said that the manager would not be back for four days. This led to him stating that he would seek a court order for access or immediate hospitalisation. He was subsequently given access. Access should never be refused where the relevant medical staff follow the correct procedures for access to patients who wish to see them. Patient confidentiality and privacy must of course be protected.
9. The investigation which was conducted was as thorough as was possible in the circumstances. No further investigation is possible.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. Ms ER was taken by Detention Custody Officers to the airport for deportation.
2. The Detention Custody Officers and the Medical Officer who was accompanying her all stated that on arrival she tried to strip off her clothes, and she was handcuffed to prevent this.
3. It is not clear whether she was carried to the aircraft. However the procedures would have required the Detention Custody Officers to carry her had she refused to walk herself.
4. The only evidence of injury to Ms ER is that she had a small cut to her thumb.
5. The Independent Medical Expert visited Ms ER some five weeks after the failed removal. His report was not on the investigator's file.

REVIEW FINDINGS: No criminal complaint

1. No criminal complaint was made.

REVIEW FINDINGS: No complaint

1. There is no evidence that any complaint was made by Ms ER.
2. This matter was investigated following the decision by the Strategic Director of the Detention and Criminality Group that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.
3. The allegations which Ms ER subsequently made, and the United Kingdom Border Agency findings in relation to them, were reported on 18 August 2009, and were as follows:
 - That she had no food for 24 hours. This was not substantiated as it was stated that food was not deliberately withheld. She was offered lunch but refused it. She accepted a tuna sandwich at dinner.
 - That she was held in a Holding Room between 12.40 and 19.30 then taken to Yarl's Wood, arriving at midnight. This was not substantiated as the records showed her arriving at 10.00pm.
 - That she was given no food or sanitary protection on her journey, or on arrival at Yarl's Wood and that she did not get a break on the journey to Yarl's Wood. The United Kingdom Border Agency apologised for this.
 - That her medication was withheld whilst she was being detained by police prior to being taken to Yarl's Wood IRC on 17 May. The conduct of police officers does not fall within this review. However it has been established that a police officer visited her home and collected some medication, which was given to her. She was seen by a nurse in reception on 17 and 18 May; then she saw the doctor next day and was given some medication, She would not give consent to access to her medical records from the Hospital.
 - That she was not allowed a mobile phone. Mobiles were not allowed in the Centre in 2005. They are now. It was stated that she would have been given a £5 phone card. She would also have been allowed to take numbers from her mobile phone. There is no evidence as to whether this happened.
 - That she was not allowed her belongings. It was stated that arrangements for the delivery of personal items were the responsibility of a detainee or their friends or relatives. It was also

stated that she would have been given clean new toiletries and clothes. There is no evidence as to whether this happened.

- That on arrival she asked to speak to an Immigration Officer but that the Detention Custody Officers would not agree. It was stated that she had been told of her pending removal at the reporting centre on 17 May, and that there was no need for further discussion.

In relation to the attempted removal;

- it was stated that she was unable to walk to the vehicle and had to be carried. There was no record that she was carried, but it was stated that it would have been necessary to carry her had she refused to walk. This is accepted.
- She said that on arrival at the aircraft she was lifted into the air and the Detention Custody Officers pushed her forward forcing her to walk. She said that one officer had his knees on her side, another had his knee in her stomach, and held her jaw, and that one officer threatened to kick her to death. There was no evidence of this.
- She states that the officers twisted her hands behind her back to put on handcuffs which were too tight, and that she was pulled by the handcuffs, and her wrist bled. The Medical Officer put a plaster on her wrist. There being no medical evidence of misuse of handcuffs, this complaint was not substantiated.
- That the escorts were angry and insulting. There was no explanation of the insulting behaviour in the allegation. This was not substantiated.
- That an officer kicked her in the back: there being no medical evidence of injury, this was not substantiated.
- That she wet herself. This was not substantiated but an apology was made for her discomfort and distress.

REVIEW FINDINGS: Civil action

1. A claim for assault against Company 8 for breach of Article 3 of the European Convention on Human Rights and racial insults was lodged by Ms ER in February 2007.

REVIEW FINDINGS: The investigation

1. Ms ER, who was still in the United Kingdom, was asked to come for interview by the United Kingdom Border Agency investigator. She declined to be interviewed.
2. The investigation which was conducted was as thorough as was possible in the circumstances. There was no CCTV. It was almost four years from the date of the incident when the United Kingdom Border Agency investigator reported. The United Kingdom Border Agency Investigator criticised the Detention Custody Officers' completion of the use of force forms, which was totally inadequate, stating, in each case, simply that Ms ER tried to strip and was screaming and that she was handcuffed.
3. No further investigation is possible.

Case B5 (and also Case F6) Mr. A M Republic of Congo The Outsourcing Abuse allegation

Case B5

24 year old Congolese, Mr AM claims that during a second attempt to remove him from the UK in May 2005 from Southampton airport on an Air France flight, he was "bound up like a parcel". He says that immigration escorts tied straps around his arms and legs.

Case F6

24 year old Congolese, Mr AM says he was collected on March 19th 2005 by immigration escorts employed by Global Solutions Ltd from Harmondsworth IRC to Heathrow airport for removal from the UK on a British Airways flight. He says he was driven on to the tarmac near the plane, that the van stopped, then another man came and showed him a travel document with his photograph on it. The three immigration escorts took Mr AM out of the van and walked him to an isolated place below a set of stairs where he was out of view and where he claims they pushed him against the wall. One immigration escort held him behind his neck and the other two immigration escorts each held one of his hands and bent back his fingers.

The immigration escort holding Mr AM's left hand bent back the fingers until there was the sound of a crack. The immigration escort who did it said words to the effect of "It's good for you, it serves you right". When the immigration escorts realised they had broken one of his fingers they forced him to the ground and handcuffed his hands behind his back. One of the immigration escorts fell to the ground in taking Mr AM down, and then stood up angrily and started to beat him and he felt blows landing on

him. While on the ground, an immigration escort spat at him and repeatedly called him a monkey Mr AM was picked up, dragged, placed into the van, and driven to Campsfield IRC.

Mr AM was examined by the healthcare centre at Campsfield House IRC on March 20th 2005. On 22nd March he was taken to John Radcliffe Hospital in Oxford where he was x-rayed and found to have fractured the fourth metacarpal shaft on his left hand. His finger was strapped and his hand placed in a sling. A complaint about the alleged assault was made to Heathrow police station and investigated. A report was sent to the Crown Prosecution Service (CPS). The CPS took no further action. Mr AM made a complaint to the Home Office who suspended investigating his complaint until his civil action claim was determined. Mr AM's civil action could not proceed as it was not possible to determine from the evidence if Mr AM's finger had been broken as a result of the assault.

FINAL REVIEW FINDINGS

1. Mr AM did complain about the incident referred to in Case B5, which occurred on 04 May 2005, but there is no evidence that it was investigated.
2. Case F6 refers to an attempt to remove him on 19 March 2005 which was not successful. He complained to the police about the incident on 19 March but did not make any other complaint.
3. Mr AM was examined by the Healthcare Centre at Campsfield House Immigration Removal Centre on March 20th 2005. On 22nd March he was taken to John Radcliffe Hospital in Oxford where he was x-rayed and found to have fractured the fourth metacarpal shaft on his left hand. His finger was strapped and his hand placed in a sling. There is no explanation other than that given by Mr AM (and medical notes record that he was very reluctant to discuss how it happened) of how his injury was sustained. A report by an Assistant Professor from a London Hospital, which was among a bundle of loose papers, states that he cannot say whether the injury was sustained through offensive or defensive action.
4. No complaint papers are available, as the contractor in question, Company 9, had been taken over by Company 7, who did not hold any papers. By October 2007 it was not possible to check anything with the contractor.
5. In the absence of any papers or CCTV it is not possible to investigate this matter further.

REVIEW FINDINGS: the Outsourcing Abuse allegation

1. A report from Oxford Radcliffe Hospital states that Mr AM had a "Comminuted shaft fracture of left 4th metacarpal". He attended the hospital again on 08 April 2005 and on 22 April 2005.
2. Mr AM complained on 04 May 2005 about what happened on the second occasion on which there was an attempt to deport him. There is much more detail than that included in the Outsourcing Abuse statement. A statement was taken by a member of a non governmental organisation who was assisted by a translator at Campsfield House. Mr AM stated that he suffered injury to his ribs and to his hand.
3. There is no evidence of any investigation of this complaint.

REVIEW FINDINGS: Criminal complaint

1. A complaint about the alleged assault on 19 March 2005 was made to Heathrow police station and investigated. A report was sent to the Crown Prosecution Service, who took no further action.
2. On 04 May 2005 Mr AM complained that he suffered a non-accidental injury to his right ribs. This was not reported to the police. Mr AM was told by the investigator that he could contact the police himself from Colnbrook Immigration Removal Centre.

REVIEW FINDINGS: Civil claim

1. A civil claim was received by 13 January 2006 against Company 9. Mr AM's civil action could not proceed as it was not possible to determine from the evidence if Mr AM's finger had been broken as a result of the assault.

REVIEW FINDINGS: The Complaint about the attempted removal on 04 May 2005

1. Mr AM said that:
 - at the airport he was handcuffed to the rear, and his legs and feet were tied up with a strap as he was carried onto the plane;
 - he was still handcuffed to the rear when he was pushed into his seat and his head was pushed down;
 - he was taken off the plane still bound and fell against the seat hurting his right handside ribs, which he said was not an accident;
 - he was placed in the car with handcuffs still on and his legs still bound.
2. The complaint was against employees of Company 9. Company 9 was taken over by Company 7 in October 2006.

REVIEW FINDINGS: No criminal complaint

1. No complaint was made by Mr JG and the matter was not reported by the United Kingdom Border Agency, as “the complainant was no longer in the United Kingdom and the matter was 18 months old”. Police do not investigate when the complainant has been deported.

REVIEW FINDINGS: No complaint

1. No complaint was made by Mr JG.
2. This matter was investigated following the decision by the Director of Detention and Criminality that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.

REVIEW FINDINGS: The investigation

1. The Immigration Officer and two Detention Custody officers were interviewed. The two male Detention Custody Officers who were the subject of the Outsourcing Abuse allegations denied them. The Immigration Officer, the airline and the female Detention Custody Officer were also approached but had no evidence in relation to any assault on Mr JG or any incident involving him.
2. The Company 3 Incident Report states that Mr JG announced that he would not board. He said that he had not finished his medical treatment. The Immigration Officer came to talk to him. He was then asked to switch off his mobile phone as they were returning to the van. He refused. The officers used handlocks to get him to give up the phone. He was put back in the van and taken to Queens Building. He was placed in a room.
3. The Outsourcing Abuse statement records that Mr JG said that he was brutally beaten when he refused to board a Kenya Airways plane. There is no evidence of any incident in the airline's files. Another airline's Dispatcher was present and was contacted but no evidence was forthcoming.
4. The contemporaneous Use of Force forms simply indicate that he was put into the van by use of force and his mobile phone was taken from him to put back in his bag. No restraints were used. They state no-one was injured.
5. Mr JG said as he got out of the van at Queen's Building he was savagely attacked again by the two male Detention Custody Officers – he said that his hands were twisted to his back and put to touch the back of his head. He was in great pain. There is no other evidence of this incident. No Control and Restraint was stated to be necessary to get him into Queen's Building.
6. He was taken back to Colnbrook Immigration Removal Centre after interview by the Immigration Officer
7. There were three other detainees being deported at the same time. They were successfully deported.
8. There are logs in respect of all the stages of the attempted deportation.
9. Detainee welfare records notes that Mr JG had no property or money, but then says Euro 65 was found in his shoe. It was stated that Mr JG has a condition for which he was being treated. The condition was treatable in Cameroon, and there was, therefore, no reason not to deport him.
10. This investigation was as efficient as possible, given that no medical records, no CCTV and no complainant were available to the investigator. No further investigation is possible.

Case B7 Mr. A T Cameroon

The Outsourcing Abuse allegation

Cameroonian, Mr AT claims that on January 29th 2007 immigration escorts employed by Group 4 Securicor drove him from Tinsley House IRC to Heathrow airport. He claims that after waiting several hours in the van, he was driven towards an airport gate at which point the immigration escorts became aggressive. Handcuffs were applied to his right arm. Mr AT told the immigration escorts that there was no need to handcuff him as he had no intention of obstructing his removal.

Nevertheless, the immigration escorts started to manhandle him and while his arms were held, one immigration escort punched him in his ribs and on his neck and told him words to the effect of “You will go to your fucking country today, we will fucking show you what illegal people deserve in our country”. Another immigration escort held Mr AT's head down towards his chest. Whilst in this position, with his arms held, someone hit Mr AT twice with force on his left knee. Mr AT was unable to see what was used to do this. He experienced intense pain and observed his left knee had shifted to one side. The second handcuff was applied to his left wrist and he was left in this position in intense pain. Eventually Mr AT convinced the immigration escorts that he had been injured and asked them to call an ambulance, which they did.

The London Ambulance Service crew who attended noted in the Assignment/Clinical record: “This man has dislocated his left knee. He was being deported. He had four immigration officials with him

and he was handcuffed. Patient given Entonox. He moved his leg - knee popped back in - pain gone. Patient refused hospital. He is being taken back detention centre". Mr AT denies that he refused hospital treatment and asserts that the ambulance crew were unsympathetic after they had had a private conversation with the immigration escorts.

Mr AT was driven to Colnbrook IRC and had to be assisted into the reception area. A nurse examined his knee, which was now heavily swollen, and refused to accept him in that condition at the IRC. Mr AT was driven by the same immigration escort officers to Hillingdon Hospital where he was examined in the fracture clinic and found to have: "a large tense effusion in the left knee [and] diffuse tenderness, maximal over the patellar and suprapatellar areas." It was also noted that while "X-rays do not show any obvious bony injury A large effusion is visible on the X-rays." The knee was aspirated and 85 ml of blood was removed from the effusion and Mr AT's knee was placed in a cylinder cast.

Dr Douglas Carnall (an independent doctor) examined Mr AT at Colnbrook IRC on March 6th 2007 and noted the knee injury as well as injuries to other parts of Mr AT's body: "Examination of the legs reveals the left knee to be still markedly swollen and hot. There was no apparent bruising. He was still able to bear weight on it, and mobilise onto the couch without crutches. He can flex the knee to about 70 degrees. Swelling and bruising are most marked medially. There is about 10 degrees of valgus deformity at the knee. There is still considerable wasting of the left quadriceps muscle. The anterior surface of both the right and left legs, distal to the knees are a mass of mature white stellate scars, at least 20 on each leg, and most about 2cm. in diameter. The dorsal surface of the right wrist is a fine linear superficial scar 20 mm long at the passing over the ulnar styloid. On the ventral surface there are 4 superficial linear scars, 40mm., 40 mm., 30mm., and 20mm. Long. On the left wrist there are several smaller linear scars of 17 mm.,30mm., 7mm., 5 mm., and 12mm long. These are now faint pink, with some depigmentation, and are healing well. ... Mr. AT plainly sustained a severe injury of the left knee when he was struck. The clinical picture is of a lateral dislocation of the patella, with attendant soft tissue damage. The valgus deformity of the left knee is a worrying sign, the most severe interpretation of which is that he has also fractured the tibial plateau. ... The scars on his wrist are consistent with violent application of handcuffs a month ago".

A complaint about the alleged assault was reported to Heathrow Police who responded that there was no case to answer as accounts from the immigration escorts conflicted with account given by Mr AT.

FINAL REVIEW FINDINGS

1. On 07 January 2007 Mr AT was taken to Heathrow Airport for deportation, but the flight was cancelled. Two Detention Custody Officers gave evidence that he had told them that he did not want to be deported to Cameroon.
2. On 29 January 2007 Mr AT was taken to Heathrow Airport. He was uninjured when he got into the car at Tinsley House. During the journey which was recorded on CCTV he was calm but unresponsive. As they arrived at the airport the Escort officers told him that they were going to apply handcuffs. He began to struggle and resisted quite violently in the small space inside the van. As the Escort Officers tried to apply leg restraints Mr AT tried to stand up, a struggle ensued and what followed was obscured by the back of one of the Escort Officers. On arrival at the airport he had sustained a serious knee injury and an ambulance was called at his request. He states that his injury was caused by one of the Detention Custody officers, who punched him twice hard on his knee, causing the knee to dislocate.
3. Mr AT made a complaint and gave consent for access to his medical records. The ambulance report said that his knee was dislocated, and that the knee was "popped back in". It recorded that the patient refused hospitalisation. Mr AT does not accept that he refused to go to hospital.
4. Mr AT was put back into the vehicle and taken to Colnbrook Immigration Removal Centre.
5. On his arrival at Colnbrook Immigration Removal Centre a nurse directed that he must be taken immediately to hospital. He had prolonged hospital treatment for his dislocated knee until 02 March 2007 when he was discharged with "continuing tenderness and residual effusion".
6. The investigation was satisfactory.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. On 29 January 2007 Mr AT was picked up by Company 3 Escorts at Tinsley House. He was taken to Heathrow Airport.
2. An altercation occurred in the car and Mr AT sustained a dislocated knee.

REVIEW FINDINGS: Criminal complaint

1. A criminal complaint was made by Mr AT on 30 January 2007. The Form DCF9 states that police were informed of this complaint on 30 January 2007.

3. There is no evidence that Mr SR was assaulted, other than that made in the Outsourcing Abuse Report.
4. The CCTV evidence of what happened as Mr SR was placed in the van and during the journey from Campsfield House Immigration Removal Centre to Colnbrook Immigration Removal Centre does not corroborate the statements that Mr SR was assaulted which are made in the Outsourcing Abuse report.
5. The CCTV discloses no misconduct. At 6.08 the van arrived. At 16.16 Mr SR was taken to the van, and with some difficulty placed in the van, and the nurse in attendance watched as this was done, the doors being open. At 16.22 two Detention Custody Officers got out of the van and the doors were closed. Mr SR rose, spat and kicked the grill. He can be seen repeatedly kicking at the grill, spitting and shouting for the handcuffs to be removed. At 18.12 the van door was opened. Mr SR was taken out of the van. There was another passenger in the van who was also being transferred. This person was quiet and compliant, and had to be placed in the cage at the back of the van. A member of staff apologised to that passenger for Mr SR's behaviour. That concluded the CCTV.
6. Mr SR was placed in a Removal From Association Unit because of his previous history of self-harm and to enable an assessment to be made.
7. There is no evidence of any failure of investigation.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The Outsourcing Abuse statement is correct that Mr SR was transferred from Campsfield House Immigration Removal Centre to Colnbrook Immigration Removal Centre on 17 June 2007. This transfer followed an incident of attempted self harm at Campsfield House. He had previously been treated for self-inflicted laceration injuries and for injuries consequential upon an attempt to hang himself.
2. Mr SR did not co-operate with the process of transfer from Campsfield House Immigration Removal Centre, and had to be forcibly placed in the van. Throughout the journey Mr SR kicked and spat. At the end of the journey Mr SR was removed from the van.
3. The entire process of placing him in the van until he was removed from the van was filmed on CCTV.
4. There is no evidence of any misconduct by the Detention Custody Officers.

