

Detention services order 08/2012
(Replaces DSO 08/2011)

Mobile phones and cameras in immigration removal centres

Introduction

1. This order sets out UK Border Agency's policy on the possession of mobile phones (and cameras) by detainees, staff, visitors, legal advisers and external medical practitioners in immigration removal centres, short-term holding facilities and the pre-departure accommodation.
2. For the purposes of this DSO, 'centre' refers to immigration removal centres and residential short-term holding facilities, including the pre-departure accommodation.
3. For the purposes of this DSO, 'centre manager(s)' refers to the contracted immigration removal centre or short-term holding facility manager (it does not refer to the UK Border Agency centre manager).
4. For the purposes of this DSO, 'staff' covers all individuals who work at a centre, Independent Monitoring Board members, and all UK Border Agency staff who are visiting a centre on official business.

Possession of mobile phones and cameras

5. Below is a simple summary of who may have a mobile phone (and camera) in a centre, and the type of phone they may have.

Group	Are allowed...
Detainees	<ul style="list-style-type: none">- Access to a mobile phone without recording or internet facilities (subject to restrictions explained later in this instruction)- No access to a camera
Inspectorate staff	<ul style="list-style-type: none">- HMIP staff may have access to a mobile phone with recording and internet facilities in areas not frequented by detainees and access to a mobile phone without recording/internet facilities in areas frequented by detainees.- HMIP inspectors may take a camera into the establishment
Legal advisers	<ul style="list-style-type: none">- Access to a mobile phone (or camera) with recording and internet facilities in designated visits areas

Group	Are allowed...
Official visitors	<ul style="list-style-type: none"> - Access to a mobile phone (or camera) with recording and internet facilities in areas not frequented by detainees. - Access to a mobile phone without recording and internet facilities in areas frequented by detainees - With the permission of the centre manager: access to a mobile phone (or camera) with recording facilities in areas frequented by detainees.
Social visitors	<ul style="list-style-type: none"> - No access to a mobile phone (or camera) of any sort within any part of the centre.
Staff	<ul style="list-style-type: none"> - No access to a mobile phone (or camera) of any sort within any part of the centre without authorisation by the centre manager. - UK Border Agency staff may have access to a mobile phone with recording and internet facilities in areas not frequented by detainees and access to a mobile phone without recording and internet facilities in areas frequented by detainees.
Visiting medical practitioners	<ul style="list-style-type: none"> - Access to a mobile phone which takes photos but without internet access in areas frequented by detainees - Access to a mobile phone which does not take photos and without recording and internet facilities in areas frequented by detainees. - Access to a camera if their mobile phone does not meet the terms of this DSO.

Detainees under escort

6. Whilst under escort for the purposes of removal, detainees are allowed to have a mobile phone in their possession if it is without:

- recording facilities, such as the ability to take photographs, video, live-streaming or audio recording
- facilities to connect to the internet.

Detainees must be allowed to keep their personal mobile phone if it complies with these restrictions.

7. However, following a risk assessment, provision of a mobile phone in the following circumstances may be denied if:

- current disruptive or threatening behaviour provides evidence that the detainee may misuse the mobile phone
- there are specific risks to the public confirmed by a public protection arrangement such as MAPPA

- there are reasonable grounds to believe that the detainee may use the mobile phone to cause harm to be done to him or herself or another person.
8. If the detainee's phone is not compatible, or it has been removed following a risk assessment, escort staff must ensure that this does not prevent the detainee's access to justice by enabling access to suitable alternative methods to speak to their legal representatives or to contact a court. Detainees' mobile phones must be stored securely for the time they are not permitted to retain it, and detainees should be allowed to access stored phone numbers on request. Escort staff must explain to detainees how to contact legal representatives or a court by phone during escort.
 9. Where more than one detainee is being escorted at a time for the purposes of transfer a) between establishments, b) to bail or court hearings, c) to an embassy or high commission, or d) to outside medical appointments, detainees are not allowed to have a mobile phone in their possession due to the risk to officer or public safety and detainee security.
 10. Escort staff must ensure that this does not prevent the detainee's access to justice by enabling access to suitable alternative methods to speak to their legal representatives or to contact a court. Detainees' mobile phones must be stored securely for the time they are not permitted to retain it, and detainees should be allowed to access stored phone numbers if required. Escort staff must explain to detainees how to contact legal representatives or a court by phone during escort. Detainees should be allowed to contact legal representatives or a court on request providing it is safe and secure to do so. In the very rare circumstances where a detainee was denied access for safety or security reasons, a written record of the request and the reasons for refusal should be kept.
 11. If a detainee is deaf or has hearing difficulties which mean that he or she cannot use a phone, members of staff must ensure that this does not prevent the detainee's access to justice by enabling access to suitable alternative methods to communicate with their legal representatives or to contact a court.

