



Home Office

# Arrest and restraint

Version 1.0

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# About this guidance

This guidance tells Immigration Enforcement officers when and how they may make an arrest using administrative immigration or criminal powers. It also tells them about the use of force to arrest or detain a person, or to effect forced entry into any premises.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email Enforcement Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Clearance and publication

Below is information on when this version of the guidance was cleared:

- version **1.0**
- published for Home Office staff on **12 July 2016**

## Changes from last version of this guidance

- new guidance

### Related content

[Contents](#)

# Who may arrest?

This page tells Immigration Enforcement officers who may make an arrest and whether to use administrative immigration powers or criminal powers of arrest. It also tells them about some of the duties and responsibilities of the arresting officer.

## Page contents

[Duty of care: arrested or detained person](#)

[Consequences of an unlawful arrest](#)

Within this guidance, the term 'arrest' means the arrest of criminal suspects or those arrested for the purpose of transporting an individual to a place of administrative detention under the Immigration Act 1971.

You must make yourself fully aware of the differences between:

- administrative arrest powers for the purpose of dealing with someone through administrative processes including removal
- criminal arrest powers for the purpose of investigating immigration criminal offences

More specifically, you must be fully aware of the:

- law covering the suspected offence in question
- manner in which you execute the arrest

For more information on your powers of arrest, entry and search, see [Coercive powers: overview and Search and seizure](#).

Those immigration officers who have successfully completed the immigration arrest and enforcement training and work in an appropriately authorised role in an Immigration Enforcement team can exercise a power of arrest. You must only use the power of arrest if you are following the criteria for making a lawful arrest and the relevant legal test governing the arrest power is satisfied. For instance, note the differences in [section 28\(1\) of the Immigration Act 1971](#) relating to the time constraints for proceedings within each UK jurisdiction.

An immigration officer (IO) exercising a specified power of arrest, question, search or seizure in England and Wales must have regard to such provisions in the Police and Criminal Evidence Act 1984 (PACE) codes of practice (or equivalents) as may be specified. The [PACE directions 2013 and 2000 \(No. 1 and 2\)](#) specify the relevant paragraphs within the code that correspond to a particular power.

The use of the power of arrest must be fully justified and officers exercising the power must consider if the necessary objectives can be met by other, less intrusive means.

## Duty of care: arrested or detained person

Once a person has been arrested or detained, Immigration Enforcement has a duty of care for that person that remains until they are transferred into police custody or to a Home Office removal centre. If, whilst waiting to be booked into custody, the detainee asks to use the toilet, requests a drink of water or makes any other reasonable request, you must check with the custody officer or custodian and help meet the request if it is approved.

If you use force (see [Use of force and restraint: enforcement](#)) then you must consider the aftercare of that person. This may simply require that you reassure the person by explaining when restraints will be removed and where they are being taken but may also require you to administer first aid or arrange for immediate medical treatment. You must record in your pocket notebook any aftercare (see Safety and critical incidents) actions that took place (and the reason for this) at the same time as recording the grounds for using reasonable force.

Officers and/or detainees who have suffered a head injury and are exhibiting signs as described in first aid training must be immediately transported to hospital for medical assessment and monitoring.

## Consequences of an unlawful arrest

The correct use of powers is vital in promoting and preserving our reputation for integrity and fairness. Misuse of powers may have wide-ranging consequences such as damage to the trust we have developed within our communities and provoking criticism from regulatory and other bodies.

Other possible consequences include:

- evidence obtained after the arrest being considered inadmissible (not allowed to be used in court) resulting in the failure of prosecutions in criminal matters
- any use of force after the arrest being considered unlawful
- you and/or the Home Office being sued for compensation
- disciplinary procedures being instigated

### Related content

[Contents](#)

# Making an administrative arrest

This page tells Immigration Enforcement officers how to establish that a person is liable to be arrested and when it is not appropriate to arrest. It also tells them what information (caution) to give to a person who has been arrested under administrative immigration powers.

## Page contents

[Establishing grounds to arrest: general considerations](#)

[When it is not appropriate to administratively arrest](#)

[Information to give on administrative arrest if you suspect person may be removed from UK](#)

[De-arresting at the scene](#)

## Establishing grounds to arrest: general considerations

To make an administrative arrest under [paragraph 17 of schedule 2 to the Immigration Act 1971](#), you must reasonably suspect that the person in question is liable to be held in immigration detention under paragraph 16 of that schedule. This suspicion may arise as a result of known information, the person's actions or information discovered during the course of an enquiry.

Although paragraph 17 is most likely to be used in most circumstances faced by Immigration Enforcement officers it is not the only administrative power in the Immigration Act 1971. You will also need to consider:

- paragraphs [24\(1\) of schedule 2](#) and [33\(1\) of schedule 2](#) in respect of breaches of temporary release (see Reporting and offender management) or immigration bail (see Bail)
- [paragraph 7 of schedule 3](#) in respect of individuals who are in breach of restrictions pending deportation

In general, reasonable suspicion for the purposes of arrest requires facts or circumstances that would lead a reasonable person to suspect that the individual requires leave under the Immigration Act 1971 and either:

- the individual has no leave
- there are grounds on which the individual's leave should be curtailed

The arrest must be necessary to progress the case, this could include:

- establishing identity in order to determine status
- interviewing further to determine status
- searching for documents post arrest to establish status and progress removal

Questions (see Enforcement interviews) must be relevant to the nature of the enquiry and will primarily focus on identity, nationality and legal basis of stay in the UK. The purpose of the questioning is to establish whether a breach of immigration law has been committed and whether an arrest is necessary. Whether to arrest



depends on the circumstances of the case and whether this is proportionate or necessary.

It is not possible to detail all circumstances that might provide a reasonable suspicion that a person is someone in breach of immigration law. Reasonable suspicion can only be provided by a general assessment of the known facts, the situation as it is known at the time and a reasonable conclusion drawn from the many possible circumstances that exist.

These might include the:

- nature of the premises and the purpose for which it is being used
- circumstances of other people located on the premises, for instance, where they are known immigration offenders reasonable grounds to suspect that their behaviour is a ground on which their leave may be curtailed, for instance, they support or promote terrorism

There may also be reasonable grounds to suspect that a person is breaching immigration law based upon their behaviour when confronted by immigration officers in uniform.

While reasonable suspicion does not require hard evidence, it does require more than a hunch. A combination of particular facts, even if each is individually insignificant, can form the basis of reasonable suspicion. In all cases, you must be able to demonstrate and record the objective evidence on which you base the 'reasonable suspicion' that forms the basis for your initial engagement with an individual. The reasons recorded must be sufficient to demonstrate that your actions are performed on an objective basis and therefore compliant with the Equality Act 2010.

Reasonable suspicion can never be supported on the basis of personal characteristics. It must rely on intelligence or information about, or some specific behaviour by, the person concerned. Reasonable suspicion cannot be based on generalisations or stereotypes of certain groups or categories of people as more likely to be involved in criminal activity.

### **When it is not appropriate to administratively arrest**

It is important to consider whether arrest and detention is necessary (see Detention management) for the operation of effective immigration control. Officers must consider whether arrest is necessary to determine the person's status and to consider whether the person should be removed from the UK.

It is unlikely to be appropriate to arrest a person if we already know their immigration status and no progression on the case will be made by arresting them. For example, in the case of a national whose immigration status has been established, but who cannot presently be removed due to their country being assessed as unsafe. Where administrative arrest powers are not available, officers must consider whether it would be appropriate to [criminally arrest](#) the individual.

## Arrest: children

Children must not be arrested under immigration powers simply for their own protection, ie where there is no immigration objective. If a child is suspected of criminality or there are concerns about their welfare (see Identifying people at risk (enforcement)) call the local police, and notify the relevant children services.