REVIEW FINDINGS: Criminal complaint

1. A criminal complaint was made on 4 July 2007. The decision of the police was that there had been no assault – only use of force.

REVIEW FINDINGS: The complaint

1. A complaint on Form DC9 was made on 21 June 2007 against Campsfield Immigration Removal Centre, Company 3 and against Company 7. An investigation started on 27 June 2007 and was completed on 30 June 2007 by Company 3. A second investigation was started by Border Immigration Agency Operational Support Unit and completed on 30 July 2007.

REVIEW FINDINGS: The investigation

1. The complainant was interviewed. He had been held in the Removal From Association wing at Campsfield Immigration Removal Centre, because of his attempt to self harm on 12 June 2007. He refused to get into the van for transfer from Campsfield Immigration Removal Centre and was forced into the van by the Company 7 officers. He was handcuffed with his hands behind his back. The Company 3 officers in the van then took over.
2. Mr SR alleged that he was assaulted in the van. However the CCTV in the van was examined, and although it showed Mr SR being violent, it did not show any assault in the van.
3. The medical report on Mr SR shows that on 17 June 2007 he required dressings and steristrips for lacerations on his left arm. He had previously had stitches in his arm after self-harming. He also complained of a bruised arm. A report on 18 June 2007 also states that Mr SR had numerous lacerations to his left arm and grazes to both his knees and his right foot. When asked about being beaten Mr SR said that "they put their hands on my head and pushed it down while in the van. They grabbed both legs from the back to pick me up. I tried to kick them."
4. Mr SR asked for photographs to be taken of his injuries on 22 June 2007.
5. Six employees were interviewed – four from Company 3, and 2 from Company 7. Two Company 3 employees were no longer employed by Company 3.
6. The nurse who certified Mr SR fit to travel could only see his foot. The Company 7 Compliance Manager gave evidence that it would not have been safe for her to complete her examination.

7. The investigation identified some procedural failings by Company 3 staff, one of whom did not complete a use of force form as required. The compliance manager spoke to the staff about these procedural issues. There were no failures in the investigation.

Case B9 & Case C6 Mr. Duncan Kasasa Uganda The Outsourcing Abuse allegation

Case B9

37 year old Ugandan, Mr Duncan Kasasa says he was taken to Heathrow in 2005 and told that the immigration escorts had his medication for his high blood pressure. Mr Kasasa says he collapsed at the airport, was dizzy, sweaty, and confused because he had not received his medication even though he had told the immigration escorts he needed it. He claims that one of the immigration escorts kicked him and swore at him, saying; "You fucking bastard, you are going back to Uganda, you are just faking it, pretending". Mr Kasasa says a paramedic took his blood pressure and heart rate, and the next thing he remembered he was back in Colnbrook IRC.

Case C6

37 year old Ugandan, Mr Duncan Kasasa says that in an attempt to remove him from the UK in 2005, he was made to wear handcuffs which were extremely tight. He claims that in attempting to force him on the plane, two immigration escorts pushed him towards the plane while the third pulled on the left handcuff. His trousers and shoes were removed and his legs tied together. He was carried onto the plane, punched and forced into a seat. A pillow was put over his mouth to stop him shouting. As other passengers began to board, a flight attendant noticed that he was bleeding from his wrist (from the handcuffs) and required that he be removed from the plane. He was taken back to the van and his hands (still cuffed) were twisted painfully. He states that an immigration escort told him "next time will be worse than that". He was then returned to Colnbrook IRC.

Dr Frank Arnold (independent doctor) examined Mr Kasasa at Colnbrook IRC on 27th January 2006 and noted; "Laceration of the left wrist from handcuffs. Pain, weakness and numbness in left shoulder and arm following forcible twisting of his neck." When seen at Colnbrook, he had loss of sensation and weakness of his left hand and arm. This is recorded in the Colnbrook notes as a new problem following the attempt to remove him from the UK on July 31st.

Mr Kasasa was referred to a local neurologist by Colnbrook clinical staff, and has had further investigations by Dr Warren of University College Hospital, London; "He has difficulty in going to sleep, and is woken frequently by nightmares about his torture and about the attempt to remove him from the UK. He also suffers from intrusive memories of these events and flashbacks about them. His short term memory and concentration are impaired, and he is more easily distracted since his experiences in detention.. The neurological deficits in the left arm, hyper-pigmentation at both wrists and tenderness and limitation of movement of the cervical spine present a complex picture of neurological injuries. However, they are consistent with having been sustained by a combination of excessive traction on excessively tight handcuffs and forceful placement of his neck in a stress position during a failed attempt to remove him from the UK."

FINAL REVIEW FINDINGS

1. Mr Duncan Kasasa, who was from Uganda, was the subject of an attempted deportation from Heathrow, from Harmondsworth Immigration Removal Centre on 30 July 2005. He had previously indicated that he would resist deportation. There was a previous attempt to remove him on 23 June 2005, and a subsequent attempt in February 2006.
2. Mr Kasasa complained that on 30 July 2005 he was punched, kicked, shouted and sworn at, that his trousers were removed in a humiliating manner and that a cushion was put across his face so that he could not shout.
3. Mr Kasasa was taken to Colnbrook Immigration Removal Centre where he saw the doctor.
4. The papers in this matter are incomplete.
5. Given that this complainant made serious allegations, I would have expected a thorough investigation. However this was an incomplete investigation – there is little evidence of any action by the Immigration and Nationality Directorate.
6. There is no evidence of a proper investigation by Company 3 and no investigation report.
7. It is noted that Outsourcing Abuse Allegation B9 contains specific information as to language allegedly used, and as to Mr Kasasa's medical condition, which is not stated anywhere in the complaint or investigation file.

8. However, no-one seems to have asked Mr Kasasa what the Detention Custody Officers were shouting, as alleged in his complaint. This may explain this part of the discrepancy. There is nothing to substantiate or refute the allegation as to the abusive language which was allegedly used by the Company 3 escorts.
9. The Immigration and Nationality Directorate wrote to Mr Kasasa's solicitor on 9 May 2006 stating that the complaint was not substantiated. The letter states that "Mr Kasasa placed one leg against the door and began to struggle violently; that he lashed out with his legs at the escorts and tried to bite them, and that leg restraints, for which prior authorisation had been given, were applied. There was a struggle and Mr Kasasa's trousers came partly down. Mr Kasasa spat at another male passenger. He was placed in a seat, but because he was disruptive, he was asked to leave the plane."
10. There is no evidence in the papers which I have seen that this matter was dealt with properly, or that the force used by the Company 3 staff was lawful, necessary or proportionate. It was accepted by the Strategic Director of the Criminality and Detention Group that "the evidence does not confirm that the investigation was completed to a satisfactory standard".

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The complaint which was investigated does not refer to any failure to give Mr Kasasa his medication. There is no record of any complaint about failure to supply medication. There is no reference to Mr Kasasa suffering from high blood pressure in January 2006 apart from in case B9 of the Outsourcing Abuse report. In particular there is no reference to this condition in the account of the Outsourcing Abuse medical examination which was conducted in January 2006.
2. The medical evidence referred to, from the independent doctor, was not among the investigation papers. The independent doctor's examination was carried out in January 2006, almost six months after the complaint alleging assault and improper treatment on 30 July 2005. It states that material "recorded in the Colnbrook notes it as a new problem following the attempt to remove him from the UK on July 31".

REVIEW FINDINGS: Criminal complaint.

1. A criminal complaint was made on Mr Kasasa's behalf after he made his complaint on 07 August 2005. The Crown Prosecution Service advised that there would be no further action on 15 November 2005.

REVIEW FINDINGS: The complaint.

1. Mr Kasasa reported on 07 August 2005 on Form DCF 9, in respect of the attempted removal on 30 July 2005, that:
 - he was assaulted by Company 3 Detention Custody Officers who punched and kicked him, removed his trousers in a humiliating manner and applied leg restraints;
 - the Detention Custody Officers swore at him and put a cushion across his face so that he could not breathe.
2. The complaint was acknowledged on 19 August 2005. The complaint was against Company 3 staff.
3. Mr Kasasa further stated that he was removed from the plane after a flight attendant saw blood flowing from his hands and told "them" to take him off the plane, without his trousers and shoes which were subsequently retrieved by one of the Detention Custody Officers.
4. The complaint was not substantiated.

REVIEW FINDINGS: The investigation

1. There appear to have been three investigations of this matter. The first was by the police and resulted in no further action. The second was by Company 3. There is no report of this investigation among the papers. A third investigation by the Immigration and Nationality Directorate resulted in a report dated 09 May 2006 which found that the complaints were not substantiated.
2. The investigation file is incomplete. Only part of the Immigration and Nationality Directorate's Complaints Form, DCF 9, was on the file. There is also an undated letter on the file which refers to Mr Kasasa being picked up at Harmondsworth Immigration Removal Centre "last Sunday" by two women and 3 men, that he complained of assault, and stated that Mr Kasasa was suffering great chest pain.
3. There is only one Incident Form in the file, the completion of which is totally inadequate. There are three Use of Restraint forms which simply state "Det stated would not return to Uganda due to previous history". There was no justification for the actual use of force. There are no other official records on the file.

11. A full investigation was carried out into Mr Legister's complaint. The investigation did not substantiate the allegations of assault made in the Outsourcing Abuse Report, although it found that force had had to be used because of Mr Legister's violence and the damage which he caused to the plane, before the escorts were asked by the airline to remove him.

REVIEW FINDINGS: The Outsourcing Abuse allegation

1. Mr Legister described being assaulted and removed from the plane. His allegations of assault were not upheld. The investigation shows that whilst force was used to restrain Mr Legister, this was because he was being violent and caused considerable damage to the plane before he was required to be removed from it.

REVIEW FINDINGS: The criminal complaint

1. A criminal complaint was made at Gatwick Police Station and subsequently to Hillingdon Borough Police. On both occasions a direction of no further action was issued.

REVIEW FINDINGS: The complaint

1. A complaint was made on 25 January 2008 and was stated to have been received on 03 March 2008. It was made to Company 3 Overseas Escorts.
2. Mr Legister alleged that he was assaulted on 23 January 2008:
 - He was dragged along the floor, squeezed around the throat and punched and kicked;
 - He was choked so he lost his voice;
 - He reported being stopped from leaving the plane, being pushed to the floor, face down, being handcuffed to front and that two sets of leg restraints were put on him. He said that he was dragged back to his seat and into the footwell area and that an officer kicked and punched him on his right side. He said that other officers kicked and punched him and that someone held his head so tightly he could not breathe. He said that his handcuffs were too tight and that his tongue was clenched between his teeth by the head restraint until the "medic" said 'enough', that fingers were pushed behind and in front of his earlobe. He said that his shoes came off as the leg restraints were being removed, and that he was taken off the plane without shoes;
 - He said unable to eat or swallow properly for 2 months.
3. The investigation found that Mr Legister's complaints were not substantiated. It found that he was taken on board and suddenly tried to leave the plane. He caused considerable damage to the overhead passenger lighting units and the Detention Custody Officers were asked to remove him from the plane.

REVIEW FINDINGS: The investigation

1. Mr Legister was interviewed by the Investigating officer during a taped interview in March 2008.
2. There was no CCTV because the incident occurred on the plane.
3. All the officers were interviewed and a report was obtained from the airline about the damage to the aircraft which was caused by Mr Legister.
4. Mr Legister's medical records show that on 24 January 2008, following the alleged incident, he had red marks on both wrists and a pain in this throat. He had previously been treated with antibiotics for a sore throat and had lost his voice. By 31 January 2008 he was complaining of a very sore throat and said that he had been unable to eat for six days. On 03 February 2008 he said that he was unable to eat because of difficulty swallowing, caused by the assault he had suffered. By 07 February 2008 Mr Legister was still complaining of difficulty swallowing. However he had missed two doctor's appointments. By 14 February Mr Legister was eating small amounts of food. He did not attend any further doctor's appointments until 19 March 2008.
5. There is no failure of investigation in this case.

Case C2 Mr Youmbi Cameroon **The Outsourcing Abuse allegation**

"33 year old Cameroonian, Mr Youmbi, claims that on 23rd February 2008 he was unexpectedly woken at 1 am for removal from Colnbrook IRC to Birmingham airport. He says he was handcuffed and that his legs were tied together at the ankles and thighs. When he refused to go, the immigration escorts hit him in the face, punched and kicked him. He says he was carried to the plane shouting, held by the neck and behind his ears. Mr Youmbi claims that he was so severely beaten and bleeding during the attempted removal that airline staff in Brussels airport refused to board him on their onward flight. He claims that the assault was witnessed by an airline steward and at least 20 people at Brussels airport. He was brought back from Brussels and detained at Dover IRC.

Mr Youmbi claims that on the March 1st 2008, he was taken from a music class in Dover IRC by twenty escorts to Colnbrook IRC and escorted from there by six immigration escorts the following day in the same manner as before, including being tied up. This time when he was being dragged on to the plane, he held onto the door and the immigration escorts took a hammer and beat his fingers until he let go. Mr Youmbi claims that police were present, that they stood by and observed, and that they gave the escorts the hammer.

He said that four immigration escorts accompanied him on the plane and again used excessive force. He says he was so upset that he was incontinent of faeces. He said that staff in Brussels airport were not pleased to see him again, that they sent him back again to the UK, saying that if they saw him again they would send him through to Cameroon.

Dr Charmian Goldwyn (independent doctor) noted that Mr Youmbi had a bruise over his right eyebrow, tenderness over his right cheek bone, painful swellings of both wrists and stiffness in the small of his back. Dr Goldwyn also noted the second to the fifth proximal phalanges of both hands were very tender and stiff.

FINAL REVIEW FINDINGS

1. There were two unsuccessful attempts to remove Mr Youmbi from the United Kingdom, on 23 February 2008 and on 01 March 2008.
2. Mr Youmbi was removed from the United Kingdom on 26 March 2008.
3. On two occasions the airline refused to carry Mr Youmbi because he was wearing the "wrong" type of handcuffs. An airline official stated that aviation law only permits the use of quick release handcuffs, which were not available to the escorts.
4. Mr Youmbi made a criminal complaint but it was not reported to the police as it was said that it would not be dealt with as Mr Youmbi had been deported.
5. Mr Youmbi made serious complaints about both attempted removals. There was no proper investigation of those complaints.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The content of the Outsourcing Abuse statement reflects much of the content of his complaints.

REVIEW FINDINGS: Criminal Complaint

1. The files record that Mr Youmbi made a criminal complaint, but it was not reported to the police, as it would not be dealt with because Mr Youmbi had been deported.

REVIEW FINDINGS: The complaint

1. Mr Youmbi complained, on 03 March 2008, that on 23 February 2008 he was assaulted and suffered injury to his left arm, his right arm and his right eyebrow. He said that he suffered from "body pain".
2. Mr Youmbi's detailed complaints and the investigation findings in relation to them were that on 23 February 2008:
 - He was woken at 01.00 hours unexpectedly; that his head was held tightly, and that he was photographed; that his legs were bound at the thighs and ankles, and that his wrists were handcuffed with the hands crossed over; that he was beaten, punched and kicked and hit in the face even before he was taken onto the plane.
 - That on the plane his neck was held over his larynx, and there was a tight grip behind ears. He was taken to the early flight at 06.00 hours. That he was beaten every time he shouted, and that all this was seen by the flight steward.
 - That he arrived in Belgium covered in blood; that he was seen by airport security and about 20 airport staff and that he was refused for flight and returned to the UK.

That on 01 March 2008:

- He was told at 11 am he was to be removed from Dover immigration Removal Centre. He was taken to Colnbrook Immigration Removal Centre and arrived at 19.00 hours. By 20.00 hours he was in a cell. At 01.00 hours the next day 6 escorts and 3 police officers took him to Birmingham Airport. He was tied up and handcuffed as before. He held onto the plane door with his hands, and a policeman gave the escorts a hammer, and they hammered his hands until he had to let go. He also stated that the police stood around and did not try to prevent the assault.
- That he was maltreated on the flight, that he was held down, that he was incontinent of faeces, and that Belgian staff refused to accept him and returned him to England.

3. Mr Youmbi's complaints were not substantiated.

REVIEW FINDINGS: The Investigation

1. Mr Youmbi was removed from the United Kingdom on 26 March 2008. He was not available for interview.
2. The Detention Custody Officers were asked by the Investigating Officer if they had anything to add to the account they had given in the forms. They did not reply. The officers were not interviewed as there was a serious backlog of complaint cases, and a decision was taken at this time that in any case which fell within the remit of the Detention Services backlog, the officers would not be required to be interviewed if there were sufficient Incident Reports and Use of Force Reports on file. It was stated that officers would have difficulty remembering what had happened six months after the incident. This was a flawed management decision.
3. No questions were asked at Colnbrook Immigration Removal Centre about the fact that Mr Youmbi said he had not been advised of his forthcoming deportation on 23 February 2008.
4. Enquiries were made of the airline for incident reports in relation to the incident on 23 February 2008. No response was received.
5. There was one General Incident report and four Use of Force Reports about the incident on 01 March 2008 .
6. The Investigating Officer said that "officers have no reason not to provide a true version of events". Given that Mr Youmbi had made a complaint of assault this comment does not indicate the degree of objectivity required of an investigator.
7. The Investigating Officer stated that s/he "would not expect airline staff to contradict the DCOs' version of events so they were not doing the complainant an injustice by closing the investigation without that evidence". If the airline will not provide a response then the investigator has no power to compel a response. However it is not appropriate to assume that the airline would not contradict the Detention Custody Officer's version of events.
8. One of the police officers present states that he used a closed Casco (an extendable police baton) to apply pressure making Mr Youmbi release his grip on the plane. He stated that no striking was involved. His actions are outside the terms of this Review.
9. The Investigating Officer found no problem with the use of force despite inconsistencies as to who did what, and the unavailability of some of the Use of Force reports
10. The independent doctor recorded that Mr Youmbi was incontinent of faeces. There is no evidence of this in any of the available papers.
11. The two police officers who were present at the attempted removal on 01 March 2008 were spoken to by a West Midlands Police Officer. They were not interviewed about an alleged assault or about the allegation of providing a weapon (a hammer) to the Detention Custody Officers who allegedly assaulted Mr Youmbi.
12. An independent doctor visited Mr Youmbi on 05 March 2008, four days after the alleged assault. The doctor identified a "bruise over eye 2" long and 1" wide, Tender place on cheekbone, painful swelling on dorsum of right wrist consistent with being beaten there. L wrist hot and swollen almost no movement. Both hands pain and swelling over all proximal phalanges except thumbs. Consistent with hit by blunt instruments over hands gripping object. Object would have protected middle and distal phalanges and thumb which would have been gripping object. V stiff, tenderness in small of back. Scars consistent with handcuff injury. Scar on rt arm consistent with recent injury."
13. An investigation report was completed on 13 November 2008. It stated that Mr Youmbi was handcuffed at the bottom of the steps at the rear of the aircraft, and that leg restraints were used when on board the aircraft.
14. Mr Youmbi was not accepted on the Brussels–Douala flight because he was not wearing "quick release" handcuffs. An airline Security Officer advised that aviation law only permits quick release handcuffs in case of emergency.
15. The Detention Custody Officer's Use of Force Report on 23 February 2008 states that Mr Youmbi could not wear handcuffs in flight (because the Detention Custody Officers did not carry "quick release" handcuffs), and since there were only two escorts to accompany Mr Youmbi, he could not safely be taken on board.
16. A Use of Force Report completed by the Senior Detention Custody Officer on 01 March 2008 states that Mr Youmbi was not allowed to board because of "incorrect hand restraints".
17. There was no CCTV available in respect of either incident.
18. This investigation was not satisfactory, and I was concerned about the assumptions made by the investigator about the Detention Custody Officers and about the availability of evidence from the airline. This did not indicate impartiality. This has been drawn to the attention of the United Kingdom Border Agency.

damage the aircraft. It was reported that he tried to bite an officer's leg, and that he had to be prevented from hurting himself and damaging the aircraft.