Detainees in detention

12. Whilst held in a centre, detainees are allowed to have a mobile phone in their possession if it is without:
 - Recording facilities, such as the ability to take photographs, video, live-streaming or audio recording
 - Facilities to connect to the internet.
13. Following a risk assessment, provision of a mobile phone in the following circumstances may be denied:

- Current disruptive or threatening behaviour provides evidence that the detainee may misuse the mobile phone
 - There are specific risks to the public confirmed by a public protection arrangement such as MAPPA
 - There are reasonable grounds to believe that the detainee may use the mobile phone to cause harm to be done to him or herself or another person.
14. Where a detainee is not allowed a mobile phone in accordance with the above, members of staff must ensure that this does not prevent the detainee's access to justice by enabling access to suitable alternative methods to speak to their legal representatives or to contact a court. Their mobile phone must be stored securely for the time they are not permitted to retain one.
 15. Detainees must be allowed to keep their personal mobile phone if it complies with the restrictions at paragraph 12. Personal mobile phones which do not comply must be securely stored so long as the individual remains a detained person. If a detainee's personal mobile phone does not comply with the restrictions, or if the detainee does not own a mobile phone, the centre must provide the detainee with a mobile phone handset which is compatible with this DSO.
 16. If a detainee's personal mobile phone does not comply with the restrictions at paragraph 12, the detainee must be given assistance with transferring stored phone numbers to the mobile phone provided by the centre or to make a note of the numbers. Where the technology allows, detainees should be allowed to keep their own phone number. Detainees should also be given the opportunity to divert their personal mobile phone to the new handset provided by the centre and to leave a voicemail message alerting callers of their temporary number.
 17. Mobile phones must be provided free of charge to the detainee. However, if the detainee repeatedly (on more than one occasion) damages or loses the mobile phone, the centre manager may decide to issue a new mobile phone only upon receipt of payment from the detainee.
 18. The centre is not required to provide a SIM to the detainee. The centre is required to provide each detainee with 5 minutes worth of calls upon first reception.
 19. Detainees should be able to retain their own SIM card if it is compatible with their new centre-issued mobile phone. If they do not have a SIM card, or their SIM card is not compatible, detainees must be able to choose their mobile phone provider. To enable this, a variety of SIM cards and pre-pay and top-up cards should be sold in the centre shop. It is the detainee's decision which mobile phone operator they choose. Detainees should be made aware of any signal coverage issues which might affect their choice.

20. Centre Managers are responsible for ensuring a record is kept of all mobile phones in the possession of detainees, including:

- the name of the detainee
- SIM number
- IMEI number
- the handset's phone number.

This record must be kept for all mobile phones and SIM cards in the possession of detainees whether received at reception, through the post, following a visit or purchased from the shop.

21. Establishments should report to the intelligence team, using the security incident report (SIR) form, any detainee with more than three SIMs in their possession.
22. If a detainee is deaf or has hearing difficulties which mean that he or she cannot use a phone, members of staff must ensure that this does not prevent the detainee's access to justice by enabling access to suitable alternative methods to communicate with their legal representatives or to contact a court.

Legal advisers

23. Detention Centre Rule 2 defines 'legal advisers' in relation to a detained person as his or her 'counsel, representative or solicitor, and includes a clerk acting on behalf of his/her solicitor'.
24. Legal advisers may retain their mobile phone when visiting a detainee in a designated visits area.
25. All mobile phones held by legal advisers must be declared at the entrance to the centre and are liable for inspection both on arrival and on departure.

Official visitors

26. Official visitors are those persons whose visits are being hosted by the centre manager or by a UK Border Agency member of staff.
27. Official visitors may retain their personal mobile phone during the course of their visit when they are in areas not frequented by detainees.
28. Personal mobile phones with recording and internet facilities may not be brought into areas frequented by detainees, unless the visitor has the permission of the centre manager to do so.

29. All mobile phones held by official visitors must be declared at the entrance to the centre and are liable for inspection both on arrival and on departure.

Social visitors

30. Social visitors are not permitted to bring a mobile phone into any centre under any circumstances. Visitors may deposit phones in lockers outside the centre (where provided) for the duration of their visit, but this is at their own risk.
31. A social visitor may hold a pager but it is liable for inspection in accordance with the centre's normal searching policy.

Staff

32. Staff's access to a mobile phone is at the discretion of the centre manager. Staff should have no access to a mobile phone, of any sort, within any part of the centre without authorisation by the centre manager.
33. All mobile phones held by staff should be declared at the entrance to the centre, and are liable for inspection both on arrival and on departure.
34. UK Border Agency staff are exempt from point 32 and they may have access to a mobile phone with recording/internet facilities in areas not frequented by detainees and access to a mobile phone without recording or internet facilities in areas frequented by detainees.
35. Contractor staff must follow their company's security guidance.

Independent Monitoring Board members and HMIP inspectors

36. Independent Monitoring Board (IMB) members should be treated as staff for the purpose of this instruction.
37. HMIP inspectors may take a camera into the establishment. Gate staff must log and account for the camera when the inspector leaves the centre. All photos will be provided to UK Border Agency as part of the factual accuracy check. Therefore gate staff should not ask to inspect the photos taken on the camera before it leaves the centre.

Visiting medical practitioners

38. A medical practitioner is a medically qualified doctor or dentist who is registered with the General Medical Council or General Dental Council

and who is appointed by the detainee or his/her legal representative to attend to them in accordance with Detention Centre Rules 33(7) or 33(11).

39. Visiting medical practitioners may hold a mobile phone with a facility to take photographs where it is required for collecting medical evidence. However, phones with an ability to connect to the internet, to provide streaming or audio recording will not be permitted. Visiting medical practitioners may therefore prefer to bring a camera into the centre for the collection of medical evidence.
40. The medical practitioner should be informed that the mobile phone or camera may only be used solely for the purpose of taking photographic medical evidence in relation to the detainee being visited.
41. The medical practitioner should be instructed to keep the phone or camera with him or her at all times whilst in the centre and not to leave it unattended at any time.
42. Mobile phones and cameras held by visiting medical practitioners must be declared at the entrance to the centre. A member of the healthcare team at the centre - rather than gate staff - should inspect the photos taken on the phone or camera before it leaves the centre. Gate staff must log and account for the phone or camera when the medical practitioner leaves the centre.

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