## Information to be given on administrative arrest

A person who is administratively arrested under [paragraph 17 of schedule 2 to the Immigration Act 1971](#) as a person who may be removed from the UK must also be informed that:

- they are under arrest and not free to leave
- the reason for the arrest
- why it is necessary to arrest them

You must give the following explanation to the person:

“I am an Immigration Officer. I am arresting you on suspicion that you are a person liable to immigration detention. This is because I suspect you **[give reason**, eg “have entered the UK illegally”, “have overstayed your leave”, “have breached a condition of your leave”, and so on]. This is not an arrest for a criminal offence.

Do you understand?”

You must record that you have given the above explanation in your pocket notebook (PNB) together with their confirmation of understanding.

If the person indicates that they have not understood the explanation you must explain it again in your own words or use any available means of interpreting the wording to assist their understanding. You can contact an interpreter by telephone through the Bigword Interpreter system on 0800 862 0624.

If it is not possible to give the person an explanation at the time of arrest, for example, because they are violent or too drunk to understand what is being said, you must do this as soon as possible afterwards.

Depending on the circumstances of their detention it may be appropriate to give some or all of the following advice either at the time or later:

- where they are to be taken
- that they are not entitled to free legal advice

In addition, you must explain to the person that they may have a legal representative or other person informed of their detention.

## Scotland: detention and arrest

Although immigration officers (IOs) in Scotland have a criminal power of arrest under the Immigration Acts, a suspect can only be questioned if detained but not yet arrested. Once the suspect is arrested, the general rule is that they cannot be questioned. IOs working in Scotland therefore use the power to detain pending arrest in the [Criminal Law \(Consolidation\) \(Scotland\) Act \(CLCSA\)1995](#).

Section 26B of CLCSA, as amended, defines an immigration offence, as:

“(a) an offence involving conduct which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) (insofar as it is not an offence within paragraph (a)) an offence under the Immigration Acts or in relation to which a power of arrest is conferred on an immigration officer by the Immigration Acts”

so that the power of detention under section 24, and arrest under section 26A(2) of the CLCSA applies to all immigration enforcement offences contained in, or for which an immigration officer has a power of arrest under the Immigration Acts.

Section 24A of the CLCSA, as amended, also clarifies that the role of ‘custody review officer’ can be undertaken by a police inspector and not just a person of equivalent rank. Under section 24A a ‘custody review officer’ may authorise an extension of the time period for which a person can be held in detention pending arrest and charge.

## De-arresting at the scene

If you decide that a breach of immigration law has not taken place or the administratively arrested or detained person is no longer a suspect, you must inform the individual that they are no longer under arrest and are free to leave.

Record in your pocket notebook the reasons for both the arrest and the release as soon as practicable.

An example of when this may be necessary is when the subject gives no comment to any questions about their status in the UK, is arrested on suspicion of entry without leave, but a subsequent search reveals documentation that shows they have an outstanding application and are reporting regularly to a reporting centre.

## Related content

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# Pursuit

This page tells Immigration Enforcement officers when it is and is not appropriate to physically pursue a person suspected of an offence, the factors that must be taken into account and how to record the facts of the pursuit.

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[Key principles governing pursuit](#)

[Circumstances in which officers may give pursuit](#)

[Reasonable grounds to justify pursuit](#)

[Where pursuit must not be given](#)

[If you decide to give pursuit](#)

[Recording grounds for pursuit](#)

[Reactive enforcement visits \(hot pursuit\)](#)

Pursuit of any suspected offender carries an element of risk and immediately creates a dynamic situation in which decisions have to be taken very quickly. It is therefore vital that officers are already fully conversant with the following instructions and advice and have a full understanding of their powers in these circumstances. The principles in this guidance apply equally to persons exiting a property and coming towards you if you are in the role of cover officer and not just for persons who are going away from you.

## Key principles governing pursuit

Only arrest trained officers may consider pursuit and only then where there are grounds to suspect that the person is:

- someone who may be liable to removal under [section 16\(2\) schedule 2, Immigration Act 1971](#)
- suspected of having committed an offence under the immigration acts (see Coercive powers: overview)

You must:

- only pursue a person if you intend to arrest the person and you consider it safe to do so
- consider your personal safety, that of your colleagues, the public and the suspect
- weigh the risk against known dangers, such as those notified during briefing and those that can be readily determined at the scene
- not pursue a suspect if you are unable to maintain communications with the officer in charge (OIC) and other colleagues
- terminate the pursuit if communications with the OIC are lost or not otherwise possible
- terminate the pursuit if the OIC calls it off

## Circumstances in which officers may give pursuit

You must continually be mindful that your statutory powers of arrest are principally limited only to immigration offences and a limited number of other offences (see [Lawful arrest for a criminal offence](#)). You **do not** have the same powers as the police to stop individuals in public places and **do not** have the same range of available powers to arrest for other offences.

You are permitted to pursue a suspect who leaves or attempts to leave the scene of an operational visit where:

- there are reasonable grounds to suspect the person may be liable to removal from the UK (ie they have committed a breach of immigration law)
- the person has absconded having been told that they are being arrested
- you have been requested by a police officer to assist in their pursuit and arrest of a suspect, when assisting police you remain under the direction of the OIC of the Immigration Enforcement visit

## Reasonable grounds to justify pursuit

An attempt to leave the premises is not in itself grounds to suspect that a person is an immigration offender. A person who is not under arrest is free to leave the premises if they wish. However, the circumstances of the encounter may give rise to a reasonable suspicion that they are an immigration offender.

It is not possible to detail all circumstances that might provide a reasonable suspicion that a person is an offender. Reasonable grounds can only be provided by a general assessment of the known facts, the situation as it is known at the time and a reasonable conclusion drawn from the many possible circumstances that exist.

These might include:

- the nature of the premises and the purpose for which it is being used
- the circumstances of other people located on the premises, for instance, where they are known immigration offenders
- any apparent criminality detected on the premises including trafficking

There may also be reasonable grounds to suspect that a person is an immigration offender based on their behaviour on being confronted by immigration officers who are clearly identifiable.

On entering the premises the officer executing the warrant, or gaining informed consent, must identify themselves and other officers present, and explain their role and purpose to those present.

If you see a person clearly attempting to evade contact with other officers you may reasonably suspect that the person was aware they were about to be questioned about their immigration status, and were trying to avoid questioning by leaving the premises immediately. You must take into account any other circumstances of the type listed above.

If you are a cover officer outside the premises you must consider that those you encounter leaving may not know that immigration officers are on the site or may misunderstand the nature of the visit and the enquiries being made. You must, immediately on detecting a person leaving the premises, identify yourself, your role and purpose. If the person then shows no signs of stopping, this may give you reasonable suspicion that the individual is an immigration offender who may be arrested.

## Where pursuit must not be given

There are circumstances in which you must **not** pursue a person. These include where:

- you are not arrest trained, in which case, you must alert a suitably trained colleague or a police officer
- you have no power of arrest
- there are no reasonable grounds to suspect that the person is an immigration offender
- leaving the scene of the operation would leave colleagues unable to secure a premises or area where other suspected offenders are located
- to do so presents unacceptable risks either to yourself, colleagues, the public or the person being pursued

However, you may assist a police officer in their pursuit if requested to do so.

## If you decide to give pursuit

Where you decide to pursue a suspect, you must:

- at all times maintain contact with the OIC of the visit using either airwave radio or mobile phone, if you are not sure that you will be able to communicate with the OIC then you must abandon the pursuit
- keep in mind all hazards and safety issues mentioned at the operational briefing and maintain a dynamic assessment of emerging risks

The OIC may consider calling off the pursuit in the light of perceived hazards and summoning instead local police assistance. If you consider the safety of the suspect, the public, yourself or your colleagues is in danger during a pursuit, you must abandon the pursuit immediately and advise the OIC of the last sighting of the suspect.

If the suspect places themselves in danger (for example climbing onto a roof, crossing a railway line or motorway), you must cease the pursuit and inform the local police control room. The OIC must declare a critical incident through their gold, silver and bronze command.

You must not seek or encourage members of the public (no matter how enthusiastic) to assist in any way in a pursuit and/or arrest. If any member of the public chooses to join a pursuit you must use your judgement to decide whether to instruct the public to desist (for example if you are aware the offender is armed or has a history of violence) and whether to call off the pursuit.