8. The police Operation Darley Report stated that Mr RH was "off loaded because the plane was full to capacity, there were people sitting in front and Mr RH chanted continuously that he wanted to die and to be killed". The air steward asked the captain to off load him.
9. The investigation which was conducted was as thorough as possible in the circumstances resulting from the lapse of time since the incident occurred.
10. The evidence indicates that Mr RH was removed wearing only trousers. Although it is accepted that he was not prepared to get himself ready for the flight, this is not a satisfactory state of dress for a person about to undertake a long haul flight.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The Outsourcing Abuse account of activity during Mr RH's removal and in the plane is not consistent with the contemporaneous Operation Darley report or the other available evidence.
2. The evidence which is available indicates that Mr RH had refused to get dressed for the proposed removal when asked to do so.
3. It is correct to say that Mr RH was handcuffed during the journey to Heathrow. The evidence indicates that this was a necessary and proportionate action by the Detention Custody Officers, given the way in which Mr RH had conducted himself in the Immigration Removal Centre. It is also correct to say that Mr RH was placed in leg restraints during the journey, as the contemporaneous records state that he was uncooperative and continued to struggle and to attack the Detention Custody Officers.
4. The evidence also shows that on arrival at the airport Mr RH continued to be disruptive and uncooperative, and that the decision to carry him onto the plane was justified by his refusal to walk on.
5. The medical evidence which is available indicates that in the course of the attempted removal Mr RH suffered injuries consistent with struggling against the use of handcuffs, and the general use of force which was necessary to remove him. There is no evidence of any serious injury.

REVIEW FINDINGS: No criminal complaint

1. The matter was not referred to the police following the publication of the Outsourcing Abuse report, on the basis that they were unlikely to investigate after such a long period.

REVIEW FINDINGS: No complaint

1. No complaint was made by Mr RH.
2. This matter was investigated following the decision by the Strategic Director of the Detention and Criminality Group that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.

REVIEW FINDINGS: The investigation

1. It was established that the incident began at 18.20 on 09 July 2007. The staff at Colnbrook Immigration Removal Centre, were employed by Company 1. The staff on the journey to Heathrow Airport, were employed by Company 3.
2. The complainant was interviewed on 02 June 2009.
3. The records which were available included an Incident Report Form and Use of Force forms which had been completed by the Company 1 staff who were employed at Colnbrook. Two Company 1 staff had left the organisation and two stated that they could not remember the incident, one could remember the incident and was interviewed.
4. There was no CCTV at Colnbrook Immigration Removal Centre or inside the van in which Mr RH was transported to Heathrow Airport. There was no hand-held video recorded footage.
5. In a letter dated 07 August 2009 Mr RH stated that he was asked in an "inappropriate manner" to get down from his bed and put on clothes. The investigation found that he was warned that officers would dress him if he did not do so himself.
6. The evidence indicates that Mr RH tried to bite, kick and trip up the Detention Custody Officers. His anti-ligature clothing was removed and he was dressed in track trousers. The Detention Custody Officers could not dress him any further as he was too violent. He was handcuffed to the rear with ratchet handcuffs. He fought all the way to reception. He had to be carried down two flights of stairs. In the reception area he was assessed by a qualified nurse who found that he had suffered no injury.
7. It was found that the use of force was proportionate
8. There is no evidence to show that Mr RH's legs were tied together with string or adhesive tape. There were no leg restraints in Colnbrook Immigration Removal Centre. Mr RH also said that his head was banged on the floor, and an officer put hand over mouth to stop him screaming. There

- was no other evidence than Mr RH's testimony of this happening in Colnbrook Immigration Removal Centre. Officers are trained not to put their hands over detainee's mouths as they are at risk from biting.
9. Company 3 indicated that because of Mr RH's behaviour they put rigid handcuffs and leg restraints on him to carry him from reception to the vehicle. It was held that this was justified and necessary. It was found that only approved Control and Restraint techniques were used. The records show that the restraints were removed when Mr RH became calm whilst in the van. The records show that Mr RH refused to leave the van at Heathrow.
 10. Mr RH was carried onto the flight and placed in a seat where he continued to be verbally and physically disruptive.
 11. Mr RH was removed from the aircraft at the request of the airline, at approximately 10.45, after 40 minutes on board.
 12. The two police officers who were present stated that they did not see any unacceptable behaviour by the Detention Custody Officers. They said that Mr RH's treatment was acceptable.
 13. The airline had no record of the incident.
 14. Mr RH was seen by Healthcare on his return to Colnbrook Immigration Removal Centre on 09 July 2007. He had lacerations and swelling to his wrists from the handcuffs. It was reported that on 10 July 2007 he said that he "was sore all over his body". A "few cuts and bruises on both arms due to handcuffs" were identified, together with "a few abrasions on his body and his back, but no swelling or signs of fractures. Very good flexion of back and neck, all joints ok".
 15. Two weeks after the attempted removal a letter was received from an independent doctor, who visited Mr RH on two occasions on 24 July 2007 and 06 August 2007. The report received following the 24 July visit identified healing scars on both wrists, serious stiffness in the shoulders and neck and painful feet. It was stated that Mr RH needed an x ray of his right second toe and his left metatarsal bones, and physiotherapy for his neck and shoulders. A further letter from the doctor on 27 July 2007 suggested an x ray of Mr RH's left foot. The Healthcare doctor's response was that nothing could be found, but an x ray of Mr RH's left foot would be arranged.
 16. On 01 August 2007 Mr RH complained of pain and limitation of movement in his right shoulder after injury on 09 July 2007. He also stated that he could not bear weight on his left foot. A foot x ray was arranged.
 17. It was suggested by the police that following the Operation Darley involvement in this attempted removal there was a lesson to be learned, which was that if the aircraft was full to capacity then the authorities should try alternative airlines to achieve removal at the first attempt. However it has to be appreciated that the authorities will not know at the time of booking whether a flight will be full.
 18. The investigation which was conducted was as thorough as possible in the circumstances resulting from the lapse of time since the incident occurred.

Case C5 Mr. S W Jamaica

The Outsourcing Abuse allegation

32 year old Jamaican, Mr SW says he was taken on July 26th 2004 from Haslar IRC to Heathrow airport and on to an Air Jamaica plane by three immigration escorts. He says that he attempted to resist being placed in a seat. Mr SW claims that the immigration escorts, in attempting to force him to sit, kneed him in the groin area and pushed a knee into his stomach. He says he was handcuffed and dragged towards his seat. Mr SW says that an air steward intervened and he was taken from the plane to Kilburn police station and subsequently to Haslar IRC.

Dr Tim Bushell (an independent doctor) wrote a medico-legal report on Mr SW stating that he had suffered injury to his testes causing blood in his urine, cuts and bruises to his hands, wrists and left knee. Mr SW also had psychological symptoms such as panic attacks and nightmares.

A complaint about the alleged assault was made to Heathrow police station on September 28th 2004. The police took no further action. A complaint was also made to the Home Office on September 28th 2004 and not upheld as an immigration escort disputed Mr SW's account.

FINAL REVIEW FINDINGS

1. On 26 July 2004 Mr SW was taken for removal to Jamaica. He was compliant with the process until asked to leave the vehicle to board the plane. At this point he resisted being taken onto the plane and did not cooperate with the attempts to put him into the seat and to remove him. He was described as being "physically and verbally non-compliant".
2. Records show that the reasons why the airline refused to carry Mr SW were noise, disruption and possible endangerment to other passengers, and damage to aircraft seats, three of which were

- broken. The Team Leader stated that Mr SW was under control at all times and that there was no reason not to carry him. However the physical damage to the aircraft, and the possibility of further physical damage during a flight was clearly a reason for refusing to carry Mr SW.
3. After the failed removal Mr SW was transferred to Kilburn Police Station pending removal to a detention centre.
 4. On arrival at Kilburn police station the Custody Record shows that Mr SW was calm and compliant. His wrists were described as being "reddened by the struggle" and he was asked if he wanted medical assistance. He declined. He subsequently complained of chest pains, and was seen in the police station by a doctor who gave him painkillers. There is no evidence that he complained to the doctor in the police station that he had a groin injury. Papers provided by Mr SW's solicitor show that the first report of testicular pain was in August 2004.
 5. Mr SW was subsequently deported.
 6. Mr SW's solicitors provided me with material about Mr SW's complaint. This material includes medical evidence which was not seen by the Immigration Service Investigating Officer. It also contained material which should have been, but was not on the Immigration Services file. This included a letter from the Home Office dated 4 October 2004 acknowledging the complaint by Mr SW's solicitor, and saying that the matter had been referred to police and that there would be no further action until after the police investigation and a further letter from the Home Office dated 01 August 2005 which said that the police had decided to take no further action on 21 June 2005.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The Outsourcing Abuse statement that force was used to place Mr SW in his aircraft seat is confirmed by the evidence.
2. There is no evidence that Mr SW was assaulted as described in the Outsourcing Abuse statement. There is no evidence that the force used was unnecessary, unlawful or unjustifiable. Police concluded that none of the Detention Custody Officers should be prosecuted for assault or any similar charge. There is no doubt that, as a consequence of the struggle and the force used, Mr SW suffered reddening of both wrists.
3. The reasons given for his removal from the plane were "noise, disruption and possible endangerment to other passengers and damage to aircraft seats", three of which were broken.
4. The medico-legal report referred to in the Outsourcing Abuse statement was dated 01 October 2004: some nine weeks after the event. It described a series of injuries, many derived from the medical records which were available to the independent doctor.
5. The reasons for the finding of non-substantiation of the complaint were not solely that an "*immigration escort disputed Mr SW's account*". The other available evidence, including the damage to the aircraft, was also taken into account.

REVIEW FINDINGS: Criminal complaint.

1. Mr SW's complaint was referred to the police by the Immigration Services as reported to Mr SW's solicitor by letter dated 04 October 2004.
2. During a telephone interview of Mr SW by Immigration Services, in the course of the investigation of his complaint, Mr SW stated that he went to Kilburn Police Station but did not complain because "they" were friendly with the police.
3. The police investigation was completed on 21 June 2005. No criminal action was directed.

REVIEW FINDINGS: The complaint.

1. A complaint was made by Mr SW on 28 September 2004 to Immigration Services Customer Services Unit, against staff employed by Company 11.
2. Mr SW's complaint was that he had been assaulted when there was an attempt to deport him. He did not wish to return to Jamaica. In resisting the removal he sat across three seats, and resisted attempts to place him in a seat. He said that an officer kned him in the groin, and that he had subsequent injury to his testes which was manifested by blood in his urine and pain. He also complained of injuries to his wrist, stomach and leg.
3. Files provided to me by Mr SW's solicitors included a letter from the Home Office on 04 October 2004, acknowledging the complaint and saying that the matter had been referred to the police and that no further action would be taken by the Home Office until after the police investigation, and stating "*it is our policy to suspend enquiries under our own procedures pending the completion of police enquiries*". This letter was not on the Immigration Service file.
4. An investigation was conducted but there were very few documents in the file which was provided to me and there was no consent for access to Mr SW's medical records. I have noted elsewhere the statement by the United Kingdom Border Agency that there had "been problems with Immigration Services record keeping".

5. The airline stated that the grounds for refusal to carry were "noise, disruption, possible endangerment of the aircraft and damage to the aircraft, and that three seats were broken".
6. The investigator found that there was no evidence to support the allegations and they were not substantiated.

REVIEW FINDING: the investigation

1. The investigation was conducted by a member of staff of Immigration Services Customer Support Unit.
2. Mr SW was recorded as being interviewed by telephone on 04 October 2004, despite the fact that a note dated 01 October 2004, which was on the file of material which was submitted to me by Mr SW's solicitors following the establishment of this review, states that Mr SW had been interviewed by his solicitor on 07 September 2004 and that he was not available to the Investigation Officer.
3. The three officers against whom the complaint was made were all interviewed.
4. There was no CCTV evidence. No request for consent for access to Mr SW's medical records was sought until after the police investigation, and then it was not possible to secure that consent, with the result that there was no medical evidence, other than the information recorded by the police doctor.
5. The Outsourcing Abuse Report states that an independent doctor wrote a medico-legal report on Mr SW. However there was no copy of this report on the file. There is no evidence that it was seen by the Investigating Officer. The report was made available to me by Mr SW's solicitors. It was a medico legal report dated 01 October 2004. The doctor had had access to Mr SW's medical records which indicated that Mr SW had no appreciable swelling to either wrist when examined, and that the first mention of testicular pain was on 11 August 2004. Mr SW did complain of blood in his urine and tenderness to the penis on 07 September 2004. A hospital report dated 22 September 2004 stated that Mr SW may have had an infection.
6. A statement by Mr SW was made available to me by Mr SW's solicitors. It was undated and unsigned and was prepared for the purposes of a civil action. It does not appear to have been available to the Investigating Officer. It stated that Mr SW was held at Kilburn police station for three days before being taken to Haslar Immigration Removal Centre.
7. The Team Leader responsible for the attempted removal made a statement on 26 July 2007, which recorded that Mr SW was not handcuffed until he was on the plane. He was said to be restrained in handcuffs and under control at all times whilst on the plane, and the Team Leader stated that the airline had no cause to off-load Mr SW and his escorts. I do not accept this on the available evidence of damage to three seats on the aircraft.
8. All three escort officers say Mr SW kicked out a panel of oxygen masks. There is no specific record of this from the airline which simply stated that three seats were damaged, but did not specify the damage.
9. A report was produced on 01 August 2005 which found that the complaint was not substantiated.
10. Given the content of the material produced by Mr SW's solicitors and the absence of material from the file, it is not possible to comment on the adequacy of the Immigration Services investigation. No further investigation is possible on the material which is currently available.

Case C6 Mr. Duncan Kasasa Uganda
(See also case B9)

Case C7 Mr. B G Guinea
The Outsourcing Abuse allegation

50 year old Guinean, Mr BG claims that on May 18th 2004 he was taken from Tinsley House IRC to Gatwick airport by immigration escorts employed by RSI Immigration International Services Ltd for removal from the UK on an SN Brussels Airlines flight.

Mr BG says he was handcuffed, pulled from the vehicle, falling out onto the ground, landing on the back of his left shoulder. He says that the immigration escorts picked him up and he was carried up the stairs of the plane. The entire party of five people, including Mr BG, fell down the steps. There was a second attempt to carry him into the plane and he was placed in a seat near the rear with an immigration escort at either side of him. A lap belt was put across both Mr BG's arms which remained handcuffed. Mr BG found the cuffs painful because of cuts to both his wrists. While sitting, his ankles were hooked around the outside of the legs of the same seat and held there by the legs of the immigration escorts on either side of him. Another immigration escort stood in front of him and pulled forcibly on the back of his head and banged it into the back of the seat in front. When he complained

in French the same immigration escort came in front of him again and again pushed his head down with both hands, only releasing it when he realised that he was unable to breathe.

The pilot intervened, after which an immigration escort again pushed Mr BG's neck downwards. Passengers boarded the plane and Mr BG shouted for help. Once again the pilot came out of the cockpit and asked the entire party to leave the plane. One of the immigration escorts went to the front of the plane and announced that Mr BG was not wanted in the UK because he sold weapons to children. The immigration escorts then removed the seatbelt and carried Mr BG out of the plane back to the vehicle. Mr BG said that on being put into the rear seat of the vehicle, the driver pushed his head down forwards once again. A female immigration escort removed the handcuffs, cleaned and bandaged both wrists and applied a plaster to his forehead. Mr BG was driven back to Tinsley House IRC where he was medically examined.

Dr Granville-Chapman (an independent doctor) of the Medical Foundation for the Care of Victims of Torture examined Mr BG at Haslar IRC on May 25th 2004. Another medico-legal report was written by Dr Simon Owen Johnstone, a consultant orthopaedic surgeon. Mr BG's injuries, including a 4 cm forehead wound consistent with having his head pushed forward against the seat, diffuse tenderness over neck muscles with neck movement slightly reduced, consistent with forced flexion of the neck, a 6.5 cm semi circumferential abrasion on the right palm, a very small linear abrasion on the radial border to the right wrist and hand, and small linear abrasion on the ulnar border to the right wrist and hand, and left wrist and hand eight abrasions - consistent with handcuffing, and reduced sensation in the distribution of the superficial branch of the radial nerve in his left hand.

The alleged assault was reported to Gatwick police but no further action was taken. A complaint was made to the Home Office and it was found that there was justifiable cause for complaint about an inappropriate comment and the Home Office apologised for this. But the investigative officer observed that Mr BG was disruptive and was a violent detainee who had sought to frustrate attempts to lawfully remove him from the UK and was satisfied that it was necessary to use force.

Mr BG attempted to pursue a civil action case but it seems that RSI Immigration International Services Ltd was dissolved and hence there is no defendant for him to continue his claim against. Hence BG is without a legal remedy.

