



Home Office

## **Detention Services Order 05/2018**

Mobile phones, internet enabled devices,  
and cameras

December 2018



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# Document Details

**Process:** To set out Home Office policy on mobile phones, internet enabled devices and cameras in immigration removal centres, residential short-term holding facilities, the pre-departure accommodation and during escort.

**Implementation Date:** December 2018

**Review Date:** December 2020

**Version:** 1.0

## Contains Mandatory Instructions

**For Action:** All Home Office staff and suppliers operating in immigration removal centres, short-term holding facilities, pre-departure accommodation and charter or scheduled flights.

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**Owner:** Alan Gibson, Head of Detention Operations.

**Contact Point:** Shadia Ali, Corporate Operations and Oversight Team.

**Processes Affected:** Possession of mobile phones, internet enabled devices and cameras.

**Assumptions:** All staff will have the necessary knowledge to follow these procedures.

**Notes:** N/A

# Introduction

1. This order sets out Home Office policy on the possession of mobile phones, internet enabled devices and cameras by detainees, staff, visitors, legal advisers and visiting medical practitioners in immigration removal centres, short-term holding facilities, pre-departure accommodation and charter or scheduled flights.
2. For the purposes of this DSO;
  - ‘centre’ refers to immigration removal centres, residential short-term holding facilities and pre-departure accommodation.
  - ‘centre manager(s)’ refers to the contracted/NOMS immigration removal centre/short-term holding facility manager (i.e. it does not refer to on-site Home Office staff).
  - ‘service provider’ includes all suppliers operating in centres, as defined above, and escort providers.
  - ‘internet enabled devices’ refers to any device capable of accessing services through a mobile or other wireless network. This includes handheld mobile devices, smartphones or feature phones, tablets, smart watches, e-readers, portable games consoles, etc.

## The role of Detention Engagement Teams

3. Two different Home Office Immigration Enforcement teams operate in IRCs: the Detention and Escorting Services Compliance Team (‘Compliance Team’) and Immigration Enforcement Detention Engagement Team (‘DET’). In centres where DETs are not yet fully operational, all actions for Home Office staff in this instruction must be completed by the local Compliance Team.

# Procedures

## Possession of mobile phones, internet enabled devices and cameras

4. Below is a simple summary of who may have mobile phones, internet enabled devices or cameras in a centre and the type of phone they may have:

Group	Are allowed
Detainees	<ul style="list-style-type: none"> <li>- access to a mobile phone without recording/internet facilities (subject to restrictions explained later in this instruction);</li> <li>- no access to a camera or internet enabled devices.</li> </ul>
HM Inspectorate of Prisons' staff	<ul style="list-style-type: none"> <li>- access to a mobile phone or internet enabled device with recording/internet facilities in areas <b>not</b> frequented by detainees;</li> <li>- access to a mobile phone without recording/internet facilities in areas frequented by detainees;</li> <li>- to take a camera, without access to the internet, into the establishment.</li> </ul>
Legal advisers	<ul style="list-style-type: none"> <li>- access to a mobile phone (or camera) with recording/internet facilities in designated visits areas.</li> </ul>
Official visitors	<ul style="list-style-type: none"> <li>- access to a mobile phone, camera or internet enabled device with recording/internet facilities in areas not frequented by detainees;</li> <li>- access to a mobile phone without recording/internet facilities in areas frequented by detainees;</li> </ul>
Social visitors	<ul style="list-style-type: none"> <li>- no access to a mobile phone, internet enabled device or camera of any sort within any part of the centre.</li> </ul>
Service provider staff (including IMB members)	<ul style="list-style-type: none"> <li>- no access to a mobile phone, internet enabled device or camera of any sort within any part of the centre without authorisation by the centre manager.</li> </ul>
Home Office staff	<ul style="list-style-type: none"> <li>- access to a mobile phone or internet enabled device with recording/internet facilities in areas <b>not</b> frequented by detainees;</li> <li>- access to a mobile phone without recording/internet facilities in areas frequented by detainees.</li> <li>- with the permission of the centre manager, access to a mobile phone (or camera) with recording facilities or internet enabled device in official interview rooms frequented by detainees.</li> </ul>
Home Office auditors, security team or other Home Office staff attending centres on pre-arranged official visits	<ul style="list-style-type: none"> <li>- To take a camera, without access to the internet, into the establishment if necessary for monitoring or audit purposes and where authorised by the centre manager. See paragraph 38,</li> </ul>

Group	Are allowed
Visiting medical practitioners	<ul style="list-style-type: none"> <li>- access to a mobile phone which takes photos but without internet access in consultation areas;</li> <li>- access to a camera, without access to the internet, in consultation areas if that is their preference for taking photos;</li> <li>- access to a mobile phone which does not take photos and without recording/internet facilities in areas with free detainee access;</li> </ul>

## Detainees under escort

5. 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, i.e. the ability to take photographs, video, live-streaming or audio recording; and
  - facilities to connect to the internet.
  