**Under no circumstances may you pursue suspects in road vehicles.**

## **Recording grounds for pursuit**

A pursuit is a serious incident that must be fully recorded and included in the operational debrief.

All actions must be justified in a pocket notebook entry that is contemporaneous (at the time) (or made as soon as practicable after the incident). Notes must include:

- clear indicators showing reasonable grounds to suspect the person to be an immigration offender
- whether they were arrested when stopped and, if not, why
- the identities of those assisting in the pursuit
- if the suspect evades officers, what actions took place following the pursuit

## **Reactive enforcement visits (hot pursuit)**

Where a specific wanted individual is not located at the address or premises visited, credible intelligence on their whereabouts may nevertheless be gathered.

There may be cases which merit an immediate follow-on enforcement visit to apprehend the individual. It is not possible to detail all circumstances in which an immediate follow-on-visit may be appropriate but these may include where:

- information discovered at the first address (that was not previously available) strongly suggests that the original targeted offender is located at another specific address
- there are reasonable grounds to believe that:
  - delaying the visit would alert the targeted offender, or other persons present, and allow them to evade detection
  - relevant evidence or other relevant materials may be moved or destroyed if information is not immediately acted upon

An immediate follow-on enforcement visit may only be conducted on the authorisation of a CIO. The CIO must be satisfied that:

- there is a legal basis to enter the premises and will need to consider whether to obtain a warrant
- the follow-on-address can be immediately visited using available resources
- the police in whose area the address is located agree to it going ahead
- checks against Home Office and police record systems are made before entering the second address to identify known risks and ensure that ongoing operations and surveillance are not compromised

The CIO must record their grounds for authorising the follow-on visit and confirmation that the above conditions have been met.

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**Official – sensitive: start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

**Official – sensitive: end of section**

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**Related content**

Record keeping during enforcement visits

Safety and critical incidents

Post enforcement visit actions

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# Use of force and restraint: enforcement

This page tells Immigration Enforcement officers about the use of force when arresting or detaining a person.

For guidance on how to effect entry into business or residence premises see [Using force to secure entry to premises: method of entry \(MoE\)](#).

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[Carrying and use of retractable batons](#)

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[Control and restraint while searching a person](#)

[Control and restraint of families and children](#)

[Injury to or a complaint by detainee](#)

The power to use reasonable force is set out in [section 146 of the Immigration and Asylum Act 1999](#).

Any use of force must be reasonable, necessary and proportionate.

The use of force by law enforcement officers is an emotive subject that may generate media attention and public debate. You may be called upon to justify that any use of force was reasonable, necessary and proportionate having regard to all the circumstances at the time.

## Definition of when you have used force

In many cases when you are arresting a suspect, your words alone may be enough to achieve a safe and lawful arrest. However, there will be circumstances when you need to use a degree of force to enforce effective immigration control and make sure you, your colleagues, the suspect or the public remain safe.

You are considered to have used non-compliant force for Home Office assurance purposes if you:

- arrest or restrain a suspect under any circumstances and you 'laid hands' on them, either before or after you have arrested them
- use handcuffs or 'lay hands' on a suspect for the purpose of compelling them to do something:
  - whether you get the suspect's 'agreement' to do this first
  - even for safely transporting the suspect from the place of arrest to a custody suite or detention centre
- use a retractable baton or even remove the baton from its holder in front of a suspect
- apply the 'escort position'

- use any other technique taught on a personal safety training (PST) course

In other circumstances, the force used may be considered 'compliant' in that you have for instance, physically guided a person towards or into a vehicle without resistance. Where you use handcuffs without resistance from the detainee, this may be construed as 'compliant' force but you must record the fact that you have used handcuffs in your pocket notebook in all cases. Use of handcuffs on an otherwise 'compliant' individual may be appropriate where you have grounds to suspect that their demeanour may change adversely, see [Deciding whether to use handcuffs](#).

Any verbal or physical resistance that requires a physical response or restraint must be treated as a non-compliant use of force and you must complete a full use of force report as well.

## Using reasonable force

Before using any force, you must consider whether there are any other ways to exercise a power or discharge your duties without using force.

If your decision is that force is necessary, you must use no more force than you need to exercise the power. When using force you must consider if the circumstances make it:

- necessary
- reasonable
- proportionate

Neither 'necessary' nor 'reasonable' are defined, so you must use your own common sense and good judgment when you make a decision as to whether and how much force you need to use. Any use of force must be proportionate to the threat being faced or the intended aim and you must reduce or increase the use of force as soon as the need for it changes.

## Use of force: the PLAN strategy

Use the 'PLAN' acronym to help you remember that any use of force must be:

### Proportionate

You must:

- use the minimum level of force required to achieve the legitimate objective (your outcome)
- demonstrate you understand the effect of your actions
- only use techniques the personal safety training (PST) course consider to be approved ways of using force

### Lawful

You can only use force if you are an arrest trained officer and you are carrying out your duties. When you exercise a power of arrest you must be able to demonstrate that there are reasonable grounds to suspect that either:

- a criminal offence has been committed
- the person may be liable to administrative removal

## Auditable

You must:

- record any use of force (see Record keeping during enforcement visits)
- keep the record for 6 years in case there is a legal challenge or complaint

## Necessary

You must demonstrate there was no practical alternative to using reasonable force and the force you used was necessary to prevent the suspect:

- causing physical injury to themselves or any other person
- suffering physical injury
- causing loss or damage to property

## Use of handcuffs

Those working in an immigration compliance and enforcement (ICE) team may not undertake any operational arrest, restraint or handcuffing unless suitably authorised and hold a valid permit. Her Majesty's Inspectors (HMIs) and equivalents must make sure ICE staff:

- attend the mandatory annual PST refresher courses
- hold a valid handcuff permit, certified after successful completion of the annual refresher course

The techniques and best practice for the use of handcuffs are covered during the training given to authorised staff. You must ensure that you adhere to the guidance you were given and ensure that you maintain your knowledge of any updates and changes to authorised practices.

## Deciding whether to use handcuffs

As the arresting officer it is your decision whether to use handcuffs. You must use your judgement at the time of the arrest and, if not used, continue to assess whether any change of circumstances justifies their use, for instance, where the subject's behaviour or attitude gives cause for concern.

If there is more than one officer involved in a 'struggle' with the suspect and all of you use force, it is the officer who applies the handcuffs who 'makes the decision' based on their judgment at the time of arrest. Normally this will be the arresting officer's decision but equally this decision can be made by another officer who is assisting with the arrest.

Arresting officers must only use handcuffs where there is an objective basis to do so. This means that there are objective grounds to believe that the person will seek to

escape from custody or that the person is likely to use violence against you, colleagues or members of the public.

You do not have to wait for a physical act from the person in order to use handcuffs. Your grounds can be based on a range of known circumstances that, taken together, mean you believe there is a real risk as described. These may include factors such as:

- their apparent physical capabilities suggested by age, gender and relative size and appearance
- the seriousness of the offence for which the person has been arrested and the potential consequences
- their previous history of compliance with restrictions and restraints
- verbal and non-verbal indications of a likelihood of violence

An assessment of a person's physical condition may conclude that handcuffs should not be used where there is an apparent risk that their use may aggravate a medical condition. In some cases it may be necessary, reasonable and proportionate to use handcuffs even where a person has a medical condition. Where handcuffs are used in such circumstances, it is essential that the person is monitored to detect any deterioration in their health.

Transporting a prisoner in a vehicle does not in itself provide grounds to use handcuffs. However, the risks to the driver and other passengers may increase the likelihood that use of handcuffs is reasonable, necessary and proportionate. Each case must be treated on its own merits.

## Recording the use of handcuffs

**You must record any use of handcuffs in your pocket notebook detailing the grounds for their use.**

Record you have applied handcuffs in your personal notebook including:

- why you decided to use handcuffs
- the position of the handcuffs when they were applied, for example, to the front or rear and their method of application, for instance, front or rear stack
- the time and date when you applied and removed the handcuffs
- the serial number of the handcuff set used

Record in your pocket notebook details of any injuries, cuts or marks following use of the handcuffs, or a comment to confirm there were no injuries or marks.