FINAL REVIEW FINDINGS

1. Mr BG was taken from Tinsley House Immigration Removal Centre to Gatwick Airport for removal on 18 May 2004.
2. There had been a previous failed attempted removal on 06 February 2004. It was recorded that Mr BG had been disruptive and that he might attempt to disrupt the removal again by the use of violence.
3. He was handcuffed on 18 May just before boarding and was subsequently removed from the aircraft. There is no record of what happened on the aircraft.
4. Mr BG wanted to make a complaint on 18 May 2004. He was told that the matter would be considered tomorrow. At 14.45 on the same day he requested Company 5 to arrange an interview with an Immigration Officer to complain. It is recorded that this request "does not meet requirement to take complaint". On 19 May 2004 Mr BG said again that he wanted to make a complaint. He was advised that his complaint was awaited and that it would be forwarded to the person in charge of the escorts on receipt.
5. Mr BG made a complaint, but there is no copy of it on the file.
6. The only response to Mr BG's complaint was from the Chief Immigration Officer, who wrote to Mr BG describing him as having been "violently and verbally resisting removal, kicking out and trying to bite and head but them". The Chief Immigration Officer also said that Mr BG "had swollen and stiff wrists" which was said to be "consistent with the resistance" Mr BG used. The Chief Immigration Officer stated that no-one threatened to kill Mr BG.
7. Both the Immigration and Nationality Directorate and the Detention Custody Officer concerned acknowledged that a comment had been made in the hearing of passengers and crew that Mr BG had been involved in the supply of weapons. They both apologised to Mr BG for this comment and the distress it had caused.
8. It is not possible to comment on the lawfulness, proportionality or necessity of the force used against Mr BG in the absence of further information, or on the quality of the investigation. However the responses to Mr BG's attempts to make a complaint were not satisfactory.
9. Mr BG sought to bring civil proceedings against Company 9 but was unable to establish the identity of the defendant, as Company 9 had gone out of business.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The papers indicate that Mr BG resisted the attempt to deport him on 18 May 2004.
2. They also indicate that an inappropriate comment was made by a Detention Custody Officer, for which both the Immigration Nationality Directorate and the Detention Custody Officer apologised.
3. Mr BG suffered some injuries during the attempted removal. It is not possible to comment further about those injuries or about the force used in the absence of Mr BG's full medical records. There is no evidence that those records were available to the investigator or formed part of the investigation.

REVIEW FINDINGS: Criminal complaint.

1. The Chief Immigration Officer's letter states that Mr BG's allegation was referred to the police "who on completion of their investigation proposed to take no further action".

REVIEW FINDINGS: The complaint

1. There is no complaint on file from Mr BG.
2. However, there is a letter on file in response to a complaint by Mr BG about his treatment by Company 9 on 18 May 2004, when attempts were made to remove him from the UK.
3. The response indicates that Mr BG complained that an inappropriate remark was made to him in the hearing of other passengers and the crew about him being involved in supplying weapons. This complaint was substantiated as the Detention Custody Officer concerned admitted making the remark and apologized for it. The Home Office Immigration and Nationality Directorate also apologized.
4. Mr BG also appears to have complained about a comment about killing him and possibly other threats.
5. The letter also indicates that Mr BG complained about the use of handcuffs.
6. The complaints referred to in 4 and 5 above were not substantiated.

REVIEW FINDINGS: the investigation of Mr BG's complaint

1. The papers record that Mr BG's complaint was investigated by "senior management" of Company 9, the company against which the complaint had been made in accordance with the procedures operating at the time.
2. There are no investigation papers and there is no copy of the investigation report which should have been prepared by Company 9.
3. The only document available in response to Mr BG's complaint is the Chief Immigration Officer's letter to Mr BG, which is dated 09 August 2004.
4. The letter indicates that the only evidence considered was the evidence of the escort officers.
5. A note on the file indicates that the airline captain refused to carry Mr BG because he was being disruptive.
6. Miscellaneous medical papers on the file indicate that on 18 May 2004, the day of the attempted removal, both Mr BG's wrists were marked from handcuffs, that he had a graze to his right wrist and a painful neck with restrictive movement. He was described as "eloquent, co-operative and good mannered". It was also stated that he "wanted to make a complaint". On 19 May 2004 Mr BG was recorded as having "pain in neck, reduced touch sensation in wrist". A further report on 20 May 2004 records "pain in cervical spine, rt knee, left thumb, loss of sensation, pain upper cervical spine on movement of head, left wrist slightly swollen.
Neck not tender 6mm cut over thumb base joint and 1.2mm cut over dorsum of wrist, consistent with handcuff use. No swelling bruising hand/wrist. And normal hand functions." Two further reports by independent doctors on 25 May 2004 and 28 June 2004 record similar injuries.
7. There is no evidence that this complaint was properly investigated. No further investigation is possible.

Case C8 Mr. C P Cameroon

The Outsourcing Abuse allegation

Cameroonian, Mr CP, claims that he was taken on 4th November 2004 to Gatwick airport for removal from the UK on a SN Brussels Airlines flight by four immigration escorts employed by RSI. He refused to board the plane and claims he was repeatedly punched and kicked. He says this treatment also continued after he had been physically carried on to the plane, when he refused to sit down. When Mr CP cried out for help to passengers, one of the immigration escorts put her hand several times over his mouth and nose which stopped him from breathing.

Mr CP says his injuries included cuts on his hands and wrists, which were still visible and painful to the touch several weeks later. He believes he suffered some neurological damage which left him without

feeling in his left thumb for several months, for which he had physiotherapy whilst in detention. He suffered psychological damage including sleeping problems, flashbacks of the alleged assault, depression and possible Post-Traumatic Stress Disorder.

Mr CP says he reported the alleged assault to the police but that they took no further action. He made a complaint to the Home Office and it was not upheld.

FINAL REVIEW FINDINGS

1. Mr CP was to be removed on 04 November 2004. He complained about his treatment during the attempted removal.
2. A criminal complaint was lodged on 10 November 2004 by a member of staff of the Immigration and Nationality Directorate. Indication of no further action was received on 17 March 2005, although Mr CP appeared to be aware of this decision, when interviewed in connection with his complaint by Immigration and Nationality Directorate.
3. Mr CP's complaint about his treatment was investigated by Company 9. A subsequent investigation was carried out by the Immigration and Nationality Directorate. Company 9 reported on 15 March 2005 and the Immigration and Nationality Directorate reported two days later on 17 March 2005. In the absence of papers, it would appear that there was very little investigation by the Immigration and Nationality Directorate, as they were able to report so rapidly.
4. On 17 March 2005, solicitors acting for Mr CP delivered notification of civil action. Normally the Immigration and Nationality Directorate would have suspended its internal investigation during any civil or criminal process, however this does not appear to have happened in this case.
5. An investigation did occur into Mr CP's complaint. There are papers missing from the file, such as Mr CP's consent for access to his medical records.
6. There is no evidence on file of any consideration of the proportionality and necessity for the force used against Mr CP other than a reference to the fact that he was a stocky 19 stone man who was determined not to be deported. Mr CP refused to leave the vehicle on arrival at the airport. The escorts were required to be trained for such occurrences and should have used only necessary techniques to take Mr CP onto and off the plane.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. There is general consistency between the Outsourcing Abuse account of what allegedly happened to Mr CP, and the complaint which he made in November 2004.
2. The only witness evidence is that of the escorts who were accused of assaulting Mr CP. They denied the assault allegation.

REVIEW FINDINGS: Criminal complaint

1. A criminal complaint was referred by a member of the Immigration and Nationality Directorate on 10 November 2004. The papers indicate that police reported that there was no crime on 17 March 2005. At an interview with Mr CP on 01 March 2005 he stated that the police had already told him that there would be no further action.

REVIEW FINDINGS: The complaint

1. Mr CP complained from Colnbrook Immigration Removal Centre that he was handcuffed behind and placed in the car. He then refused to get out of car, and was thrown out of car, hit and kicked. He was dragged face down to the plane. He refused to sit on the seat. He was hit on the stomach, legs, and feet. Someone knelt on his back and pressed his neck from the front, so that he could not breathe three times. This happened for about 30 minutes in front of all the passengers and the pilot. He was offloaded. He returned to Colnbrook at 10.00 am.
2. Both Company 9, on 15 March 2005, and the Immigration and Nationality Directorate, on 17 March 2005, found Mr CP's complaint to be unsubstantiated.

REVIEW FINDINGS: The investigation

1. An investigation was conducted by Company 9's Operations Manager. A report was delivered. The complaints were not substantiated. The report stated that the detainee suffered sore wrists, and the escorts had minor injuries involving a bruised forearm, bruised leg and bruising down the right side of the body.
2. The staff involved in the attempted removal of Mr CP, were interviewed by telephone by the Operations Co-Ordinator, and they stated that there was no assault. They said that Mr CP was attempting to bite at every opportunity. They stated that since Mr CP was repeatedly trying to bite they would not have put their hands across his mouth, and that this did not happen. The Medical Officer did not recollect much about the attempted removal.

3. There is evidence that while boarding Mr AE became disruptive and violent. He pushed the Senior Detention Custody Officer "almost" through a window as he went into the passenger waiting area, causing injury to the officer's left shoulder. Mr AE was restrained in a prone position, with handcuffs to the front. Leg restraints were also used. The Flight Services Manager would not allow him to board. He was removed from the boarding gate and returned to Colnbrook Immigration Removal Centre.
4. The Outsourcing Abuse statement says that Mr AE made a complaint about his treatment but there was no evidence found that any complaint was made.
5. There was a further attempt to remove Mr AE on 27 March 2008. The evidence shows that this removal was effected by five Detention Custody Officers and three police officers, who had been requested under Operation Darley. Mr AE did not want to board the plane. Handcuffs and two sets of leg restraints were put on him and he was carried onto the plane and placed into a seat. The evidence shows that Mr AE screamed and shouted that no-one would be safe on the plane. He also attempted to bite the Detention Custody Officers. Once he was seated the police left the plane. The reports state that Mr AE made threats that "no-one safe on this plane".
6. At this point some passengers became involved and began to abuse and threaten first the escorts, and then the crew. The escorts were then told by the crew to leave the flight taking Mr AE with them. They escorted Mr AE from the plane. His leg restraints were removed and he was able to walk back to the van at 12.50 on 27 March 2008. The airline's Asset Protection Group, the airline's responsible department, stated that police were called to the plane because of the behaviour of the deportee, not because of his claimed maltreatment. A signed document from the captain of the flight also records that this was the reason for Mr AE's removal from the flight.
7. One of the Detention Custody Officers was asked by the crew to remain on board as two passengers were being disruptive. The police were called. One of the Detention Custody Officers who left the plane also informed the police. The police then asked the Senior Detention Custody Officer and the Detention Custody Officer to assist the police officers in identifying and offloading the two passengers. One passenger was accused of disturbing the flight and questioned. He was stated to have climbed on the seat, taken his shirt off, started to undo his trousers and to have incited other passengers. He was offloaded with his luggage and arrested for affray. More police arrived, and the airline Captain ordered that all the economy passengers should be offloaded as he feared a riot on board. The flight records show that 120 passengers were offloaded and the flight was cancelled.
8. Both the Captain and the Chief Steward were then content to carry Mr AE, and he re-boarded in handcuffs with his travelling escort. The flight was rescheduled and departed at 23.50 on 27 March 2008.
9. The passenger who was arrested and prosecuted for affray was acquitted after a two day trial. The crew and captain all gave evidence as to what had happened. The passenger in question was subsequently banned from flying for life with the airline.
10. The Outsourcing Abuse report states that Mr AE suffered back and neck injuries as a consequence of the removal on 27 March 2008. There is no evidence of any injuries being incurred. No further investigation was possible since Mr AE had been deported.
11. There is no address at which Mr AE could be contacted.
12. A good investigation was conducted by the United Kingdom Border Agency Professional Standards Unit. There is no evidence that the passengers who travelled on the alternative flight to Nigeria were questioned about what they had seen. However independent police and airline witnesses gave evidence as to what happened. This evidence supported the evidence of the Detention Custody Officers. Given that Mr AE was not shown by any of the evidence to have suffered any injury, it was proportionate to decide not to attempt to interview the other passengers.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The evidence contradicts the Outsourcing Abuse account of what happened to Mr AE when he was taken to Heathrow for deportation on 07 November 2007. The evidence of the airline Flight Services Manager who called the police was that Mr AE was being so disruptive that he could not be permitted to board.
2. The evidence confirms that one of the Company 3 escorting officers was injured and a complaint was made to police. The complainant subsequently withdrew that complaint to facilitate Mr AE's removal.
3. When a further attempt to remove Mr AE was made on 27 March 2007 the removal was planned, and the police were asked to assist under Operation Darley. It is correct that three police officers and five Detention Custody Officers were involved. What is shown by the evidence to have happened is described above. It does not confirm the Outsourcing Abuse statement.

REVIEW FINDINGS: No criminal complaint.

1. No criminal complaint was made by or on behalf of Mr AE. He was the subject of an allegation of assault of a member of Company 3 staff. The criminal investigation was discontinued after the complainant agreed not to proceed to facilitate the removal of the detainee.

REVIEW FINDINGS: No complaint.

1. The Outsourcing Abuse statement says that Mr AE made a complaint, but no complaint could be identified either about the incident at Heathrow airport on 07 November 2007, or about the removal on 27 March 2008.
2. This matter was investigated following the decision by the Strategic Director of the Detention and Criminality Group that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.

REVIEW FINDINGS: the investigation

1. Mr AE had been deported. There could be no consent to access to Mr AE's medical records because it was not possible to contact him, and there was no possibility of interviewing him. Because the allegations relate to March 2008 and no complaint had been received, there was no CCTV recording of the incident available at the time of the investigation.
2. The papers in relation to the removal on 07 November 2007 are available and were examined and confirm that it was necessary to use force on Mr AE because he was not compliant, and that the force used was proportionate.
3. The investigation established that the airline Flight Services Manager called police, as he had not seen an event of this type before. The Flight Services Manager stated that boarding was not an option as other persons would become involved. The contemporaneous incident reports state that this decision was accepted by the escorts.
4. There is therefore no evidence that Mr AE was forced onto the plane and removed from it on the orders of the flight crew. Nor is there any evidence that he ever went onto the plane.
5. Mr AE was returned to Colnbrook Immigration Removal Centre and handed over to Colnbrook staff. His handcuffs were removed.
6. The documents show that the removal on 27 March 2008 was a high profile removal because of what happened on 07 November 2007.
7. A full set of incident and use of force records is available, as are records and statements from the airline and the police. The records show that as described above Mr AE had said he did not want to go to Nigeria, but was compliant with the escorts until he reached the air-bridge on 27 March 2008. He had been handcuffed, and he became aggressive refusing to board. Two sets of leg restraints were applied as authorised. He was boarded, became very disruptive and other passengers became involved. He and all the economy passengers were then removed. Mr AE was subsequently re-boarded at 23.50 on 27 March 2008. Mr AE's handcuffs were then removed.
8. There is no suggestion or evidence in the paperwork that Mr AE was suffering from any injury when he was re-boarded on 27 March 2008 or at any time.
9. The medical notes do not make any statement specific to the alleged incident on 07 November 2007. Mr AE had said he had been tortured in Nigeria and was diagnosed as suffering from PTSD. The Psychiatrist stated that his experience of detention and of attempted removal has been a further overwhelming trauma. It is not possible to comment further on this matter and no further investigation could be carried out as Mr AE had been deported.
10. The content of the Outsourcing Abuse allegations was not substantiated in the course of the investigation, which was as thorough as possible in the circumstances.

**Case C10 Ms Noreen Nafuna Uganda
The Outsourcing Abuse allegation**

Noreen Nafuna, a 38 year old Ugandan woman, was detained at Yarl's Wood, following the refusal of her asylum appeal (she claimed to have been detained by the army in Uganda for a year and beaten and tortured during that time). Ms Nafuna recounts; "At 10pm I was told that I was needed at the office and I was then told to pack my things. At about 1a.m. a detention centre officer called Julian came into my room and told me that I had 30 minutes to pack my things. I told him that my solicitor has sent in representations and I have his mobile number. Julian said I should ring my solicitor when I got to reception.

Within half an hour seven detention centre officers came into my room and started packing my things. I got very scared and started sweating. I had removed my nightdress earlier as I was very hot, and had been lying covered with a bed sheet. I was not even wearing knickers as I had an infection. I

refused to move. The officers grabbed me from the bed and handcuffed me to the front. I was struggling and asked them please let me phone my solicitor. A blanket was put over me and I was carried to reception. I was given tracksuit bottoms and a bra to put on. A jacket was put around my shoulders. On arrival at reception I was placed on the floor, the officers put track suit trousers on me and eventually undid the handcuffs. I was lifted on to a chair. I started vomiting, the medication the nurse had given me made me feel sick, but also I was very distressed and I was crying. During this time I kept asking them to check with my solicitor, as he had sent in representations to cancel the flight. They said I could do this at the main reception when the escorts arrived.

Then the escorts arrived. The Yarl's Wood officers left and I sat on the floor, I felt frightened. There were two female and two male escorts all white. They told me to put on my shoes. I told them I needed to speak to my solicitor. I refused to move until I had a chance to make a phone call. They tried to lift me, but were unable to do so, then the two male officers took hold of my arms by the handcuffs and dragged me along the floor. I didn't actually remember this bit until I saw the CCTV, I think I was traumatised.

When we got to the exit some Group 4 officers helped them lift me and put me in the back seat of an awaiting car. The track suit trousers came off during this process. I only had a bra on my top and no underpants. I was sat in the car with the two ladies on either side of me. One I came to know by the name of Barbara, and the other I understood to be a nurse. They put something over me, the jacket, to cover my legs. When we were almost at the airport they gave me some underpants to put on; they helped me put them on because I was handcuffed and couldn't do it by myself.