6. Detainees must be allowed to keep their personal mobile phone if it complies with these restrictions. However, following a risk assessment, provision of a mobile phone may be denied in the following circumstances:
  - a) Current disruptive or threatening behaviour provides evidence that the detainee may misuse the mobile phone; and/or
  - b) There are specific risks to the public confirmed by a public protection arrangement such as multi-agency public protection arrangement (MAPPA); and/or
  - c) 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.
  
7. If the detainee's phone does not comply with the requirements of paragraph 4, 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 them to access suitable alternative methods to speak to their legal representatives or to contact a court. Detainees' mobile phones, internet enabled devices and cameras must be stored securely for the time they are not permitted to retain them, and detainees should be allowed to access stored phone numbers on request. Escort staff must explain to detainees how to contact legal representatives/a court by phone during escort.

8. Detainees who are being escorted for the purposes of transfer: a) between establishments; b) to bail or court hearings; c) to an embassy/high commission; or d) to outside medical appointments, are not allowed to have a mobile phone in their possession due to the risk to officer/public safety and detainee security.
9. Detainees should be allowed to contact legal representatives/a court on request, providing it is safe and secure to do so. In the very rare circumstances where a detainee is denied access for safety or security reasons, a written record of the request, detailing the reasons for refusal, must be made as an entry on the detainee's Person Escort Record. The escorting staff must also notify DEPMU of a refusal to allow such contact by completing a IS91RA Part C with the details and reasons for the refusal and the name of the officer authorising the refusal.
10. If a detainee is deaf or has hearing difficulties which mean that he/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 a centre

11. Whilst held in a centre, detainees are allowed to have a mobile phone in their possession if it is without:
  - recording facilities, i.e. the ability to take photographs, video, live-streaming or audio recording; and
  - facilities to connect to the internet.
12. Following a risk assessment, provision of a mobile phone in the following circumstances may be denied:
  - a) Current disruptive or threatening behaviour provides reasonable grounds to believe that the detainee will misuse the mobile phone; and/or
  - b) There are specific risks to the public confirmed by a public protection arrangement such as MAPPA; and/or
  - c) There are reasonable grounds to believe that the detainee will use the mobile phone to cause harm to be done to him or herself or another person.
13. 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.



14. Detainees must be allowed to keep their personal mobile phone if it complies with the restrictions at paragraph 11. When personal mobile phones do not comply with such restrictions, they must be stored securely with any other internet enabled devices or cameras in the detainee's property so long as the individual remains a detained person.
15. Subject to the risk assessment detailed in paragraph 12, centres must provide appropriate mobile phone handsets to all detainees that do not own a mobile phone or whose personal mobile phone does not comply with the restrictions of paragraph 11.
16. When needed, detainees must be given assistance with transferring stored phone numbers to the mobile phone provided by the centre or to make a note of the required contacts. 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 informing callers of their temporary number.
17. Mobile phones must be provided free of charge to the detainee. However, if the detainee repeatedly (i.e. on more than two occasions) damages or loses the mobile phone, the IRC centre supplier can apply a nominal fee for the replacement of the mobile phone. This fee should be agreed with the local Compliance Team Manager and be explained to the detainee when issuing the handset.
18. Centres are not required to provide a SIM card to the detainee but all detainees are entitled to five minutes worth of free calls when they first arrive to a centre. This must also be provided following inter-centre transfers.
19. Detainees should, where possible, be able to retain their own SIM card. If they do not have a SIM card, or their SIM card is not compatible with device provided, detainees must be able to choose their mobile phone service provider. To enable this, a variety of SIM cards and pre-pay/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. Supplier 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;
  - IMEI number; and
  - a record of the phone numbers issued, if any.

21. 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.
22. When a detainee is found to have three or more SIM cards in possession, this should be investigated by the centre's security team. In accordance with DSO 11-2014, a Security Information Report must be completed with the details of this find and sent to the local Compliance Team Manager and the Detention Services Intelligence Team.
23. If a detainee is deaf or has hearing difficulties which mean that he/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

24. Rule 2 of the Detention Centre Rules 2001 (SI 238/2001) defines 'legal advisers' in relation to a detained person as his/her "counsel, representative or solicitor, and includes a clerk acting on behalf of his/her solicitor". 'Legal adviser' is defined in the Short-term Holding Facility Rules 2018 as "a detained person's counsel, representative or solicitor, and includes a clerk acting on behalf of that solicitor;"
  - Please note that the Detention Centre Rules 2001 and Short-term Holding Facility Rules 2018 do not apply to the Pre-Departure Accommodation but this definition is nevertheless also assumed to apply in relation to these types of detention facility.
25. Legal advisers may retain their mobile phone when visiting a detainee in a designated visits area.
26. All mobile phones or internet enabled devices held by legal advisers must be declared at the entrance to the centre and are liable for inspection both on arrival and on departure. Any failure to disclose a mobile phone when entering a centre must be investigated and recorded by the centre's security department and referred to the Detention & Escorting Security Team. Such breaches of security must be considered on an individual basis and, where appropriate, may result in a referral being made to the Home Office Director of Detention and Escorting services for the banning of the visitor, in accordance with DSO 04 2012 – Visits and Visitors.