## Cases in which handcuffs should only be used in exceptional circumstances

You must only use handcuffs on the elderly, infirm, pregnant women or children in exceptional circumstances. You must not handcuff people with a chest medical condition, such as asthma, which restricts breathing, behind their back. You must be able to explain and justify why you used handcuffs in every case.

You might be able to justify using handcuffs and reasonable force on these people if:

- they showed the potential for using extreme force or violence against:
  - you
  - other officers
  - any other suspect
  - members of the public
- they have a criminal record which included a recent arrest for extreme violence or assault
- you have knowledge they used or are likely to have concealed weapons on themselves

## Removing restraints

The times when restraints are being applied and removed are potentially most vulnerable to violence or higher levels of non-compliance by the arrested subject. You must not remove handcuffs without the authority of the custody officer or custodian except in exceptional circumstances such as a medical emergency.

If you have applied handcuffs but removed them en route to custody, you must inform the custody officer or custodian of this immediately upon arrival.

## Carrying and use of retractable batons

Only designated arrest trained officers are authorised to carry a retractable baton and only if you are:

- a trained and designated investigation officer
- involved in a necessary, authorised arrest operation

Batons are an offensive weapon. [Section 1 of the Prevention of Crime Act 1953](#) prohibits the possession in any public place of an offensive weapon without lawful authority or excuse. The term 'offensive weapon' is defined as 'any article made or adapted for use to causing injury to the person, or intended by the person having it with him for such use by him or by some other person'.

If, for any reason, you stop being involved in arrest activity you must immediately return your baton to your line manager. If you continue to carry it without permission, you may face disciplinary action and prosecution.

Batons may only be used as a last resort and in accordance with your training and personal safety training (PST) instructions. Any instance of where a baton is drawn in reaction to a perceived risk must be fully reported in both your personal notebook and by completion of a use of force report (see [Use of force](#)).

## Reporting use of force

The officer in charge (OIC) must make sure the officer or officers who used force have completed the 'use of force' form (see [Use of force](#)) correctly.

## Completing the 'use of force' reporting form

Hold a debriefing meeting as soon as possible. The following people must attend:

- all staff who used force against the suspect
- all staff who witnessed others using force against the suspect
- the bronze commander responsible for the location where the incident occurred
- the silver commander for the operation

Use the debriefing meeting to:

- discuss what happened
- confirm whether any officers have been injured as a result of the incident
- detail the level of force used
- determine whether any lessons can be learned from the incident
- identify whether any staff must attend a PST course or refresher course

Make and keep a record of what was discussed and agreed at the debriefing meeting. All investigation and management records may be disclosed in court.

On every occasion when you have used control and restraint, you must complete a comprehensive incident report as soon as possible after the incident took place.

'Use of force' forms (see Use of force) must be completed before holding a debrief with the team members on the visit. Both CID and NOD must also be fully updated with details of the incident.

You need to complete the use of force page (see Use of force) on nodMMX in all circumstances where force is used (see [Definition of when you have used force](#)), except where there has been compliant:

- handcuffing
- application of the escort position

However, in both instances, you must still record this in your pocket notebook.

Once you have added this information to NOD, you must still complete an 'Accident and incident online report form', which must be completed after every incident or near miss.

## HM Inspectors' actions following use of force

The ICE team HMI in command of the operation must ensure staff complete:

- the 'use of force' report if they use non-compliant force against a subject or suspect
- a separate witness statement if they have used or have seen another officer use anything other than compliant force

Furthermore, they must ensure that anyone completing a report or witness statement does it individually and does not corroborate details with others. If they have had cause to discuss aspects of an incident, for instance in order to verify that all colleagues were accounted for and that there was no further risk, then all those involved must record in their personal notebooks:

- when this happened
- what was discussed
- the reason for the discussion

Copy all completed reports, and any witness statements, to a local file and ensure the ICE team assurance manager does a periodic audit of all instances using force.

HMIs must investigate and report any incidents where there is cause to believe:

- someone has used a disproportionate level of force
- someone has used any level of force that is not an approved PST technique
- any level of force that has not been properly recorded and reported
- an officer who has used any level of force is not PST trained or has not attended regular 'refresher' courses

## Control and restraint while searching a person

For general guidance on searching a person, see Search and seizure.

### Prone restraint (lying down) search

Prone restraint searches carry a high risk, are likely to be rare and should be avoided if at all possible. The best management is de-escalation, avoiding prone restraint, restraining for the minimum amount of time, lying the detainee on their side and constant monitoring of vital signs.

Prone restraint may be the only option if the person is aggressively uncooperative or if there is a clear threat to the safety of those present, for instance, there is reason to suspect that the person may have a weapon or other harmful object or substance. Officers must keep the period for which it is used to a minimum.

The prone restraint position is a use of force that must be fully reported and requires formal debriefing in accordance with [reporting use of force](#) and post enforcement visit actions.

The effects of a violent struggle or restraint can exacerbate the effects of drugs, alcohol or medication. Prolonged restraint and struggling can result in exhaustion and reduced breathing. This, with underlying medical conditions such as cardiac conditions, drugs use or use of certain antipsychotics, can result in sudden death with little warning.

### Principal risk factors that can contribute to death during restraint

This includes situations where:

- the body position of a person results in a partial or complete obstruction of the airway and the subject is unable to escape from that position
- pressure is applied to the back of the neck, torso or abdomen of a person held in the prone position
- pressure is applied which restricts the shoulder girdle or accessory muscles of respiration while the person is lying down in any position
- the person is obese (particularly those with large stomachs and abdomens)
- the person is of small or light build
- alcohol or drug intoxication (especially stimulants, eg cocaine, being on antipsychotic medication – some medications under certain conditions can cause abnormal heart rhythms)
- the person has a heightened level of stress

## Control and restraint of families and children

You must carefully consider using control and restraint on adults during any operation and weigh it against the possible impact this may have on any children present.

Where you anticipate that an adult is likely to be disruptive during the return, and control and restraint techniques may need to be used, operational planning must include considerations for shielding the child from witnessing any force being used.

In dynamic situations where the use of control and restraint is not foreseen, you must take reasonable steps to shield a child from witnessing force being used. For guidance, see Operational planning and briefing and Identifying people at risk (enforcement).

In line with [section 55 of the Borders, Citizenship and Immigration Act 2009](#) duty to have regard to the need to safeguard and promote the welfare of children, any officer dealing with cases involving children, or working in an environment where they may come across a child or vulnerable adult, must hold an enhanced Disclosure and Barring Service (DBS) check (formerly Criminal Records Bureau (CRB)), and have undertaken relevant training which is proportionate and relevant to their roles and responsibilities.

All family members, including children, must be arrested as a whole unit unless advice from the Independent Family Returns Panel (IFRP) indicates otherwise, or a separation has already been authorised. The arrest must be made as soon as practicable to ensure that the family is legally in immigration custody for conveyance to the port of departure or to pre-departure accommodation. Arrests in such circumstances are made under administrative powers contained in [paragraph 17 of schedule 2 to the Immigration Act 1971](#) and not under criminal powers. For more information, see Coercive powers: overview and Family separations.

The control and restraint of children and young people must be limited to circumstances where it is necessary for an officer to use physical intervention to prevent harm to the child or any individual present.



Physical intervention must not be used to force children to comply with a requirement to leave the UK. In the vast majority of cases there will be no need for officers to exercise physical control or restraint of minors.

Home Office staff and authorised contractors must consider the need to safeguard and promote the welfare of the child concerned, and any potential adverse impact to their physical or emotional wellbeing. Children who have been identified as having additional needs, such as medical conditions, learning and/or physical disability, may be more adversely affected by the use of force and this must be taken into account.