Eventually we approached Gatwick Airport and parked somewhere but a police officer said we had parked in the wrong place and had to move on. I was told to dress but I said to them I was a mature woman and wanted them to remove the handcuffs so that I could dress myself. They refused. We drove on and collected a sixth, male officer, who was younger than Simon and slightly taller. He was of slim build. We stayed in the car whilst the officers went to check in, one by one. Eventually we drove up to the aeroplane. It was an SN Brussels flight which I believe was due to depart at 7.40am. Nigel and Simon went onto the plane and I remained with Barry, Barbara and the nurse. Nigel and Simon returned and said "the pilot's good", which I understood to mean they were ready to take me on to the plane. We sat in the car and watched as passengers were boarding the plane by the front entrance. The escorts wanted me to dress but I said if they were going to remove me they would have to take me naked. I was crying, and as they pulled me, I fell forward between the front seats. At that stage I clung onto one of the seatbelts with both hands and would not let go. I begged them not to take me. I have no recollection of biting anybody (I have not seen any medical record to support the claim that I bit Simon). As I recall Nigel and Simon went in through the front of the car. Nigel pushed the front seat back to try to force me to release my grip, Simon was trying to prise my hands away from the seat belt. During this time both women were hitting me on the head. At this stage the handcuffs broke off. Nigel was giving orders, he told the officers to put two sets of handcuffs on and in the meantime, a belt was tied round my legs. As I recall I was then pulled backwards out of the car and that's when my toe got caught on some metal under the driver's seat. I was aware that blood was coming out from my nose and mouth (I must have been hit there but I cannot remember what happened). I was carried up to the plane. I started screaming when I was brought to the top of the stairs of the aeroplane. I asked the flight attendant not to open the door. However, he did open it after the officers told him that the pilot had "OKd it". I was only wearing underpants and a bra. A jacket was placed over my neck and I was held around the neck so that I couldn't make a noise. On the plane I was placed across the back row of seats. Barbara and the nurse sat on me; Barbara on my legs and the nurse on my chest. The nurse placed her hands over my mouth to stop me shouting out. I was finding it hard to breathe. The plane was not full of passengers. Other passengers were sitting a little way forward. A lady in a red suit came up with another woman. I heard her ask if I was still alive as I had stopped moving or making any sounds. Barbara and the nurse got off me then so I sat up. I was crying again.

Then other passengers became aware of what was going on and came up to us and told the officers to leave me alone. Everyone saw me bleeding. Eventually they called the pilot and the pilot came up and said, we are not taking her. He told them to take me off the aeroplane."

The escorts were obviously very angry. I was dragged back down the steps of the plane. The leg restraints come off at some stage, I don't remember when, I did not walk down the stairs. As we reached the car, they let go of me and I fell down on the ground. Simon tried to drag me into the car. I just laid there. Simon said, "You have won". I wouldn't move. At this point Simon stamped hard on my left hip (leaving a large bruise). Then he tried to pull me in the car by the handcuffs, they were digging

into me and cut me. I said, 'my brother, don't do this to me'. He was angry and punched me in my eye. Nigel was telling them to hurry and put me in the car.

Two female passengers who had intervened came off the flight bringing blankets and gave them to me. They were obviously horrified at my treatment and the fact that I was nearly naked. I don't know whether they witnessed the further assault on me. We then drove away from the airport. They parked somewhere and got a polythene bag to put on the seat, as I was now bleeding. Barbara was going to remove the handcuffs as they were digging into my skin and I was bleeding. Nigel told her not to remove them. He told me that I was in 'serious trouble'. The nurse said "you can't be here illegally, you have to go back to your country. We are going to have to book a flight for one person only". We stopped somewhere on the way at the office where the escorts worked. Simon put on his sunglasses and would not look at me again. Nigel went inside the office. We waited there for quite some time as they were finding out where I was to be allocated. Eventually they heard I was to be taken back to Yarl's Wood. My wrists had swollen very badly because of the pressure from the handcuffs and eventually, shortly before we arrived back at Yarl's Wood, Barbara removed these. I could see now how badly cut I was and I burst into tears. I knew that friends at Yarl's Wood would see how badly I had been beaten. The driver told me to "shut up".

I believe we arrived back at Yarl's Wood at about 1pm. When I got out of the car, I saw that the polythene bag was soaked in blood. They had not given me a sanitary towel. The escorts told the officers at Yarl's Wood that I was bleeding and they should put me straight into segregation as the other detainees would be upset if they saw me in that state. When I was brought back into Yarl's Wood, I was taken straight up to the Kingfisher Unit and placed in a cell. The door is not locked, but the lights are left on and an officer sat just outside the door watching you. There are many restrictions, you are not allowed to make phone calls or see any other detainees. It is a punishment. I sat at the table with my head in my arms, I was distressed, crying and in a lot of pain. Two of the officers on the wing were clearly upset about the state I was in. I asked one of them, Amanda, for help, and said I needed somebody to pray for me. Eventually the chaplain, Reverend Wright, came in to see me. He was shocked at the state I was in. He asked me what had happened and he held me and prayed for me."

A report prepared by Dr Gray, an independent medical practitioner, set out the injuries; Pain and stiffness to the neck, pain in chest and back, bruising to left thigh and abdomen, handcuff injuries and swelling to the right eye

Office and a civil action pursued The police investigated but concluded that there was not sufficient evidence to prove assault A civil action was pursued against the escort company, Securicor Justice Services Ltd It was settled before trial The Home Office has recorded the complaint as substantiated in view of the settlement in civil proceedings.

FINAL REVIEW FINDINGS

1. The attempted removal of Ms Nafuna from Gatwick Airport to Uganda took place over 21-22 September 2004.
2. A complaint was made by Ms Nafuna's solicitors on 29 September 2004. They asked that a criminal complaint be made to police on behalf of Ms Nafuna in respect of her treatment by Company 8. They also asked that photographs be taken of Ms Nafuna's injuries and that appropriate medical attention should be provided.
3. On 13 December 2004 Ms Nafuna's solicitors informed Company 8 of a civil action against the company by Ms Nafuna. The action was settled on 07 April 2007.
4. The investigation of Ms Nafuna's complaint was suspended during both the criminal investigation and the civil action as was normal practice at this time.
5. It was subsequently stated that Ms Nafuna's complaint was substantiated given the settlement of her civil action by Company 8.
6. There is no evidence of any investigation of Ms Nafuna's complaint, or of any review of the circumstances of this appalling complaint to ensure that there was no repetition of such a sequence of events.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The civil action in respect of the allegations made by Ms Nafuna in Outsourcing Abuse was settled by Company 8.

investigation of the complaint about the incident on 22 March 2007 was more comprehensive than that of the incident on 17 April 2007.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The Outsourcing Abuse report states there were two incidents, and records the dates as 17 March 2006 and 22 March 2006. Two complaints were received from Ms NK. They relate to incidents which occurred on 22 March 2007 and 17 April 2007.
2. In relation to the incident which occurred on 22 March 2007 a complaint was made by Ms NK's solicitor on 10 April. A complaint was made on 19 April 2007 about an incident which occurred on 17 April 2007.
3. There are inconsistencies in the account in Outsourcing Abuse and in the complaints made, particularly that Ms NK said that she was slapped by the escorts and that she swallowed two 20p pieces. However the complaints made did not include a statement that her daughter had witnessed the assault on her and started wetting the bed. When interviewed Ms NK stated that her daughter was not taken to the toilet and wet herself. There was no complaint in relation to her hair being pulled out, although she told the doctor on 04 May 2007 that her hair had been pulled out during the attempted removal. She also told the Investigating Officer on 29 May 2007 that her hair had been pulled, and that she had been "taunted". There are other complaints by Ms NK which do not appear in the Outsourcing Abuse report. It is not possible to give any reason for the discrepancies. No conclusion can be drawn from the fact that these discrepancies exist.

REVIEW FINDINGS: Criminal complaint

1. A criminal complaint was made by Ms NK against an identified Detention Custody officer who allegedly slapped Ms NK on 16 April 2007. The Crown Prosecution Service indicated that there would be no prosecution on 17 September 2007.

REVIEW FINDINGS: The complaint

1. A complaint was made by a solicitor acting for Ms NK on 10 April 2007, that on 22 March 2007:
 - the escorting Detention Custody Officers took her daughter away from her and would not give her daughter back to her unless she got on to the plane;
 - that an officer slapped her face and squeezed her handcuffs on wrists; and
 - that she was refused water on the journey.
2. Ms NK made a complaint 19 April 2007 that:
 - she was hit in the ribs by the escorts' elbows;
 - that her right ankle was injured when it was twisted by an escort at a funny angle;
 - that it was painful when she coughed and that she had swallowed 2 x 20p pieces;
 - A solicitor's letter dated 19 April 2007 stated that the escorts beat Ms NK on 17 April 2007 and may have broken her leg. It was also stated that she had received no medical attention.
3. When interviewed on 29 May 2007 she stated that her complaint was that:
 - an officer had said that she was just here for the benefits, whilst she was in the van;
 - that whilst she was in the van she swallowed 50p, 20p, 5p and 20p;
 - that she walked back to the van with bare feet and that they refused to remove the handcuffs;
 - that she was pressed down in the seat by her shoulders and was elbowed four times in her shoulders;
 - that they banged an elbow on her knee;
 - that she was told by the Team Leader that she should say she had lost her passport in Douala; that the Team Leader pressed her hands and that her daughter was not taken to the toilet and wet herself.
4. None of the allegations was substantiated.

REVIEW FINDINGS: the investigation

1. Ms NK was interviewed by a Border and Immigration Agency Operational Services Unit, Detention Services investigator on 29 May 2007.
2. A number of witnesses were interviewed following the complaint about the incident on 22 March 2007. They included all the Company 3 Detention Custody Officers. A request was made to the airport authority for any witnesses and CCTV. No CCTV was available but a member of staff from the airport authority security signed a form stating that the detainee was violent and that there was no assault by the Detention Custody officers.
3. The only persons interviewed in relation to the complaint of 17 April 2007 were the escorting Detention Custody Officers.

lacerations of the left wrist which are highly consistent with injuries due to forceful traction on handcuffs, as described by her.”

There was an earlier assault allegation from when the family were picked up by immigration to be taken to detention Ms Thompson gave her account:

“At about 3 am. on Monday 17 October I was woken by banging on our door. I got up and went to the back window. I looked out and saw what I thought was a policeman who was just standing on the street with his arms folded, looking up at me. The banging continued and I recognised the voice of an Immigration Officer who I knew from East Midlands Immigration Service, shouting to let him in. I asked my eldest daughter Chinisha to let him in and he came into my house with two or three Immigration officers and at least one policeman and one policewoman.

The immigration officer told me that we were being detained and that we would be removed to Jamaica on 19 October 2005. They photographed and fingerprinted all three of us. I was kept in the living room while Christina and then Chinisha were taken upstairs in turn to pack some of their belongings. Christina came down first and was taken outside. Then Chinisha came down and she was also taken outside. I was still in my nightclothes, i.e. pyjama bottoms and a different coloured pyjama top and I was wearing a bra and pants underneath. I was barefoot. I was escorted upstairs by two female immigration officers, the policewoman and the policeman. I asked for my suitcase which was brought to me. I started to hand clothes from the wardrobe to one of the escort officers who handed them to another officer to put into the suitcase. I hadn't finished but one of the officers told me to stand in the corner while they packed.

I went to get a top and bottom to change in to and said I wanted to change. I asked the female officers to tell the man to leave but they did not respond. I then asked the policeman to leave but he did not reply either. I then tried to use one of the wardrobe doors as a screen to undress behind but one of the female escort officers kept pulling this away so that I was in full view. I turned my back, took off my pyjama bottoms and put on a pair of grey trousers. I would not take off my pyjama top while the policeman was there. I then went to pick up some of my clothes that were on the floor and the policeman came over and pulled these clothes from my hands.

The policewoman said that they were going to handcuff me and each of the immigration officers grabbed my hands while she tried to put the handcuffs on me. I was telling them that the handcuffs were too tight and I was moving a little to try and get into a more comfortable position. Suddenly the policeman came towards me. He grabbed me by the hair with his right hand and punched me to the right side of my forehead with his left fist. He said something like, 'here now, bitch' and used other swear words. This policeman then grabbed me by the neck and I was brought down on to the floor. As I was lying face down, and the other officers were securing the handcuffs, the policeman knelt on my back pressing me in to the floor. He then lifted me up by the throat and he was holding me so tight that I felt like I was choking and I began screaming that I could not breathe. He was acting crazy and smiling. I was asking myself what I had done to deserve this.

The next thing I remember is that I was sitting in a van. I was still barefoot. I was sat behind a wire mesh. The two immigration officers sat on the other side of this mesh and Chris was driving. I did not see the police officers. I complained to Chris that the handcuffs were too tight but he didn't reply. One of the women officers told me to shut up. Eventually the van pulled up outside St. Mary's Wharf Police Station where we stayed for a couple of hours. I was never taken into the police station.

At one stage a male officer – I cannot remember if this was an immigration or police officer – came to the van and loosened my handcuffs. About half an hour later another van pulled up and a woman got out. When she saw me she said something like, 'how is she like that?' to the other officers present. I do not know whether she was referring to my bruised appearance – as I had no chance to see or feel my forehead or my neck– or the fact that I was still wearing my pyjama top and had no shoes on. By this time I started to feel a pain above my right eye.

The officers who had been with me took her to one side and spoke with her for a while. When she returned she told me that they were taking me into the other van and that I was to behave. This woman took the handcuffs off me before putting me into the other van. Both of my daughters were there. As the van drove off I remember seeing the policeman who had assaulted me waving.

I and the children arrived at Yarl's Wood Immigration Removal Centre at approximately 12 noon on October 17th. I saw a nurse on reception who told me that because of the injuries I had that I would

have to see a doctor. She did make a note of my injuries, noting on a diagram that there were two red lines on my back, bruising to my wrists and bruising to the right forehead. I did not have access to a mirror until I got to Yarl's Wood and it was only then that I could see the swelling and bruising to my forehead. My right eye was also bloodshot and there were finger-marks on my neck but the nurse did not make a note of this.

I was unable to see a doctor until 20 October 2005 as we were taken to the airport on 19 October. Our removal was abandoned however as when the air hostess saw the physical state I was in, she refused to let me on the plane. I continued to have headaches around the area where I was punched and I went to Healthcare about this twice in November. This is also noted in my medical records. I have a thyroid problem which affects my eyes and my condition has worsened since this incident. I reported the assault to healthcare staff at Yarl's Wood on four occasions but it was only after my solicitor became involved that this was reported to the police”.

The police investigation found that there was not sufficient evidence to prove an assault had occurred because the accounts of the immigration officers conflicted with that provided by Ms Thompson. They concluded that the only evidence that might have substantiated her complaint was a bruised eye. However, they concluded that this could have been caused by her thyroid eye disorder. Two doctors have now commented that thyroid eye disease would not be a plausible explanation for a bruised eye. The Home Office investigation into the complaint also concluded the allegation of assault was not proven, but apologised for the failure to conduct a timely investigation into her complaint.

FINAL REVIEW FINDINGS

1. Mrs Thompson and her daughters were awakened on 17 October 2005 and taken from their home at 06.35 to St Mary's Wharf Police Station and thence to Yarl's Wood Immigration Removal Centre. The team which took them comprised three police officers (two from Leicestershire Police and one from Derbyshire Police), and three Immigration Officers, employed by Company 9.
2. Mrs Thompson complained that a male officer was present in her room whilst she was trying to get dressed. He did not leave when she asked him to. She attempted to dress behind her wardrobe door but a female officer moved it so that she could be seen. There is no evidence on file about the account which the officers involved gave of themselves.
3. She complained that she was assaulted by a police officer who punched her in the face, that she was taken to the floor and handcuffed.
4. One of the Company 9 staff stated that Mrs Thompson was handcuffed because she was “vocal and agitated and no-one could understand what she was trying to say”. There is no account of any discussion with her, or of any attempt to do anything other than use force in response to Mrs Thompson's agitation. There was no consideration of the proportionality of the use of handcuffs, as a response to the fact that Mrs Thompson could not be understood by the personnel present.
5. Mrs Thompson was placed in a vehicle and taken to St Mary's Wharf Police Station, Chester Green, Derby where she was reunited with her daughters and held until she was transferred to another van.
6. There is no evidence on file of what happened whilst she was at the police station.
7. She was then taken to Yarl's Wood Immigration Removal Centre.
8. Mrs Thompson complained after her arrival on 17 October 2005 that she had been assaulted and wrongly treated during her removal from her home to Yarl's Wood Immigration Removal Centre. She had injuries, particularly to her eye. The Centre Manager did not report her complaint to the police or take any action in response to it.
9. There should have been 3 investigations following this incident:
 - A police investigation of the alleged assault. This occurred and resulted in a finding by Derbyshire Professional Standards Unit that no further action was required. A complaint was stated to have been made to the Independent Police Complaints Commission.
 - An investigation of the Company 9 staff activity at her home, and en route to and at St Mary's Wharf Police Station. This investigation was not conducted by Company 9 or by anyone else.
 - An investigation of the Company 5 staff who took Mrs Thompson and her daughters to Yarl's Wood, and of the Company 5 failure to report her assault claim to the police. There is no evidence of a proper investigation of this matter. Company 5 have stated that because Mrs Thompson did not complain using the correct Form DCF 9, it would not have been treated as a complaint, but she should have been told how to complain. There is no evidence that she was told.
10. The only element of Mrs Thompson's complaint which was upheld was her allegation that the Company 5 Centre manager at Yarl's Wood did not report her allegations to the police and did not take any further action in respect of her complaint, for which Company 5 apologised.

11. There was no investigation of what happened before Mrs Thompson and her daughters arrived in Yarl's Wood Immigration Removal Centre, other than the criminal investigation.
12. There was no structure to the investigation which was conducted. The person appointed as investigator had received one day's training and was very concerned about this and about the fact that s/he had to conduct the investigation whilst continuing to do their usual work.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. It is not possible to comment on the detailed content of the Outsourcing Abuse statement on the basis of the papers which I have seen.
2. Mrs Thompson and her children were taken from their home for removal to Yarl's Wood Immigration Removal Centre. There is no dispute that force was used against her. There is no information about the allegation made by her 17 year old daughter. Ms Thompson reported her injuries after her arrival at Yarl's Wood Immigration Removal Centre. Those injuries were recorded.

REVIEW FINDINGS: Criminal complaint

1. A complaint was made by Ms Thompson's solicitors to police on 03 February 2006. This complaint was referred to Derbyshire Police Professional Standards Department. 03 May 2006 it was not upheld by Derbyshire Police on the grounds that her eye injury may have been the result of thyroid eye disease, which was diagnosed after the incident, and that the blow which she suffered was a lawful distraction technique. It is for the Independent Police Complaints Commission to determine whether there was any police misconduct in the investigation.
2. Mrs Thompson complained that she was taken barefoot, and half dressed; that she was handcuffed; that she was punched in the face, and abused; that she was brought to floor and a knee was placed on her neck; that she was lifted so hard by throat that she began to choke, and that she lost consciousness.
3. This complaint was also referred by Mrs Thompson's solicitors to the Independent Commission for Police Complaints. The complaint against police lies outside my remit.

REVIEW FINDINGS: The complaint.

1. Ms Thompson complained on arrival at Yarl's Wood Immigration Removal Centre that she had suffered trauma during the removal from her home to Yarl's Wood Immigration Removal Centre. She said that she had been "roughly handled". This was communicated to the Yarl's Wood Centre Manager. She had bruising to her eye, two red lines on her back, and bruising to her wrists. Company 5 concluded that this complaint was against Company 9. However it was reported on 27 June 2006 that Company 9 was not informed or given any opportunity to investigate.
2. This matter was not dealt with by the Yarl's Wood Centre Manager who was employed by Company 5. On investigation it was stated that the allegation that Company 5 did not forward the complaint of which they were aware on 17 October 2005 was substantiated. Company 5 apologised for this failure to investigate.
3. On 03 February 2006 Ms Thompson's solicitors also complained to the Immigration and Nationality Directorate Customer Relations Unit.
4. Mrs Thompson was interviewed on the telephone by Immigration Services Customer Relations Unit on 17 March 2006
5. The complaints against the Immigration Officers were that:
 - Mrs Thompson was not allowed to dress in private;
 - that she was ignored by Immigration Service staff when she asked them to get a male police officer out of the room so that she could change;
 - that she sought privacy by going behind her open wardrobe door to change, and that a member of Immigration Service staff moved the wardrobe door when she was changing behind it; and
 - that a member of Immigration Service staff told her to shut up when she said the handcuffs were too tight.

REVIEW FINDINGS: the investigation

1. The Immigration Services Customer Relations Unit investigated the Company 5 staff at Yarl's Wood, but not the other staff who were involved in the removal of Mrs Thompson to Yarl's Wood.
2. There was difficulty finding an investigator to investigate Mrs Thompson's complaints. On 24 February 2006 an investigator was appointed and was told that s/he should investigate after the police had completed their enquiries, but s/he could speak to Mrs Thompson before the police had done so.
3. The investigator who was appointed wrote to his/her supervisor saying that they had had a one-day Power Point presentation training in investigation, and that the procedures which had been

- covered did not really cover what was necessary for an Investigating Officer. The investigator stated that the investigation was asked of "someone just trying to do it on top of their normal job". In particular s/he said that the "Procedures do not say HOW things should be done". S/he was very concerned and aware of their lack of skills and knowledge. S/he does not appear (from the file) to have been managed in a way which would have enabled a proper investigation.
4. There are many deficiencies in the investigation file:
 - the original trauma report recording Mrs Thompson's allegation of assault and her injuries from is not on the file;
 - there are no notes of the six interviews which were conducted: one officer was not interviewed as the police were investigating him, during part of the investigation;
 - materials such as police notebooks and reports are referred to but there are no copies of the documents on file;
 - the operational order for Mrs Thompson's removal from her home is not on file;
 - the log of what happened at the removal is not on file – e.g. she and her children were photographed and fingerprinted;
 - the photographs of Mrs Thompson and her children are not on file;
 - the Incident and Use of Force Forms are not on file;
 - the Yarl's Wood Logs are not on file;
 - Immigration Service staff notes, records, forms are reported to be held but are not on file;
 - there is no reference to any CCTV at Yarl's Wood;
 - there is no consideration of the necessity or proportionality of the force used from the time when immigration and police staff arrived at Mrs Thompson's home until she arrived at Yarl's Wood;
 - an unsigned draft final report is among the papers. It stated that the investigation was completed on 14 June 2006.
 5. There are various medical notes on file which record Mrs Thompson's injuries. There is not a complete set of medical records.
 6. The Complaint against the Company 5 Centre Manager was that he was informed in writing by staff on 17 October 2005 about the trauma suffered by Mrs Thompson. There is no evidence that the Trauma Form was ever received in the Centre Manager's Office but it is clear that the Manager was informed. The Trauma Form which had been completed was not dealt with correctly. There was no evidence to explain this. The Immigration Services Manager stated that s/he was satisfied that it was a fault within an internal system rather than a fault of any particular and identifiable individuals.
 7. A memorandum dated 23 May 2006 stated that the information which was received about the Company 5 manager was not submitted on a Form DCF9. It was recorded that in such circumstances non DCF9 complaints were not dealt with unless further evidence was received or a direct request was received from Immigration and Nationality Directorate. The justification for this was that an official complaint was only made when a complainant uses a Form DCF9 which was then copied and put in a DCF 9 log book and recorded on computer.
 8. There is no evidence that most of the elements of Mrs Thompson's complaints against Company 9 and Company 5 were dealt with. There was no consideration of whether there was any misconduct issue attaching to any use of force by the Company 9 officers prior to Mrs Thompson being transferred to the custody of the Company 5 staff. The investigation was conducted by an investigator who had not been properly trained, and there is no evidence of any effective management of that investigator. This has been brought to the attention of the United Kingdom Border Agency, but no further investigation is possible, as Company 9 no longer exists.

Case D3 Ms. H M Rwanda / Ghana
The Outsourcing Abuse allegation

Ms HM's date of birth is unknown but an age assessment by Dr C Michie (an independent doctor) states that Ms HM's age is about 16 years old. On January 13th 2007 Ms HM claims she was moved from one part of Yarl's Wood IRC to another two days before her proposed removal, although the removal was cancelled due to Judicial Review proceedings. She says that Global Solutions Ltd male officers were employed to control and restrain her as they removed her from the shower area while she was almost naked. She was handcuffed from behind and carried to another cell, wearing only underpants and holding a blanket, and suffered bruising from the officers' actions. She stayed there for 2 days, with no food for 24 hours.

There was no note of Ms HM's injuries in the Yarl's Wood IRC healthcare centre records Medico-legal reports by Dr L Kralj (independent nurse specialist with the Helen Bamber Foundation) and Dr

Charlotte Harrison (independent psychiatrist) state that there had been exacerbation of Ms HM's post traumatic stress disorder.

The alleged assault was reported to Greyfriars police station in Bedford on 16th January 2007 and no further action was taken by the police. A police officer, when attending Ms HM to take details of her complaint told her that Yarl's Wood "is not a holiday camp".

A complaint was made to the Home Office. The allegation of assault was not upheld, although there was some criticism of the use of men handling a near naked female detainee. The complaint was also reported to the Ombudsman who made some further criticisms of use of Segregation and the lack of clothing afford to Ms HM. Ms HM is claimed to be a victim of sex trafficking.

FINAL REVIEW FINDINGS

1. Ms HM was being held in Yarl's Wood Immigration Removal Centre pending her removal. It is not clear how old she was. Medical evidence forwarded by her solicitor suggested that she may have been only 15 years old. Were this the case she should not have been in Yarl's Wood on her own. There is no record that Yarl's Wood staff knew how old she was.
2. She was to be removed on 15 January 2007.
3. I have examined all the papers and viewed the CCTV which is available in relation to this complaint which was referred to the Prisons and Probation Ombudsman. In such cases my remit is to determine whether further investigation is required. I have seen nothing which would indicate that further investigation is required.

Case D4 Ms. T N Uganda

The Outsourcing Abuse allegation

Ms TN from Uganda and two children were taken from Yarl's Wood IRC in February 2006 to the airport for removal on an Ethiopian Airlines flight. She says that immigration escorts threatened that they would assault her if she resisted and that she would be handed over to the Ugandan authorities to be put in prison and tortured. Ms TN claims that the immigration escorts described her and her children as "black monkeys".

Ms TN says that she was taken to the plane by four male immigration escorts and that two female immigration escorts carried her two children. Ms TN said she told the immigration escorts that she would not co-operate as she was sick. Ms TN claims the four male immigration escorts grabbed her, put handcuffs on her, lifted her up and forcibly seated her. A male escort sat either side of Ms TN; one put pressure on her back and the other pushed her head down by holding her neck. Ms TN said she felt breathless and in pain. The pilot intervened and told the escorts to remove themselves and Ms TN from the plane.

Ms TN says she was threatened by the immigration escorts again in front of her children and was taken to the police station at Gatwick airport and told she would be charged with assault for having hit one of the immigration escorts, that she would get a criminal record which would mean her asylum case would be refused. Ms TN claims she was locked up in a police van for nearly two hours before being taken back to Yarl's Wood IRC with her children.

Ms TN says the police interviewed her, dropped the charges against her and would not consider her allegation of assault by the immigration escorts. Ms TN made a complaint to the Home Office who responded that they could not investigate further as she had not provided enough evidence, and nor could they recover her money that Ms TN claims was signed for when leaving Yarl's Wood IRC but not given to her.

FINAL REVIEW FINDINGS

1. On 16 February 2006 Ms TN was removed from Yarl's Wood Immigration Removal Centre for deportation to Uganda with her two children. The escorting party consisted of four Company 3 staff and a Company 10 medical officer.
2. The attempted removal was uneventful until the party boarded the plane. There was an incident on the plane when Ms TN resisted removal and was handcuffed. Ms TN became very violent and injured the Company 3 driver, who was on the aircraft. He had an injury to his right eye. Ms TN was taken off the plane, because the pilot refused to carry her. Ms TN's complaints were not substantiated.
3. Ms TN was taken to Gatwick Police Station where she was arrested for assault of a Detention Custody Officer. Police reported that it was not in the public interest to prosecute her.

4. When Ms TN was returned to Yarl's Wood Immigration Removal Centre she made a complaint about failure to return money to her. She subsequently made complaints of assault and verbal abuse. Her only reported injury was handcuff injury to her wrists.
5. The Detention Custody Officers deny any abuse of force. The Medical Escort who was accompanying the party said she did not see the incident in which the Control and Restraint Techniques were used.
6. £6.86 was taken from Ms TN. There is no evidence that it was returned to her, or that the matter was investigated properly, but an offer to pay the money to her was made. The papers indicate that she accepted the offer and provided an address. I asked the United Kingdom Border Agency whether the money had been paid, and was informed that she had not responded to the offer to pay the money.
7. There is no evidence that the allegations of verbal abuse and the alleged threats were investigated, although the officers were questioned briefly. There was no attempt to secure evidence from anyone else.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. Ms TN was taken with her children to Gatwick Airport as described in the Outsourcing Abuse Report.
2. There is no record on the files of the specific verbal abuse alleged in the Outsourcing Abuse Report.
3. Ms TN was handcuffed and subjected to Control and Restraint techniques to place her in a seat. The justification for this was that she had assaulted a Detention Custody officer, causing injury, and was shouting and violent.
4. Ms TN was taken to Gatwick Police Station where she was arrested for the assault of a Detention Custody Officer.
5. She was subsequently released by the police and returned with her children to Yarl's Wood Immigration Removal Centre.

REVIEW FINDINGS: Criminal complaint

1. Ms TN was taken by her escorts to Gatwick Police Station. A complaint was made against her, and the police say that no written complaint was made by Ms TN. Gatwick Police stated on 24 April 2007 that Ms TN had been recorded as an offender, but that there was no public interest in prosecuting her.

REVIEW FINDINGS: The complaint.

1. A complaint was made by Ms TN on 16 February 2006 to Yarl's Wood Immigration Removal Centre that £6.86 was taken from her by the escorts and not returned. On 27 February 2006 she was told that the "money would have been put in your bag".
2. She was told that if she wanted to complain further she should complete a Form DCF 10. She submitted a further complaint on 03 March 2006. The complaint was referred to the Overseas Escort Monitor on the same day.
3. The Immigration and Nationality Directorate then told her that she should complain to police by 20 March 2006 if she wished to do so. If she made no police complaint the Immigration and Nationality Directorate would proceed with internal investigation.
4. Ms TN complained that she had been assaulted by being handcuffed, her head was pushed between her legs, and an officer sat on her back so that she could not shout. She was then taken off the plane.
5. She said that two of the Detention Custody Officers had wanted her children to be taken away from her.
6. She also complained that she was verbally abused.
7. Company 12 wrote to Ms TN on 03 January 2007 stating that the complaint about the money had been investigated and "the money was put in your bag or your children's bag by staff". However the company was prepared to pay £6.86 "without responsibility". Ms TN wanted to accept this offer and an address was provided for the money to be sent to.

REVIEW FINDINGS: the investigation

1. The complaint was against staff of Company 3, and Company 12 was asked to conduct the investigation.
2. The complainant was interviewed.
3. When asked if she would mind giving consent for access to her medical records she responded "Yes I would very much mind". This was justifiably interpreted as a refusal by Company 12.
4. Ms TN stated that she suffered handcuff injury to both wrists.
5. An Incident Report Form was available, which did not substantiate Ms TN's allegations.

A complaint about the alleged assault was made to Heathrow police station who took no further action. A complaint was made to the Home Office on June 24th 2004 which was stayed because of the civil claim. The Home Office have recently written to Ms AP's solicitor to enquire about the outcome of the civil action case.

FINAL REVIEW FINDINGS

1. There is no information among the papers as to what exactly happened at Heathrow Airport on 03 April 2004.
2. A criminal complaint was made on 01 July 2004 and police determined on 19 December 2004 that there would be no further action.
3. A complaint was made on 24 June 2004. There was no investigation of this matter.
4. A civil claim was made on 13 October 2004.
5. Ms AP received damages from Company 5 on 28 November 2007.
6. This matter was not dealt with properly.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. There is nothing in the file to confirm or contradict what is alleged to have happened to Ms AP on 03 April 2004. It is noted that she received damages.

REVIEW FINDINGS: Criminal complaint

1. Ms AP's complaint was referred to the police, who determined that there would be no further action.

REVIEW FINDINGS: The complaint

1. Ms AP made a complaint on 24 June 2004 that at Heathrow Airport on 03 April 2004 she was told by Company 5 staff that she had to go on the plane with her baby, despite the fact that her husband had told her that their Removal Directions had been withdrawn. She said that the Minister's office had not told Heathrow of the cancellation. She became very distressed, and would not go. She was forced to the floor, an officer stepped on her back, and two others twisted her arms behind her. She was screaming, and was told if she continued to scream, they would continue to twist her arm. Her baby was crying and being ignored. She said that there were other detainees present. She was taken to another room. She was then marched to the flight with her hands handcuffed behind her. She said that Officer F was twisting the handcuffs. She said they used verbal and racial abuse. The pilot refused to carry her. She and the baby were taken to immigration in Terminal 1.
2. Injuries allegedly sustained included tenderness to her shoulders and arms, and a graze to her wrist. She was traumatised, as was her baby.

REVIEW FINDINGS: The investigation

1. No investigation was conducted and no investigation is now possible after five years.
2. The papers which are available disclose that:
 - on 09 July 2004 the complaint investigation was suspended during the investigation by police of Ms AP's criminal complaint;
 - On 19 December 2004 the complaint investigation was suspended during Ms AP's civil claim;
 - On 24 April 2005 the civil case against the Home Office was dropped;
 - In 01 April 2007 the Borders and Immigration Agency assumed responsibility for complaints against detention centres; and on 12 October 2007 they asked Company 5 what had happened;
 - On 28 November 2007 Company 5 settled the case, but when Company 3 took over from Company 5, Company 5 retained the papers and responsibility so Company 3 did not know anything. Ms AP received damages;
 - On 08 January 2008 the Border and Immigration Agency asked again for a copy of the investigation manager's report;
 - On 31 January 2008 the Border and Immigration Agency made further enquiries.
3. No reply was received from Company 5.
4. This was a wholly inadequate response to a serious complaint, but was consistent with organisational procedures at the time. However by the time that the civil claim was concluded, responsibility for the running of the escort service had transferred to a third party who would not have had disciplinary powers over those under investigation. This combination of circumstances means that no further investigation is possible.

2. Mr AN made a complaint on Form DCF 9 on 19 June 2007. He was taken to Campsfield House Immigration Removal Centre on 22 June 2007. His complaint was received on 23 June 2007. It was not substantiated. He made a criminal complaint.
3. Mr AN's complaint was not properly investigated.
4. The allegations with regard to Mr AN's attendance at the Immigration Removal Centre should have been the subject of a separate investigation.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. Mr AN was being sent back to Cameroon as indicated in the Outsourcing Abuse statement. When interviewed he did not say that he had been treated in the way described in the statement. He described minor injuries only.
2. There is no medical evidence on the file about Mr AN's health. It is not possible to comment on the medical statements made in the Outsourcing Abuse Report.

REVIEW FINDINGS: Criminal complaint.

1. A criminal complaint was made on Mr AN's behalf by the United Kingdom Border Agency Investigator on 01 August 2007 to Heathrow Northside Police.

REVIEW FINDINGS: The complaint.

1. On 19 June 2007 Mr AN completed a complaints form DC9, which was received at Campsfield House Immigration Removal Centre on 23 June 2006. He complained of assault and being called a "F...Ing black slave" on the plane.
2. A final report was issued by letter dated 03 August 2007 to Mr AN. The complaint was found to be unsubstantiated.

REVIEW FINDINGS : the investigation

1. There were very few documents on the investigation file.
2. Mr AN was interviewed in relation to his complaint on 27 June 2007. He complained of handcuff injuries and said that he was pressed behind the ears.
3. A nurse was present on 22 June 2007 when Mr AN was returned to the Immigration Removal Centre, and the reception record states that he had a small scratch on his wrist and pain in his ears. He is reported to have refused an examination of his wrist.
4. He saw the doctor the following day. He reported handcuff injury only to the doctor.
5. The four officers who were involved in the operation to deport Mr AN, were interviewed. No-one else on the plane who might have witnessed the alleged events was interviewed.
6. There was no CCTV.
7. There is no medical evidence on file.
8. There is no evidence from the airline as to why Mr AN was offloaded.
9. There are no logs or forms or records on the file in relation to the events alleged to have happened.
10. This was a brief unsatisfactory investigation, and there is very little evidence or information on the file. On the basis of the records which are available no further investigation is possible.

Case F1 Mr. K M Uganda

The Outsourcing Abuse allegation

22 year old Uganda, Mr KM says he was taken by Group4 Securicor from Colnbrook IRC to Heathrow Terminal 4 on March 5th 2007 for removal on a Kenya Airways flight. He claims that he was put in a black van with tinted windows with four immigration escorts and warned to cooperate. The van was driven around Heathrow as apparently there was no place to park and wait for the flight. During this time, Mr KM says the immigration escorts discussed their kick-boxing qualifications.

Mr KM says he was put on the plane, threatened and racially abused. He says he asked to go to the toilet in the plane but the immigration escorts refused to allow him to. When Mr KM insisted he needed the toilet, he claims that one of the immigration escorts punched him in the back and that he was pushed onto the floor. He says that four immigration escorts kicked him in the stomach and ribs and punched him. He was forced back to his seat, bleeding, and the immigration escorts pushed him down with their knees. Mr KM says that passengers started screaming and made complaints, and that an air stewardess ordered the immigration escorts to get themselves and him off the plane.

Mr KM says that immigration escorts put him in handcuffs which they pulled, cutting into his flesh on both wrists. He says the immigration escorts were angry, closed the tinted windows in the van, covered up the CCTV camera and beat him again. They kicked him in the stomach, squeezed his

neck, held his head down, and that one of the immigration escorts used his knee at the nape of his neck. Mr KM says the immigration escorts told him they will be back and will kill him if he doesn't co-operate with removal, called him a "black monkey" and told him he has no right to be in the country.