In cases where there is active physical resistance, and physical intervention is deemed absolutely necessary to prevent harm, officers and authorised contractors must ensure that any action is:

- limited to the minimum level of force required in that particular circumstance
- justifiable

All physical interventions must be in line with officer training and it is imperative that restraint must only be used for the shortest possible period and de-escalated at the earliest opportunity.

### Use of force on pregnant women

You must only ever use force on a pregnant woman to prevent her from harming herself, any member of her family, other persons present, or any member of staff. Any force used must be justified and proportionate. You must [report any use of force](#) detailing and justifying the reasons for using force. See also: Detention of pregnant women.

### Reporting use of force against or in presence of children

In the case of control and restraint involving a child or control and restraint against an adult in the presence of a child, a copy of this report must be sent to the Office of the Children's Champion. You must [report any use of force](#) in detail, setting out:

- why the force was necessary
- the techniques used
- how long the incident lasted
- who else was involved
- how any officer attempted to de-escalate
- the outcome of the use of force
- whether any injuries were sustained
- what was done to shield any child present from witnessing any force on accompanying adults and how successful that was

### Injury to or a complaint by detainee

If the detainee makes any complaint (see Safety and critical incidents) you must bring it to the attention of:

- the custody officer (in the case of a criminal arrest)

- your line manager (in all other cases and as soon as possible)
- any other detaining authority – for instance the immigration removal centre or short term holding facility

You must note the complaint in your pocket notebook and give the detainee the chance to read, agree and sign the entry confirming it is accurate.

If injuries, cuts or marks are visible after you have removed the handcuffs or the detainee makes a complaint about your use of handcuffs or the alleged injury, then your line manager must assess the situation. They will consider whether to refer it to the professional standards unit (PSU) who investigate all complaints of serious misconduct made against Home Office staff.

If you believe a medical examination is appropriate you must make a full note in your pocket notebook and make the detaining authority or custody officer aware.

### **Related content**

[Contents](#)

# Using force to secure entry to premises: method of entry (MoE)

This page tells Immigration Enforcement officers, trained in level 3 personal safety, emergency life support and method of entry (MoE) how to effect forced entry into business or residential premises.

You must read this guidance in conjunction with the national generic risk assessment (NGRA) on forced entry (see RA - Forced entry) and the safe systems of work (SSOW) for forced entry (see SSOW - Forced entry).

## Page contents

[Method of entry \(MoE\): background](#)

[Method of entry \(MoE\): general safety](#)

[Method of entry \(MoE\): recording use of forced entry](#)

[Method of entry \(MoE\): forced entry equipment \(FEE\)](#)

## Method of entry (MoE): background

MoE is a local and generic term used in connection with the employment of suitably trained and qualified officers to effect entry into business or residential premises, without compromising the health and safety (see Safety and critical incidents) of officers.

## MoE: definition

Forced entry is the creation of a breach in business or residential premises through which officers can pass without compromise of safety or initiative to carry out a lawful operation or duty.

A MoE forced entry is defined as:

- entering premises without the consent of the occupier
- occupants are informed of our presence and intent prior to entry
- force is used to gain entry

## MoE: who may authorise and execute a forced entry?

Authority to force entry to premises must be given in advance by:

- a chief immigration officer (CIO) (or equivalent grade) or above
- an Immigration Inspector (or equivalent grade) or above when '[using no-knock forced entry](#)'

You may only conduct forced entry if you have completed the Immigration Enforcement 2 day approved MoE training.

Training can only be delivered by certificated trainers and police trainers.

MoE training must be refreshed annually to maintain certification for the MoE role. If your certification has expired you must not conduct forced entry until you have completed refresher training. Extensions (see Guidance on temporary extensions to an officer's certification) are permissible the same as for arrest activity.

If you have not passed the health assessment you must not conduct forced entry until you have passed a subsequent health assessment.

## MoE: powers

Section 146(1) of the Immigration and Asylum Act 1999 states 'An immigration officer exercising any power conferred on him by the 1971 Act or this Act may, if necessary, use reasonable force'.

Section 17(1) (e) of the Police and Criminal Evidence Act 1984 (PACE) gives police officers the power to enter premises by force in certain circumstances where there is a need to save life and limb, **Immigration Enforcement officers are not authorised to do so.**

Immigration Enforcement does have a duty of care in negligence or under the Fatal Accidents Act 1976 as they initiated the enforcement operation.

## MoE: constraints

A risk assessment must be prepared for every operation in compliance with guidance described in Operational planning and briefing. You must always work to the principle of minimum risk and ensure that you do not put yourselves or others in any physical danger.

You must apply the following conditions where MoE is employed or is planned to be employed. You must not attempt a forced entry unless:

- you are using the approved equipment
- you are wearing all mandatory personal protective equipment (PPE)
- there is no risk of active high-resistance
- you have a record of the authority and justification for the forced entry, including information to show that it is proportionate, lawful and necessary
- you are an arrest team trained 'designated' officer who has completed MoE training

A minimum of 2 MoE trained officers must normally be deployed on operations where it is considered that a forced entry may be required. However, in exceptional circumstances, following a specific risk assessment, a CIO can authorise the deployment of one MoE officer.

MoE officers must consider the quantity and quality of the glass in the door and surrounds before undertaking the forced entry, and must consider whether they have the correct PPE and equipment to carry out the task safely. Only officers who have received glass training and have the necessary glass PPE can consider breaking glass to gain entry.

You must comply with both the national safe systems of work (SSoW) (see SSOW - Forced entry) and national generic risk assessment (NGRA) (see RA - Forced entry) when conducting forced entry.

Where feasible make a reconnaissance (recce) visit or virtual visit of the proposed entry point and surrounds to be able to give an identity, type, construction and hazards (ITCH) briefing.

### **Using no-knock forced entry**

Where enforced no-knock entry is preauthorised it is defined as:

- dynamic entrance to the premises without the consent of the occupier
- occupants are not informed of our presence and intent prior to entry
- force is used to gain entry

You must only consider no-knock forced entry when the visit risk assessment has identified an operational need to enter premises quickly and covertly due to a risk of an occupant harming themselves or another, or destroying or concealing evidence.

### **Method of entry (MoE): general safety**

MoE officers must undertake manual handling training and:

- always wear the appropriate personal protective equipment
- remove or adjust clothing and/or equipment that is likely to cause a problem
- remove all jewellery which could cause a problem
- only use tools and equipment for their intended use
- do not modify tools or equipment
- ensure that you are fully conversant with and comply with the manufacturers instructions
- check equipment before and after use, and report equipment faults immediately
- do not use faulty or defective equipment
- do not allow untrained personnel to use or handle forced entry equipment
- always ensure that forced entry equipment is safe and secure immediately after use
- always carry out dry runs or rehearsals where circumstances allow
- designate priorities on operations, and consider the 'what ifs'
- do not compromise the health and safety (see Safety and critical incidents) of officers

### **Method of entry (MoE): recording use of forced entry**

You must record forced entry on the National Operations Database (NOD).

Recording the use of MoE must continue as part of the warrant execution details and must be stored locally at each immigration compliance and enforcement (ICE) office (MoE data capture form).

### **Method of entry (MoE): forced entry equipment (FEE)**

## Core FEE products

Products include:

- bolt cutters (heavy duty)
- enforcer
- hooligan bar (various sizes)

## Specialist FEE products

Products include:

- rabbit entry tool - hydraulic (with Kevlar® pipe sleeve)
- baby ram
- crows foot entry tool - hydraulic (with Kevlar® pipe sleeve)
- euro profile lock snapper
- fireman's drop key
- firecracker
- telescopic ladder
- thunderbolt
- bell lock puller
- manual door breaker
- brushes and bins for glass collection
- 12 lbs sledge hammers
- multi tool
- wire cutters
- sliplock tool
- petrol driven disc cutter
- high pressure door blow bag

For further detailed information on using the above equipment see safe systems of work (SSOW) - Forced entry. This equipment must only be used by MoE trained officers.

## MoE: carriage and storage of equipment

It is mandatory that when any FEE item is carried in an official vehicle the driver must check and test its stowage before using the vehicle.