Mr KM says his right arm was bruised and swollen, and that he could barely move it. He says he could not move his middle finger, that he had a cut on his left arm from handcuffs, and other minor cuts. He says both his wrists hurt and he had problems moving them. Mr KM says his neck was swollen and he had a pain which spread to the spinal cord. He says he had a large bruise on his forehead just above left eye and cuts in his mouth.

Mr KM says the detention centre doctor saw him, prescribed paracetamol and said that the "proper restraint was used". Dr Miriam Beeks (independent doctor) visited Mr KM in detention and made a request that an x-ray was taken, which was not acted upon.

Mr KM was released a few days after his alleged assault. He reported the assault to Uxbridge police station who he says told him that they were not investigating the claim as they had been told that he had dropped the complaint. Mr KM says he later spoke to an officer at Heathrow police station who said to come back once the x-ray results were available.

Mr KM says he made a complaint to the Independent Monitoring Board but received no response from them. His asylum claim had been dealt with through the "Fast Track" process and there were outstanding Judicial Review proceedings at the time of the attempted removal. Dr Frank Arnold (independent doctor) had done a medico-legal report in July 2006 on Mr KM, noting scars consistent with torture as described by Mr KM.

FINAL REVIEW FINDINGS

1. Mr KM was the subject of an attempted removal on 05 March 2007, at 19.00 hrs. He had previously been the subject of two failed removals on 21 April 2006 and 01 March 2007. A four man escort was arranged on 05 March 2007. He was collected from Colnbrook Immigration Removal Centre, taken to Heathrow where he was boarded and subsequently dis-boarded, and returned to Colnbrook Immigration Removal Centre.
2. No complaint was made by Mr KM about this incident prior to his being contacted by United Kingdom Border Agency staff seeking to examine the statement in Outsourcing Abuse.
3. The paperwork relating to Mr KM's failed removal on 05 March 2007, which was supplied by Company 7 is incomplete.
4. The evidence indicates that there were no problems when Mr KM was collected from Colnbrook Immigration Removal Centre. It was accepted that he was driven around the airport as there are a number of tasks prior to boarding the aircraft. There is no evidence as to the length of time during which he was at Heathrow Airport prior to 18.30. It is accepted by both Mr KM and the escorts, that on arrival at Heathrow Airport Mr KM had a coca cola and a cigarette provided by the escorting Detention Custody Officers and that he used an escort's phone to telephone South Africa. He was also allowed to use the toilet and there was no evidence of any problem at this stage. There was a 45 minute wait at the air bridge.
5. The evidence indicates that the situation became more difficult when Mr KM boarded the plane. He asked to go to the toilet, and confirmed at interview that he was permitted to do so. The door was kept open to prevent Mr KM taking any steps to disrupt the flight. (Company 7 stated that they had previous experience of people smearing themselves with excrement to prevent deportation.)
6. When asked to vacate the toilet, Mr KM became non-compliant and was escorted back to his seat. He then started to shout and became aggressive. The escorts described him as fighting with them. Mr KM was then handcuffed with rigid cuffs behind his back, and continued to shout and struggle. The airline would not carry Mr KM because he was "Out of control. Noisy. Disruptive on board the aircraft which upset most pax seated around the area".
7. The available medical evidence is that, on return to Colnbrook Immigration Removal Centre, Mr KM had an abrasion on his left wrist, and some tenderness and bruising to his arms. No other injuries are recorded, although there is evidence of further examination by a doctor the following day, and a report of "no swelling or bruising on neck, not tender on spine, trapezium or chest". No visit to hospital was recommended.
8. The report which was referred to by the independent doctor in the Outsourcing Abuse Statement was not available to the Investigator. Medical Justice confirmed to me, on 14 October 2009, that the doctor did see Mr KM in detention after the alleged assault, but did not write a medico-legal report as Mr KM was released the next day.
9. The Independent Monitoring Board has stated that it has no record of any complaint by Mr KM.

10. The investigation which started on 30 April 2009 was as thorough as possible in the circumstances. The final letter gave reasons for the decisions which were made, but in some instances those reasons were not evidence based, they were statements of normal practice.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The evidence does not support the allegations made in Outsourcing Abuse.
2. Mr KM was taken to the airport for deportation. The airline declined to carry him because of his behaviour. He made a complaint about his treatment to the police. The Crown Prosecution Service determined that there should be no prosecution.
3. He made no other complaint at the time, and his subsequent complaint was not substantiated by the evidence.

REVIEW FINDINGS: Criminal complaint

1. Mr KM made a complaint to the police. The Crown Prosecution Service decided that there was insufficient evidence to prosecute.

REVIEW FINDINGS: No original complaint

1. No complaint was made by Mr KM about this incident.
2. This matter was investigated following the decision by the Director of Detention and Criminality that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated. The investigation commenced on 30 April 2009.
3. During interview Mr KM made a number of allegations. Those allegations, and the United Kingdom Border Agency response to them, was as follows:
 - That the officers hid their badges. This was not substantiated because they would not have got access to the airport had they done so.
 - That he was handcuffed to a Detention Custody Officer and that cloth was wrapped around the handcuffs. It was stated that this is not done.
 - That the black officer was the most aggressive. The response was that he was not aggressive at interview or in his personality (this is not, however, relevant to his conduct on the occasion in question). The officers say that at the airport Mr KM used their phone, smoked their cigarettes and accepted a soft drink.
 - That he told the Detention Custody Officers that his Judicial Review was imminent. Removal Directions are only suspended if a Crown Office Number for a Judicial Review is obtained. Mr KM had exhausted all remedies.
 - That he was driven around Heathrow for hours. This was not substantiated.
 - That the Detention Custody Officers talked of martial arts. An apology was issued, and Detention Custody Officers were reminded about not engaging in private conversations which might be interpreted as threatening.
 - That he did not go through security. This was rejected as he had to go through security in order to board the plane.
 - He was watched at the toilet. This was denied. It was stated that the door was kept open but there was only discreet observation. The officers were suspicious that this was an attempt to disrupt departure. They told him to hurry. However the records show that he had to be taken out using force and returned to his seat. He was abusive to the black Detention Custody Officer. He struggled and was handcuffed behind his back. He continued to kick and fight and shout. The airline refused to carry him.
 - That he received a savage beating on the aircraft, on the air bridge and in the van. This was not proved. He had waited forty-five minutes at the air bridge. He had walked to the aircraft himself. No racist comments were made
 - That he was lifted and carried face down horizontally. This was not proved. He was walked down the aisle by the Detention Custody Officers.
 - That he was given a savage beating on the aircraft, on the air bridge and in the van. He said he had a bruise to his left eye, cuts in his mouth, and bleeding from his mouth and nose. Blood was dripping onto his jeans and the floor. The other passengers were screaming. There was no evidence of this. The reason for his removal from the flight by the airline was the noise Mr KM was making, disruption to other passengers and possible endangerment to aircraft. He was handcuffed for ten minutes only.

REVIEW FINDINGS: the investigation

1. In accordance with the decision made by the United Kingdom Border Agency to investigate all unreported allegations in the Outsourcing Abuse Report an investigation was established on 30 April 2009.

2. Mr KM was interviewed about the allegation in Outsourcing Abuse about which he had made no complaint.
3. The paperwork relating to Mr KM's failed removal on 05 March 2007, which was supplied by Company 7 is incomplete. It includes forms relating to the cancellation of the removal including a Refusal to Fly form completed by an airline employee, a brief Operations Report, an Incident Report Form and four Use of Force Reports which justify the use of handcuffs "because of Mr KM's behaviour". There is no consideration of the proportionality of the level of force used. However Mr KM had to be removed from the plane, and there is no evidence that the force used was excessive. The records show that he was handcuffed for 10 minutes only.
4. The Purchase Order for the removal stated that a vehicle with CCTV should be used. It is not known whether such a vehicle was used. No CCTV was available, given the time lapse since the incident
5. Of the four Company 7 Detention Custody Officers involved in Mr KM's attempted removal, the Team Leader had returned to South Africa, the van driver was no longer employed. The other two were interviewed. They denied assault.
6. The airline Duty Officer was contacted.
7. A request to Mr KM for access to his medical records on 03 July 2009 was not returned.
8. Company 7 stated that he was seen on return to Colnbrook Immigration Removal Centre on 05 March 2007 by a nurse, identified by Company 7 as Nurse F. Company 1, who took over from Company 7 at Colnbrook Immigration Removal Centre, state they have no record of a nurse by this name. They have provided only a typed sheet of entries made by doctors and nurses. On arrival back at Colnbrook Mr KM had a small abrasion on his left wrist consistent with the use of handcuffs. No other injuries were noted by the nurse. He complained the next day of pain to his chest, neck, wrists and forearms. He was seen by a doctor, who diagnosed tenderness and bruising to the forearms, and a superficial laceration to the wrist. There was "no swelling or bruising on neck, and he was not tender on the spine, trapezium or chest". No visit to hospital was recommended.
9. Mr KM's medical records were sent to Dover after he was detained in July 2007. They are no longer available. There are no records reporting what happened when Mr KM returned to Colnbrook Immigration Removal Centre, other than the brief medical report identifying injury to his hand and some tenderness and bruising to his arms. Access to such records would have been important, and the United Kingdom Border Agency Investigator tried to secure such records unsuccessfully.
10. Mr KM's account of both the assaults on him and the manner in which he was removed from the plane are not consistent with the available evidence. There is no mention in any of the reports provided of any injury to Mr KM's mouth, ribs, stomach, neck, or forehead.
11. When asked about the injuries which it is claimed in Outsourcing Abuse that he had suffered, he simply stated "look at the independent doctor's report". There is no record of the independent doctor's visit and no report from the doctor on file. Medical Justice has confirmed that the doctor did not write a report when she examined Mr KM on 06 March 2007.
12. The Independent Monitoring Board was contacted by the Investigator and has responded that there is no record of any complaint by Mr KM.
13. The investigation which started on 30 April 2009 was as thorough as possible in the circumstances.

Case F2 Ms. E A Uganda

The Outsourcing Abuse allegation

38 year old Ugandan, Ms EA was restrained and handcuffed at her home on April 14th 2004 and taken with her young daughter to Oakington IRC where she attempted suicide. She was moved to hospital where she stayed until 18th May 2004. There were outstanding MP representations that had not been answered and therefore removal was arguably unlawful.

Dr F Holloway (independent consultant psychiatrist) wrote a medico-legal report on 26th April 2004 and diagnosed Post Traumatic Stress Disorder and severe depressive episodes with a high risk of suicide Detention, the threat of removal, and forced separation from her child aggravated her vulnerable mental health and may have led to the suicide attempt.

A complaint made to the Home Office was not upheld.

FINAL REVIEW FINDINGS

1. There are no papers relating to any complaint made by Ms EA, although the United Kingdom Border Agency Manager at Lindholme IRC notes that "all the files I have collated have been

taken from my office and I don't know where they have been taken as this happened whilst I was off sick".

2. A bundle of loose papers are available. They contain information which, on occasion, is contradictory in the detailed timing of Ms EA's movements, and the names of the hospitals to which she was taken. They indicate that two police officers and three Immigration Officers had arrived at her home on 14 April 2004 to bring her and her husband and child to Oakington Immigration Removal Centre for a planned removal the following day. She appeared to swallow something and an ambulance was called, but no medical problem was identified. There are two statements from ambulance personnel who reported that they had been called at 17.19 on 14 April 2004. Ms EA declined help, and said that she had not taken anything. It is stated that she seemed to be of sound mind. She stripped herself naked and attempted to bite the officers. She was dressed and handcuffed and taken to Oakington Immigration Centre (via Croydon Enforcement Unit). A Detainee Information Reception Report states that Ms EA arrived at Oakington Immigration Removal Centre on 14 April 2004 and was released at 18.00 hrs on 16 April 2004.
3. Copy notes state that on 15 April 2004 there was a plan for Company 3 staff to remove Ms EA and her husband and child. She was found vomiting in the Family Room, having taken an overdose of tablets. She was taken to hospital at 18.00 hrs on 15 April 2004 and her husband accompanied her. Among the medical papers was a copy of a Cancellation of Removal form which stated that the passenger was disruptive and violent on 15 April 2004.
4. At the hospital she swallowed half a bottle of hand wash in an apparent attempt to kill herself. She was transferred to hospital in London for psychiatric treatment. She was released unconditionally on 12 May 2004.
5. The few papers which are available state that both Ms EA and her daughter were put into care because she was suicidal.
6. There is no evidence of any complaint or, consequentially, of any investigation.
7. There is no evidence that Ms EA was to be separated from her husband and child as a consequence of the planned deportation. She appears to have been necessarily separated as a consequence of her suicide attempts which preceded the child being taken into care.
8. It is not possible to comment further on this matter. No further investigation is possible at this stage.

REVIEW FINDINGS: Civil Action

1. A civil action was launched by Ms EA on 13 August 2007. She made a statement in connection with this claim on 15 April 2008.
2. This action continues.

Case F3 Ms. S K Cameroon

The Outsourcing Abuse allegation

32 year old Cameroonian, Ms SK was moved from Dungavel IRC by Premier Detention Services guards to Hairmyres Hospital in Glasgow on three occasions in May and June 2004 for treatment and subsequently surgery in relation to a lump on her breast. On each occasion Ms SK alleges that she was handcuffed throughout the period of stay in hospital, with guards remaining present throughout consultations and right up until she was unconscious and wheeled into theatre for operation.

Ms SK claims she is a torture victim and had been held in detention for 8 months at Yarl's Wood, Dungavel and Tinsley House IRCs.

Dr Charlotte Harrison (independent doctor) wrote a psychiatric report, mainly dealing with the effects of prolonged and unlawful detention of Ms SK.

A civil action claim for unlawful detention against the Home Office and against Premier Detention Services for violation of Article 3 regarding handcuffing whilst at hospital was settled out of court with both defendants.

FINAL REVIEW FINDINGS

1. The available material indicates that nobody from Dungavel Immigration Removal Centre denied that Ms SK was handcuffed repeatedly, and for long periods, during her visits from Dungavel to Hairmyres Hospital.
2. A complaint about this matter was brought to the attention of the contractors, Company 4, and the United Kingdom Immigration and Nationality Directorate Immigration Services. In addition to this a civil claim was lodged by Ms SK's solicitors.

The then Immigration Minister responded on the October 11th 2005 to a written complaint about various alleged incidents of abuse that Mr KM was subjected to. The Minister did not dispute that the strip-searches took place, or that no banned items were found, but did not uphold the complaint. After the response from the Minister, Mr KM says he was placed on constant suicide watch and classified as a high risk and dangerous detainee and was almost immediately transferred to Colnbrook IRC. Mr KM says that there were three attempts to remove him from the UK.

Mr KM claims to have been jailed by the Ugandan government for his gay rights work and subjected to four months of forced labour, water torture, beatings and rape.

FINAL REVIEW FINDINGS

1. Mr KM arrived in the United Kingdom on 26 April 2005 and was detained at Harmondsworth Immigration Removal Centre on 05 May 2005 for Fast Track Removal. He was released from Harmondsworth Immigration Removal Centre on 06 January 2006.
2. There is no record that Mr KM was strip searched at Harmondsworth Immigration Removal Centre. Nor is there any allegation that he was so searched in the representations which I have seen, and which were made on his behalf in 2005. Records contain reference to two occasions on which Mr KM was searched whilst at Harmondsworth. On 05 August 2005 he was suspected of concealing something in his trousers and searched. Nothing was found. On 08 September 2005 staff at the smoking room suspected an illegal substance was being smoked and all detainees present were searched. Mr KM was one of those detainees.
3. There is no evidence that Mr KM was forced through the immigration process.
4. Free access to legal representation and interpreters was made available to Mr KM. The records show that he made use of these facilities on a number of occasions. On one occasion at an asylum hearing his solicitor had to leave early. Mr KM said he was content to proceed. Mr KM is also recorded to have availed of the services of two advice organisations. It is also recorded that on one occasion Mr KM attended an appeal hearing without representation of his choice. On that occasion it is stated that the Judge made allowances to assist him.
5. Mr KM said that his papers were confiscated. There is no record of this, although there are records which show that his papers were placed in the Centre safe on 05 May 2005, 21 May 2005, 24 May 2005, 02 June 2005 and 15 June 2005 and returned for signature. On one occasion he refused to sign.
6. Although Mr KM's medical records cannot now be checked, they were checked for the purposes of the Ministerial response in October 2005 and it can be seen that Mr KM's only complaint on arrival at Harmondsworth was that he suffered from asthma, for which he did not have an inhaler. He was provided with an inhaler and when it ran out an appointment was made for him to attend a doctor. He did not attend on 14 August 2005 so was re-booked for 20 August 2005.
7. Mr KM had access to health services, and did not request access to counselling, or state that he was suffering from a psychological disorder.
8. There is no record of Mr KM asking for transfer to another centre. In his detention records he is describes as "polite and compliant".

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. An examination of the papers which are available does not show evidence of the mistreatment or unacceptable behaviour alleged in "Outsourcing Abuse."

REVIEW FINDINGS: Criminal complaint

1. There is no evidence that any complaint to the police was made by Mr KM or his representatives.

REVIEW FINDINGS: No complaint.

1. No complaint was made by Mr KM at any period between 2005 and 2009 to Company 13, and the United Kingdom Border Agency received no complaint. However representations were made on his behalf and those were investigated and responded to by the Minister concerned.
2. This matter was investigated following the decision by the Strategic Director of the Detention and Criminality Group that any matter which was reported in the Outsourcing Abuse Report, and which had not previously been the subject of an investigation, should be investigated.

REVIEW FINDINGS: The investigation

1. Mr KM was twice invited for interview by the United Kingdom Border Agency Investigator. He did not respond to either letter. As a consequence of this lack of response there is no consent for access to his medical records. However the subject of his medical care prior to 11 October 2005 is dealt with at length in a Ministerial letter of that date.

2. There is no record that Mr KM was subjected to an anal examination. There is no record that Mr KM was strip searched at Harmondsworth Detention Centre. Nor is there any allegation that he was so searched in the representations made in 2005. Records contain reference to two occasions on which Mr KM was searched whilst at Harmondsworth, which are referred to above. The Minister's letter of 11 October 2005 simply states that Mr KM was searched on two occasions.
3. The Investigator could find no evidence of the mistreatment or unacceptable behaviour alleged in outsourcing Abuse.
4. This matter was dealt with as fully as possible by the Investigator.

Case F5 Mr. Apollo Okello Uganda
The Outsourcing Abuse allegation

25 year old Ugandan, Mr Apollo Okello says had been given a series of misleading statements from Campsfield House IRC management as to reasons why he was being asked to report to them. He refused to comply. Then in the early hours of the morning on February 17th 2007 he says a large number of detention custody officers employed by GEO came into his room wearing riot gear (the room was shared with another detainee). Mr Okello claims that without warning they proceeded to assault him by throwing him face down on the ground, and grabbing his groin and squeezing it. He was then carried wearing only his boxer shorts into a cold room with air conditioning on in segregation.

Dr Douglas Carnall (an independent doctor) examined Mr Okello on February 21st 2007; "Examination of his scrotum reveals no apparent bruising. There were two small very superficial linear 4mm abrasions, one on either side of the scrotum laterally, about 2cm distal to its junction with the perineum. ... Such lesions would be consistent with an injury from fingernails a few days before. There was a 8mm contusion overlying the lateral process of the ulna at the right elbow. It was coloured brown, and would be consistent with having been incurred a few days before. ... There was slight tenderness overlying the ninth, tenth and eleventh ribs anteriorly on the left. ... His psychological suffering is evidently intense. His current mental state is consistent with either depression or post-traumatic stress disorder. His injuries are consistent with his account of being forcibly removed from his room five days before, a process that appears to have included, for want of a better term, "testicular restraint."

Dr Charlotte Harrison (an independent psychiatrist) also wrote a medico-legal report on him.

The alleged assault was reported to Kidlington police station. The police failed to investigate because they were wrongly told by the Home Office that Mr Okello had been removed from the UK. On learning this, Mr Okello attempted to get his complaint looked at again but was unable to make contact with the police officer. The Home Office complaint report notes that the police looked at the matter further and concluded that there was no evidence to support Mr Okello's allegations. However this was never communicated to Mr Okello. A complaint was subsequently made about the investigating police officer to the Independent Police Complaints Commission.

A complaint about the alleged assault was made to the Home Office on March 5th 2007 but it was not upheld. A further complaint was made to the Ombudsman; the outcome, dated December 11th 2007, did not uphold the assault allegation but made a condemnation of the loss of video and CCTV evidence by Campsfield House IRC despite requests that this should be preserved.

Second assault

Mr Okello was transported to Heathrow airport from Dover IRC to be removed on a Kenya Airways flight to Uganda on August 20th 2007. Shortly before he was taken on to the plane Mr Okello says he learned that a barrister was arguing before a judge for an injunction to stop the removal and was hopeful for a positive result. He claims that immigration escorts employed by Company 3 suddenly received a call and rushed him on to the plane. On reaching the plane Mr Okello says that he asked that he be allowed to phone his solicitor to ascertain the outcome of the efforts to secure an injunction. He says the immigration escorts refused and tried to force him onto his seat, which he resisted. Eventually he was taken off the flight and placed back in the van where he claims he was assaulted by being punched to his face and ribs. He was subjected to racist abuse including "Black monkeys don't want to go back to their country".

Dr Charlotte Harrison (independent psychiatrist) wrote a report on Mr Okello's psychiatric injury. Dr Frank Arnold (independent doctor) wrote a medico-legal report on August 25th 2007: "The injuries to

escorts were assaulting her. The immigration escorts tried to stop her from screaming. They pulled and forced her head against her lap and she says she felt a sharp pain in her neck and back. The immigration escorts twisted her neck three times from right to left and left to right. They threatened to break her neck and pulled and ripped off two of her hair plaits.

One female immigration escort placed her hands over Ms MM's nose and mouth. Attempting to get the female immigration escorts to remove the suffocating pressure over her mouth, she bit the female immigration escort's hand.

A flight crew member told them to get off the plane. The immigration escorts argued but eventually took her off the plane. One immigration escort kept pulling and dragging Ms MM with the handcuffs, inflicting more hand injuries. The assault on Ms MM continued in the van. One immigration escort used handcuffs to bruise her hands. The immigration escorts abused Ms MM verbally and said "you black people have AIDS, perhaps you have infected us with it" and said they would give an adverse report about her.

Ms MM saw a doctor who gave medication and cream to apply to neck and back. She experienced neck and back pain for some time following the alleged assault and was traumatized. Dr Rob Sword, Hospital Practitioner in Rheumatology, Queen's Medical Centre Nottingham, noted on November 28th 2005; "She [Ms. MM] may well have some spasm, certainly in the trapeziums and possibly in some of the Para vertebral muscle tissue, which could be accounting for some of her symptoms ..."

The alleged assault was reported to Heathrow police and Ms MM was charged with Actual Bodily Harm having bitten an immigration escort's hand. The trial was held on February 21st 2006 at Isleworth Crown Court and the jury found Ms MM not guilty.

FINAL REVIEW FINDINGS

1. Ms MM was taken to Heathrow Airport on 21 April 2005 for removal to Zimbabwe.
2. Following disruptive behaviour by her the airline declined to carry her and she was offloaded.
3. She made a complaint about her treatment but did not respond to a request for an interview from the investigator. Nor did she give her consent to access to her medical records.
4. An investigation was carried out into the complaint which Ms MM had made. The complaint was not substantiated.
5. Ms MM was investigated for biting one of the Detention Custody Officers. She was charged but ultimately the matter was not proceeded with.
6. There was no evidence from any of the airline staff. There was very little documentary evidence. The investigator did not have the benefit of the medical report referred to in Outsourcing Abuse statement. The quotation from the medical report does not state that it refers to the incident the subject of complaint.
7. The investigator did not seek to interview the Detention Custody Officer who was allegedly bitten, after the cessation of criminal proceedings against Ms MM.
8. In the absence of the documentary evidence which should have been available no further investigation is possible.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. The account of the incident of complaint is very similar in both the Outsourcing Abuse report and Ms MM's complaint. However she does not say in her complaint that her head was twisted from left to right three times. She does not say she was told that ".. Black people have aids".
2. There was no access to any report by the Practitioner in Rheumatology at Queen's Medical Centre, Nottingham.

REVIEW FINDINGS: Criminal complaint

1. A complaint was made against Ms MM by the escort whom she allegedly bit.
2. The records show that she was charged on 02 September 2005 and was to go to trial in February 2006. In March 2006 the police announced that there would be no further action.
3. There is no evidence of any criminal complaint by Ms MM.

REVIEW FINDINGS: The complaint

1. A complaint was made by Ms MM which was received on 22 April 2005. She said she was told that she would travel to Nairobi with the escorts, and would continue the journey from Nairobi to Zimbabwe alone. She alleged that the Detention Custody officers escorting her said that they would not go to Zimbabwe because two of their colleagues had been captured at Zimbabwe airport. She alleged she had been kicked from behind and was forced into her seat. Her head

was pushed down and they twisted her neck. She said that "S" put her hand on her mouth. They pulled two hair extensions off her head. Miss MM bit her in self defence. The airline offloaded her. She stated that she could not turn her neck, her hands were red and swollen, and her right side was paining her. She said that the escort said she would write a bad report about her and that she could do nothing. She complained of verbal and physical insults. Her handcuffs were removed at the gate of Yarl's Wood Immigration Removal Centre because they said they were not allowed.

2. A final letter closing the complaint was written to Ms MM on 30 May 2006. The complaint was not substantiated.

REVIEW FINDINGS: The investigation

1. On 24 March 2005 the Investigator wrote to Ms MM asking her for consent to access her medical records, and for interview. There was no response to this letter. Ms MM was thus not interviewed.
2. One of the Detention Custody Officers was interviewed. The second Detention Custody Officer, whom Ms MM bit was not interviewed, as a criminal trial of Ms MM was pending. The third Detention Custody Officer was no longer employed by Company 3.
3. It is recorded that the captain was present at all times. The Captain refused to carry Ms MM because she was screaming and protesting. Ms MM bit the escort very shortly after he had made the decision to off load Ms MM. There was no complaint by the air crew about the handling of Ms MM.
4. Handcuffs are recorded as having been applied at 19.40 and removed at 21.40.
5. There is an absence of the records relating to this failed removal and there is no medical evidence because of the absence of consent for access to Ms MM's medical records. The investigator did not see the report referred to in the Outsourcing Abuse statement.
6. The investigator did not seek to interview the Detention Custody Officer who was allegedly bitten, after the cessation of criminal proceedings against Ms MM.
7. In the absence of the documentary evidence which should have been available no further investigation is possible.

Case F8 Mr. S K Ivory Coast

The Outsourcing Abuse allegation

Mr SK, a 34 year old Ivorian, claims that on September 22nd 2003 an officer at Haslar IRC asked him to go to the Health Centre to sleep overnight, after an attempted suicide the previous day. He refused because he said he needed the distraction of other detainees and TV as he could not sleep. Mr SK says that the officer left and returned with about eight other officers who picked him up by the wrists and legs and put him on the floor with his hands behind his back, with one officer sitting on his back and another holding his legs bent. They carried him out of the room and then pushed his head into the floor in the corridor and kicked and punched him in the back. He was taken to an isolation cell. The next day he was removed to Dover IRC. A disturbance broke out at Haslar IRC on Mr SK's wing by detainees who were distressed by his treatment.

Dr William Scott (an independent orthopaedic surgeon) wrote a medico-legal report on May 27th 2004 and Dr C Pourgourides (an independent psychiatrist) wrote a report of Mr SK's psychiatric injuries on June 9th 2004. Mr SK's injuries included soft tissue injuries to his neck, back, shoulders and knees, stiffness in his shoulder, tenderness in his neck and knee, and restriction of flexion in lumbar spine. He also suffers from post traumatic stress disorder Mr SK was arrested and investigated for assault. No further action was taken by the police, either against Mr SK or in respect of his complaint of alleged assault. Mr SK's complaint was not separately investigated by the Home Office.

Mr SK lodged a civil action case which went to trial in June 2006; the judge did not find assault proven. There were about five detainee witnesses corroborating Mr SK's account, but all had been removed from the UK by the time his case came to trial and therefore could not give evidence.

FINAL REVIEW FINDINGS

1. Following concerns about Mr SK's risk of self harm he had been seen by a medical practitioner who required his detention within the medical wing to prevent self-harm. He refused to go to the medical wing when requested to do so. He was removed to the Medical Unit by officers using Control and Restraint techniques.
2. Mr SK complained to police about this incident which occurred at Haslar Immigration Removal Centre, which is run by HM Prison Service.
3. There is no evidence that Mr SK made a complaint, and his solicitors have no record of the matter being referred to the Immigration and Nationality Directorate.

4. The medical report referred to in the Outsourcing Abuse Report was prepared some eight months after the alleged incident. In the absence of any information about Mr SK's health and what happened to him between September 2003 and May and June 2004 it is not possible to comment on the relevance of this evidence to the allegation.

REVIEW FINDINGS: The Outsourcing Abuse Statement

1. Since no complaint was made about the incident which is reported in the Outsourcing Abuse, it is not possible to make any comment in relation as to any consistency or inconsistency with the Outsourcing Abuse statement.
2. There was a civil action in which Mr SK made a complaint very similar to that which is reported in Outsourcing Abuse. That case was dismissed, and the Judge commented that the Claimant's evidence on this issue was implausible.

REVIEW FINDINGS: Criminal complaint

1. Hampshire Police decided on 10 June 2004 to take no further action against Mr SK and the officers who allegedly assaulted him. The police were satisfied that the force used to detain Mr SK was lawful and that the officers were legally entitled to restrain him under S 35 Immigration Detention Rules 2001, because Mr SK had been seen by a medical practitioner who required his detention within the medical wing to prevent self-harm.

REVIEW FINDINGS: No complaint

1. There is no evidence that Mr SK made any complaint. I wrote to Mr SK's solicitor on 08 April 2009 to ask whether they had made any complaint. Mr SK's solicitor confirmed that he had made a complaint to police about the assault and that there was a full investigation by Hampshire Constabulary. The solicitor has no record of the matter being referred to the Immigration and Nationality Directorate.

REVIEW FINDINGS: The investigation

1. There was no investigation because no complaint was made, other than the complaint to the police, which was fully investigated. No further investigation was possible at this stage.

Case F9 Ms. B G Cameroon

The Outsourcing Abuse allegation

29 year old Cameroonian, Ms BG says she was taken on August 28th 2007 from Yarl's Wood IRC by immigration officers employed by Independent Training Agency to Southampton airport for removal from the UK on an Air France flight. Ms BG, who has a history of serious mental illness, claims that escorts attempted to force her to take her medication. She was handcuffed and her knees were bound together and she was taken to the plane by four immigration escort officers where she panicked and shouted. The immigration escorts pushed her head down and covered her mouth.

On arrival in Paris she panicked and tried to run away. She was handcuffed at her back, had a belt tied round her knees, and was kned in the groin by her immigration escorts. She was then carried to a French police car and later transferred to another plane. She again had panic attacks and remained handcuffed at the front until the plane reached Cameroon. At the airport in Cameroon, the authorities refused her entry to the country, apparently because of her poor physical condition. She was taken in a wheelchair to the next plane back to the UK. On arrival in the UK she was taken to Hillingdon Hospital and then back to Yarl's Wood IRC.

Ms BG's injuries included her wrists and knees being swollen and bleeding. She had bruises on the left thigh and both calves, a laceration on left knee, and vaginal bleeding. She had panic attacks and reports of severe depression and auditory hallucinations.

Dr Joseph O' Neill examined Ms BG in Yarl's Wood IRC on September 4th 2007 He noted: "Neck - external rotation limited to 45 degrees to the left due to pain. (Normal range of movement is 90 degrees) ... Tenderness suprapubic area. Left knee - 3 x 3 cm bursa inferomedial to left patella.) Left knee - 1 cm horizontal laceration. Bruises: Right shoulder -1 cm circular. Lower spine - 2.3 x 2 cm over L3 area. Left thigh - two bruises - 2.5 x 2.5 cm - 2.5 x 2 cm Left calf - 2 x 1 cm. Right calf - 2 x 2 cm Individually they are consistent with her account; together they are highly consistent, as this pattern of injuries is highly unlikely to have been self inflicted." She has had three psychiatric unit admissions since 2004 and has made numerous serious suicide attempts. She appears to have been on SASH (suicide and self harm) watch at Yarl's Wood IRC until August 27th 2007, the day before her removal from the UK.

The alleged assault was reported to the police. The police claim that when they visited her at her home address she declined to make a formal statement, but she disputes this.

The complaint was investigated by the Home Office who found the complaint not substantiated. The complaint has now been referred to the Ombudsman, raising 13 different points of challenge to the findings, including concerns that the investigators decided that attempts by passengers to intervene and a complaint by the Cameroonian authorities were evidence of hostility and intimidation faced by the escorts, rather than evidence that interventions were made because of concerns regarding maltreatment.

FINAL REVIEW FINDINGS

1. On 28 August 2007 Ms BG was taken for removal to Cameroon. There is medical evidence on 17 July 2007 that she was suffering from serious medical illness, and had attempted suicide on 04 and 10 July 2007.
2. A complaint was made to police by Ms BG. Police in Hampshire stated that they sent police to Liverpool to take a statement from Ms BG on three occasions. It was stated that she had been advised that she should not meet the police without her solicitor. She did not contact the police again. The crime allegation was filed with a recommendation for no further action
3. I have examined all the papers in relation to this complaint which was referred to the Prisons and Probation Ombudsman. In such cases my remit is to determine whether further investigation is required. I have seen nothing which would indicate that further investigation is required.

APPENDIX 1

CHRONOLOGY OF THE INCIDENTS REFERRED TO IN “OUTSOURCING ABUSE “

2002

Case A6 04.04.02

2003

Case A12 25.10.03

2004

Case D6 03.03.04
Case F2 15.04.04
Case F3 24.04.04
Case F3 10.05.04
Case F3 17.05.04
Case C7 18.05.04
Case C5 26.07.04
Case C10 21.09.04
Case C8 04.11.04
Case F8 08-11.04
Case A5 25.12.04

2005

Case B5 19.03.05
Case B3 04.04.05
Case F7 21.04.05
Case F6 04.05.05
Case B4 17.05.05
Case F4 18.05.05
Case A11 26.06.05
Case B9 30.07.05
Case C6 30.07.05
Case C9 30.09.05
Case D2 17.10.05

2006

Case D4 16.02.06
Case A8 17.04.06
Case D2 17.04.06
Case B1 19.11.06
Case A4 10.12.06

2007

Case D3 13.01.07
Case B7 30.01.07
Case F5 17.02.07
Case F1 05.03.07
Case D1 17.04.07
Case D5 18.04.07
Case B2 14.05.07
Case B8 17.06.07
Case E2 18.06.07
Case A3 28.06.07
Case F5 20.08.07

Case F9	28.08.07
Case A7	28.08.07
Case C4	09.07.07
Case A9	04.10.07
Case A2	21.10.07
Case C3	22.10.07
Case A10	11.11.07
Case A1	21.11.07
Case B6	22.11.07

2008

Case C1	23.01.08
Case E1	06.02.08
Case C2	23.02.08

APPENDIX 2

COMPLAINTS RECORDED

Case Ref	Criminal Complaint	Complaint	Year of first incident
A1	N/A*	N/A*	2007
A2	No	No	2007
A3	Yes	No	2007
A4	N/A*	Yes	2006
A5	Yes	Yes	2004
A6	No	Yes	2002
A7	No	Yes	2007
A8	Yes	Yes	2006
A9	Yes	No	2007
A10	No	No	2007
A11	Yes	No	2005
A12	Yes	Yes/ No	2003
B1	N/A*	No	2006
B2	Yes	Yes	2007
B3	Yes	Yes	2005
B4	No	No	2005
B5	No	Yes	2005
B6	No	No	2007
B7	Yes	Yes	2007
B8	Yes	Yes	2007
B9	Yes	Yes	2005
C1	Yes	Yes	2008
C2	Yes (not reported)	Yes	2008
C3	No	No	2007
C4	No	No	2007
C5	Yes	Yes	2004
C6 (see B9)	Yes	Yes	2005
C7	Yes	Yes	2004
C8	Yes	Yes	2004
C9	No	No	2005
C10	Yes	Yes	2004
D1	Yes	Yes	2007
D2	Yes	Yes	2005
D3	Yes	Yes	2007
D4	No	Yes	2006
D5	N/A*	N/A*	2007
D6	Yes	Yes	2004

Case Ref	Criminal Complaint	Complaint	Year of first incident
E1	N/A*	N/A*	2008
E2	Yes	Yes	2007
F1	Yes	No	2007
F2	No	No	2004
F3	No	Yes	2004
F4	No	No	2005
F5	Yes/Yes	Yes	2007
F6 (see B5)	Yes	No	2005
F7	No	Yes	2005
F8	Yes	No	2004
F9	Yes	Yes	2007

* N/A = Not available