When conveying any FEE item, it must:

- be stored as securely as possible within the vehicle
- have a vehicle-specific risk assessment in place
- have a journey-specific risk assessment in place
- be transported laid flat, at the lowest possible level in the vehicle
- have any handles pointing upwards
- have its weight calculated sufficiently below the Immigration Enforcement vehicle's maximum weight
- have any spikes or sharp edges pointing downwards

FEE must be secured in place by appropriate straps which are:

- approved by the manufacture for the entire weight of the equipment being secured
- suitable for use in Immigration Enforcement vehicles, subject to the breaking point of any floor or luggage fixing points or loops as built into the vehicle

FEE must never be:

- stored upright, standing or on the striking end
- laid flat resting on handles
- transported without being secured

Correct method of storage can be achieved in a manner of ways:

- using the vehicle boot or trunk attached with appropriate straps
- any fixing points or loops in the vehicle, eg fixing loops in a boot or luggage area of a vehicle must meet or exceed the potential load forces that would be exerted on them in an accident:
  - the vehicle's owner manual should provide the load the loops or fixing points are capable of handling
- mobile bags, holdall, toolboxes attached with appropriate straps
- fixed storage cradle or cradles, or using purpose built secure vehicle storage
- it is also acceptable to place it within the caged area of the cell van, though not when carrying a prisoner

## MoE: additional personal protective equipment (PPE)

If you are conducting forced entry you must wear the following PPE in addition to your mandatory arrest activity PPE. Personally issued:

- 7oz poly-cotton water and stain resistant (official issue) work wear trousers with rip stop properties:
  - if trousers issued are only 5oz, you must wear coveralls with a minimum of 7oz poly-cotton construction, recommended are 'HOSDB FRO' which offers protection to neck, torso, arms, wrists, legs and ankles
- groin guard
- helmet with visor down (HOSDB 21/04)
- arm guards to at least BS 7971-4 level 2 standard
- leg guards to at least BS 7971-4 level 2 standard
- thigh guards to at least BS 7971-4 level 2 standard
- protective gloves to at least BS7971-6:2003 level 3 standard

PPE must be replaced, maintained and cleaned according to the manufacturer's requirements and supported by the PPE register.

Additional PPE required by level 2 trained officers:

- Kevlar® trousers with front vent, drawstring and elasticated ankles

- Kevlar® neck and shoulder protector with hood and elasticated aperture
- Kevlar® jumper with crew neck, extra long sleeves and thumb hole
- double palm leather one-fingered mitt with Kevlar® felt interlining
- leather/Kevlar® felt intervention blanket
- toe-tectars
- safety spectacles and dust mask to sweep up and clean
- extra large 9oz poly-cotton coveralls, to be worn over complete MoE PPE

### MoE equipment: safe storage at base

All equipment must be stored in a safe and secure area as indicated in the general safety rules. Ensure that storage of individual items does not breach local and national health and safety regulations.

#### **Related content**

[Contents](#)



# Carriage of detainees

This page tells Immigration Enforcement officers about the transportation (carriage) of detainees following arrest.

You must read this guidance in conjunction with the fleet and driver policy and the safe system of work (SSOW) (see SSOW - Driving official marked and unmarked vehicles including transportation of detainees and national generic risk assessment (NGRA) (see RA - Driving official marked and unmarked vehicles including transportation of detainees) before transporting detainees.

## Page contents

[Carriage of detainees: definitions](#)

[Actions to be taken before transportation](#)

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[Vehicles to be used for transportation](#)

[Observation of the detainee during transportation](#)

[Emergency procedures during transportation](#)

## Carriage of detainees: definitions

Carriage of detainees is defined as the transportation of a person who has been arrested or detained by an immigration officer exercising their powers of arrest under schedule 2 or part 3 of the Immigration Act 1971 and under the Police and Criminal Evidence Act 1984 (PACE). In Scotland, carriage of detainees also includes the transportation of a person detained under section 24 Criminal Law (Consolidation) (Scotland) Act 1995.

## Situations not classified as carriage of detainees

Where a person, who has not been arrested or detained by an immigration officer, is conveyed in an Immigration Enforcement vehicle. This would include conveying a person to a location to locate a passport with their consent.

The transportation of a person arrested or detained other than under the Immigration Act 1971 on behalf of another law enforcement agency is also excluded. In these circumstances they must be accompanied by someone from that agency.

## Actions to be taken before transportation

### Risk assessment

You must make a full risk assessment of the detainee's suitability for detention before transportation. This will include mental and physical health as well as behavioural factors and reference to previous history recorded within CID records.

The risk assessment must also include an assessment of all the following:

- risks posed by the detainee
- number of escorting officers needed (which can include the driver)

- need for the application of handcuffs

If you need to use reasonable force this must be in accordance with [Use of force and restraint](#) and [section 146 of the Immigration and Asylum Act 1999](#), and recorded in your pocket notebook.

## Mixing detainees of the opposite sex during transportation

You must give careful consideration in cases where unrelated detainees or detainees who are not known to each other and are of the opposite sex are carried together in the cell compartment of Immigration Enforcement vehicles.

Factors you must consider are:

- whether any detainee has any:
  - associated risks
  - medical conditions
  - behavioural history on CID
- the gender of the crew operating the vehicle
- CCTV availability
- journey length
- pick up and drop off destinations

If necessary, seek advice from an officer of at least chief immigration officer (CIO) grade.

## Journey planning

Operational planning must take into consideration journey times and routes, as escorting officers have a duty of care to their detainees.

With a few limited exceptions, offenders arrested under PACE and part 3 of the Immigration Act 1971 must be taken to the nearest designated police station within the police force area as soon as practicable ([section 30 of PACE](#)).

In Scotland, persons detained by immigration officers under the Criminal Law (Consolidation) (Scotland) Act 1995 must also be taken to the nearest police station as soon as practicable. Any breaks in journey must be logged and declared to the custody officer on arrival. In addition, detainees arrested under schedule 2 of the Immigration Act 1971 must be taken to the designated place of detention as soon as practicable.

Before transportation or escort of detainees you must consider:

- circumstances of the arrest
- the length of time spent in the vehicle
- the length of time spent in handcuffs
- awareness of any prevalent medical conditions and frequency of treatments required
- awareness of any special physical skills (such as martial arts training)

- the need for comfort breaks
- the need to provide food and drinks during a long journey
- availability of other resources and transport

You must finalise the journey route to include contingency plans in case of traffic congestion, security awareness, Accident and Emergency location awareness, or other diversions.

You must tell the duty CIO or silver commander the:

- route
- estimated time of arrival at the destination

### Ratio of staff to detainees during transportation

The officer in charge (OIC) of the operation will decide on the number of staff to detainees ratio. They will make this decision having considered the risk assessment and the distance that needs to be travelled to a place of detention. In calculating the number of staff in ratio to detainees it is acceptable to include the driver in this ratio if they have been trained in personal safety to level 3 and successfully completed annual refreshers.

### Search of vehicle and detainee before transportation

In addition to the routine pre vehicle checks, arresting officers must check the vehicle before and after detainees are placed in the vehicle to make sure that there are no objects that could be used to cause injury or escape, to maintain a safe environment and to preserve any evidence. The search officers must record the details and results in their pocket notebook (see Record keeping during enforcement visits).

You must search detainees (see Search and seizure) for articles that may cause harm or could be used to escape prior to transportation. The search of the detainee must be carried out in accordance with [section 28G](#) or [paragraph 25B of schedule 2](#) to the Immigration Act 1971. For arrests under PACE [section 32](#) is applicable. In Scotland, persons detained by immigration officers under the Criminal Law (Consolidation) (Scotland) Act 1995 may be searched under [section 24\(6\) of that act](#). You must record the search in your pocket notebook.

Searches of detainees should normally be carried out by an officer of the same sex as the detainee. However, where this is not possible a search of the detainee's jacket, outer garment and gloves by a member of the opposite sex is permitted. Searches of a person at a police station must be carried out by an officer of the same sex as the person being searched. Officers must consider the associated sensitivities and appropriate safeguards and a minimum of 2 officers must be present at all times during the search. Where grounds to search the detainee do not exist, handcuffs may only be used in accordance with [Use of handcuffs](#).

### Wearing seat belts

All officers and detainees must wear seatbelts where fitted. You must ensure that a detainee's seatbelt is fastened during transportation and remains fastened wherever

possible. The driver is responsible for ensuring that all detainees and crew wear their seat belt (where fitted) before driving the vehicle.

Where an officer refuses to wear their seatbelt this must be brought to the attention of a CIO or above or the silver commander immediately. Failure to comply with the guidance will be dealt with as a disciplinary matter.

Where a detainee refuses to wear a seatbelt you must make a record of the refusal in your pocket notebook. You must also record any use of force to apply the seat belt.

## Detainee property and medication

Arresting officers are responsible for the safe keeping of the detainee's property, including medication, until arrival at a secure detention facility. Where detainee's luggage is conveyed separately from a detainee, the arresting officer must ensure that this is presented at the secure detention facility with the detainee and recorded in the officer's pocket notebook.

Where the officer is satisfied that the detainee has prescription medicine for example, their name appears on it, it must be secured in an open evidence bag. They must consider how much of any in-possession medication a person is likely to need for self-administration during transit allowing for unexpected delays, having due regard to possible risk of self harm and to the prescribed dosage recorded on the medication. They must also have a contingency plan in case the [detainee becomes ill during transportation](#). If the medication does need to be taken during the journey then the detainee themselves should normally self-administer insulin, asthma inhalers, angina sprays.

In light of duty of care toward the detainee, you can use reasonable force under the common law to remove any items, or stop the person taking them, if you reasonably believe that it would cause them harm.

Where it is known that a detainee is on medication that is covered by the Misuse of Drugs Act 1971, or has the medication administered other than by oral means, prior assessment of the individual's needs and the route must be considered and arrangements for a suitably skilled medical professional escort must be allocated.

## Comfort breaks during transportation

Where it is anticipated that the transportation of a detainee requires a journey in excess of 100 miles or for a period of more than 2 hours, the planning of the route must offer a comfort break of 15 minutes after 2 hours (30 minutes after 4 hours) and ensure that the detainee has access to water or suitable drinks (and after 4 hours, sustenance). The OIC must ensure that there is sufficient staff to allow comfort breaks whilst maintaining the security of other detainees. The detainees must also be asked to use toilet facilities prior to the journey being undertaken.

Detainees should, if possible, be taken to a designated place of detention for the rest break. If this is not possible, you can use service stations or similar facilities if you follow the guidelines below:

- a minimum of 2 officers must be used to escort one detainee
- you must make a continual risk assessment of the detainee's behaviour and the surroundings
- officers must keep in radio and mobile phone contact with each other and the silver commander at all times
- all officers must have received training in the use of radios
- detainees must be handcuffed only when deemed necessary and appropriate
- handcuffs must be covered if safe to do so in order to protect detainee's privacy and human rights
- officers must be mindful of members of the public and the way in which their actions may be perceived
- all actions carried out by escorting officers must be proportionate, legal, necessary and justified

Where possible, female detainees should be escorted by at least one female officer. Where no female officer is available they must be accompanied by 2 male officers.

Where the detainee is male they should be accompanied by at least one male officer. Where no male officer is available they must be accompanied by 2 female officers.

Where there is no same officer of the same sex as the detainee to escort the detainee to toilet facilities during a comfort break, give consideration to the use of facilities with a single cubicle.

## Vehicles to be used for transportation

Whilst it is recommended that cell vans are used for transportation of detainees there may be occasions when this is not practical, eg crime teams who do not have access to a cell van.

The following vehicles may be suitable for the transportation of detainees:

- cell vans where the detainee is placed in the secure cell:
  - when a decision is made to lock the cell door all of the staff must know the location of the keys in the event of an emergency
- transporters where the detainee is placed on the rear set of seats and accompanied by a personal safety training (PST) trained officer
- cars where the detainee must be located in the rear nearside passenger seat supervised by a PST trained officer in the offside rear seat and the front passenger seat:
  - where child locks are fitted they must be activated and the rear electric windows deactivated if possible
  - consider the use of handcuffs if the detainee can reach the controls, driver and/or means of escape

The decision as to whether a detainee remains in handcuffs during transportation remains the decision of the escorting officer. You must have sight of the detainee for risk assessment and incident management purposes.

Where the risk assessment justifies the continued use of handcuffs, the location of the handcuffs (either to the front or rear) must always be justified and recorded in your pocket notebook. You must ensure that regular checks are made on the tightness of the handcuffs to ensure they do not tighten during a long journey. Where it is necessary to use reasonable force this must be in accordance with [Use of force and restraint](#) and [section 146 of the Immigration and Asylum Act 1999](#) and recorded in your pocket notebook.

On arrival at a place of detention you must notify the officer in charge of the custody facility about the use of force.

## Observation of the detainee during transportation

How often you observe a detainee will depend on the risk assessment. There will be occasions where it is necessary to keep the detainee under constant observation but all detainees will be subject to regular observation, at least every 2 minutes, during transportation. It is acceptable to use the on-board monitor for this purpose. When transporting detainees in the hours of darkness the cell light must be illuminated.

## Positional asphyxia

Officers escorting the detainee must be mindful of the potential for positional asphyxia, particularly where the detainee is in a seated position with handcuffs applied and where the detainee has been prostrated during the arrest process. Escorting officers have a duty of care towards detainees once an arrest has been made and until they are accepted into police, Home Office or other approved custody facility.

The escorting officers must record all relevant observations in their pocket notebooks. They must give this information to the custodians at the place of detention to which they are conveyed.

## Emergency procedures during transportation

### Disruption during transportation: escalation procedures

Where a detainee becomes violent or attempts to force their way out of the vehicle, the driver must make a decision about whether it is necessary to stop the vehicle in order to restrain the detainee. Factors that need to be considered in whether to stop the vehicle must include:

- the likelihood of this development leading to a road traffic collision
- the proximity of a secure facility
- whether the detainee has sustained an injury
- whether the crew have the necessary training to restrain the detainee

If the crew do not have the capability to restrain the offender they must call the police.

If an offender succeeds in leaving the vehicle then you must only undertake any chase or pursuit in line with [pursuit guidance](#).

In the event of a successful escape, officers must start critical incident procedures (see Safety and critical incidents) where appropriate and practicable and with authority of silver command.

## Breakdown or collision when transporting a detainee

In the event of breakdown or collision, comply with procedures set out in the fleet and driver policy. Officers must always consider their own safety and as far as practicable ensure that all detainees and passengers are safe and secure.

Make an assessment of any injuries to passengers and detainees. In the event of serious illness or injury, notify the emergency services and request an ambulance.

If an officer, detainee or passenger is seriously injured, emergency life support must be carried out by a suitably trained person before either transporting any casualties to a hospital with accident and emergency facilities or whilst waiting for an ambulance.

Make an assessment of any damage to the vehicle. Call emergency services if applicable after assessment is made. Arrange callout of breakdown services if necessary.

The incident must be reported to the duty CIO.

The journey must not be continued until all officers are certain that it is safe to do so and this will depend on the physical and psychological wellbeing of staff and the detainees involved.

## Detainee becomes ill during transportation

Should the detainee require their medication, which is in their possession or held by an escorting officer, during the journey you must:

- alert the driver so the vehicle can be stopped
- contact NHS Direct on 111 for advice on whether the medication should be administered
- give the medication to the detainee or offer the stated dosage if applicable
- record the dosage given and taken along with any food and drink

unless you consider that any delay in administering medication as a result of taking the above action would outweigh the risks of immediate administration. For example, you should not delay the provision of an inhaler to a person having an asthma attack.

The administration of first aid must not be delayed whilst additional medical assistance is requested.

All action taken and advice given must be recorded in the officers' pocket notebook.

In the event of a serious illness or injury, an ambulance must be called. If an ambulance is not available or is severely delayed and the driver believes that there is a very real likelihood of death or a serious deterioration in a person's health occurring if they are not conveyed to hospital immediately, the detainee may be taken to the nearest Accident and Emergency hospital in an Immigration Enforcement vehicle. This must be in line with any advice being received from the emergency services using the 999 contact already established.

Officers must make sure that all other detainees are secure and closely monitored to whatever extent is reasonably practicable while dealing with any medical emergency.

#### **Related content**

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# Criminal arrests

This page tells Immigration Enforcement officers about compliance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice, following an arrest for a criminal offence.

For an overview of criminality and the investigation of criminal offences, see [Investigation of criminal offences and assessing harm](#).

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## Compliance with PACE

The [Police and Criminal Evidence Act 1984 \(PACE\)](#), and its associated codes of practice, applies to all those arrested for a criminal offence. Where immigration officers (IOs) use criminal powers to make an arrest they must comply with PACE [code of practice B on powers of entry search and seizure](#) and [code of practice G on powers of arrest](#).

Persons arrested or detained under schedule 2 to the Immigration Act 1971 (the 1971 Act), including those who are taken to a police station, are not subject to PACE. Such persons must be notified of their detention and reasons for detention under the 1971 Act by an immigration officer, either verbally or in writing. Where detention is authorised verbally, the person and detaining authority must be provided with written confirmation as soon as practicable.

[Section 51\(a\) of PACE](#) preserves powers of detention under the 1971 Act. Therefore, when a person is detained in a police station under the 1971 Act, for example as a person liable for administrative removal, your written authority should suffice for detention to be maintained. A person detained under the 1971 Act is not subject to PACE detention review but their detention must be reviewed in accordance with guidance on Detention management.

Should a police custody officer review detention and require the release of a person detained under the 1971 Act, and this is not agreed, you must draw their attention to section 51(a) of PACE. Where necessary, consult a chief immigration officer (CIO) or inspector at once who must discuss the matter with a senior police officer.

## Lawful arrest for a criminal offence

The decision to make an arrest resides with the arresting officer who is required to show that they had reasonable grounds to make the arrest and has considered whether it is proportionate to do so.

This does not mean, however, that the arresting officer has to be the person restraining or escorting the arrested person.

To exercise a criminal power of arrest, you must:

- be investigating an immigration related offence and have a genuine intention to prosecute the individual:
  - if you have no intention of investigating the criminal matter or referring it to the Crown Prosecution Service (CPS) then use administrative powers (see [Making an administrative arrest](#))
- be investigating an offence for which a power of arrest exists
- have reasonable grounds to suspect the person:
  - has committed or attempted to commit the offence
  - is committing or attempting to commit the offence

You must then explain to the person, in plain language:

- they are under arrest and not free to leave
- the offence for which they have been arrested
- the grounds for the arrest
- why it is necessary to arrest them
- give the caution

You must give the arrested person enough information to enable them to understand:

- they have been deprived of their liberty
- the reason they have been arrested
- the nature of the suspected offence
- when and where the suspected offence was committed
- the reason or reasons why arrest is considered necessary

You must avoid using vague or technical language.

In England and Wales, you must caution the subject as follows:

“You do not have to say anything but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence.”

In Scotland and Northern Ireland, you must caution the subject as follows:

“You do not have to say anything but anything you do say may be noted and may be used in evidence at a later stage, do you understand?”

You must make sure that the individual has understood the meaning of the caution. Use your own words to explain it if need be. Use an interpreter to explain the caution if necessary.

## Arrest for further offences

If you have arrested a person for one offence and you subsequently discover that they have committed another offence, you must arrest them for the other offence as well.

## PACE detention following criminal arrest

When a person is detained at a police station after being arrested for a criminal offence, they are dealt with in line with [part 4 of PACE](#) and [code C of the PACE codes of practice](#). You are required to have regard to any relevant provision of the PACE codes of practice when investigating criminal offences and interviewing suspects at a police station.

The Immigration (PACE Codes of Practice) Direction 2013, the Immigration (PACE Codes of Practice) Direction 2000 and the Immigration (PACE Codes of Practice No 2 and Amendment) Direction 2000 set out the modifications required to make the PACE codes of practice relevant to immigration powers.

In addition to dealing with the provisions of the PACE codes of practice about the person's rights and conditions of detention, the custody officer has responsibility for such matters as charging of offenders, the initial detention, reviews of detention and release of those who have been detained.

## Actions on arrival at a custody suite

You, as the arresting officer, must remove any handcuffs applied as soon as it is safe to do so, making sure the custody officer agrees first. The custody officer or sergeant may note or ask you for the following details:

- the circumstances and reasons for using handcuffs
- the serial number and make of handcuffs used
- any injuries or marks to the prisoner's wrists

You must also record these details in your pocket notebook (see Record keeping during enforcement visits).

## Criminal arrest: property

The custody officer is responsible for ascertaining what property a detained person has with them when they come to the police station and for the safekeeping of any property which is taken from them and which remains at the police station. If, after service of immigration notices, you need some of the person's property, you must sign the custody record to confirm that you have taken receipt of the items.

## Criminal arrest: interpreters

If the detainee appears to be someone who does not speak or understand English or who has a hearing or speech impediment, the custody officer must ensure they have the help and support from an interpreter (see Use of interpreters) without delay. The person must also be given a written notice in a language they understand and if such a notice is not available a translation must be provided without undue delay.

## Criminal arrest: children

If the person appears to be under 18, the custody officer must, if it is practicable, find out the identity of an appropriate adult. This will normally be a person responsible for their welfare (parent, guardian, representative of a local authority or voluntary organisation) or a social worker. That person must be informed, as soon as practicable, that the juvenile has been arrested, why they have been arrested and where they are being detained. This is in addition to their right not to be held incommunicado in line with paragraph 5 of [code C of the PACE codes of practice](#).

## PACE detention: initial actions before interview in connection with a criminal offence

Those persons detained under schedule 2 to the 1971 Act but are held in police custody do not come under PACE but are entitled to certain welfare provisions. Paragraph 1.12(iii) of [code C of the PACE codes of practice](#) makes it clear that it does not apply to people detained under schedule 2 to the 1971 Act.

When a person is brought to a police station under a criminal power of arrest or is arrested under criminal powers at the police station having attended there voluntarily, the custody officer will require a brief explanation as to the circumstances of arrest (why, when, by whom, where). The custody officer must tell them clearly of the following rights and of the fact that they are continuing rights that may be exercised at any stage during the period in custody:

- the right to have someone informed of their arrest in line with paragraph 5 of code C of the PACE codes of practice
- the right to consult privately with a solicitor and the fact that independent legal advice is available free of charge
- the right to consult the PACE codes of practice

The custody officer must also give the person a written notice setting out their rights and entitlements for which the person must be asked to acknowledge receipt by signing the custody record. They must also be asked to sign the custody record confirming whether they require legal advice. The police will also let the person or their solicitor see the custody record to allow them to make representations.

## Reviews of detention under PACE

[Section 40 of PACE](#) requires reviews of detention at a police station for persons who have been criminally arrested for an offence, initially after a maximum of 6 hours and subsequently at intervals of not more than 9 hours.

You may be asked to explain any perceived needs for continuing detention. In the event of a disagreement with a reviewing officer over the need for a further period of PACE detention, you must explain the situation to a senior police officer (consulting a CIO or inspector if appropriate). However, the police decision will be final. It may be appropriate to consider whether to administratively detain the person under schedule 2 to the 1971 Act in such circumstances.

The PACE review arrangements apply only to a person detained in a police station after being criminally arrested for an offence. They do not apply to administrative interviews at enforcement offices or other premises but you must follow the detention management guidance.

## Consular access

In line with paragraph 7 of [code C of the PACE codes of practice](#), a citizen of an independent Commonwealth country or a foreign national (including the Republic of Ireland) must be informed as soon as practicable of their rights of communication with their High Commission, embassy or consulate. However, where the person is seeking asylum, a consular officer shall not be informed of the person's arrest, or given information about them except at the person's express request.

### Related content

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