## Official visitors

27. Official visitors are those persons whose visits are being hosted by the centre manager or by any Home Office member of staff.

28. Official visitors may retain their personal mobile phone during the course of their visit when they are in areas not frequented by detainees.
29. Personal mobile phones or internet enabled devices 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.
30. All mobile phones and internet enabled devices 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**

31. Social visitors are not permitted to bring a mobile phone into any centre under any circumstances. Visitors may deposit phones, internet enabled devices or cameras in lockers outside the centre (where provided) for the duration of their visit, but this is at their own risk.
32. Visitors can be liable for inspection in accordance with the centre's normal searching policy (as per DSO 09 2012 Searching Policy) and may be banned if found to be caught in possession of a prohibited item during a search.
33. A social visitor may hold a pager but is also liable for inspection in accordance with the centre's normal searching policy.

## **Service provider staff**

34. Service provider staff's access to a mobile phone is at the discretion of the centre manager. Service provider staff should have no access to a mobile phone, of any sort, within any part of the centre without authorisation by the centre manager.
35. All mobile phones and internet enabled devices held by service provider staff should be declared at the entrance to the centre, and are liable for inspection both on arrival and on departure.
36. Service provider staff must follow their organisation's security guidance.

## **Home Office staff**

37. Any Home Office staff may have access to a mobile phone or other internet enabled devices with recording facilities in areas not frequented by detainees and access to a mobile phone without recording/internet facilities in areas frequented by detainees.

38. All Home Office staff should declare all mobile phones and internet enabled devices in their possession on entrance to the centre, if requested. Phones and internet enabled devices are liable for inspection both on arrival and departure.
39. Home Office auditors or security team staff attending a centre for official auditing purposes may arrange to take a camera, without internet access, into the centre to record their findings. This must be previously arranged and approved by the Centre Manager or his/her deputy. Gate staff must log and account for the camera and any memory card contained in it at the end of the audit and may request to inspect all photos taken, before authorising the camera to leave the centre.

## Independent Monitoring Board members

40. Independent Monitoring Board (IMB) members should be treated as service provider staff for the purpose of this instruction.
41. When monitoring a charter flight, IMB members can have access to their mobile phones or other internet enabled devices with recording facilities whilst travelling on coaches to the airport and during the flight to the destination country.
42. The recording functions (sound, photos and video) of such mobile phones or other internet enabled devices should not be activated without the prior permission of the escorting supplier Senior Security Officer or the Home Office Chief Immigration Officer.
43. IMB members should not make their mobile phones or other internet enabled devices with recording facilities available to returnees without the prior permission of the escorting supplier Senior Security Officer.

## HM Inspectorate of Prisons (HMIP) inspectors

44. HMIP inspectors may take a camera into the centre. Gate staff must log and account for the camera when the inspector leaves the centre. All photos will be provided to Home Office Immigration Enforcement as part of the factual accuracy check of the draft inspection report. Therefore, gate staff should not ask to inspect the photos taken on the camera before the inspector leaves the centre.
45. When inspecting a charter flight, HMIP inspectors can have access to their mobile phones or other internet enabled devices with recording facilities whilst travelling on escorting supplier coaches to the airport and during the flight to the destination country.

46. To minimise the risk of returnee disruption because of photos or videos being taken, the recording functions (sound, photos and video) of such mobile phones or other internet enabled devices should not be activated without the prior permission of the escorting supplier Senior Security Officer or the Home Office Chief Immigration Officer.
47. HMIP inspectors should not make their mobile phones or other internet enabled devices with recording facilities available to returnees without the prior permission of the escorting supplier Senior Security Officer.

## Visiting Healthcare professional

48. A visiting Healthcare professional is a registered medical practitioner (a medically qualified doctor or dentist who is registered with the General Medical Council or General Dental Council) or a registered nurse 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).
  - Please note that the Detention Centre Rules 2001 do not apply to residential Short Term Holding Facilities or the Pre-Departure Accommodation, but this definition is nevertheless also assumed to apply in relation to these types of detention facility.
49. Visiting medical practitioners may hold a camera without access to the internet or a mobile phone (or similar devices) with a facility to take photographs where it is required for collecting medical evidence. However, phones or internet enabled devices 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.
50. The medical practitioner should be informed that the mobile phone or camera may be used solely for the purpose of taking photographic medical evidence in relation to the detainee being visited.
51. The medical practitioner should be instructed to keep the phone or camera with him/her at all times whilst in the centre and not to leave it unattended at any time.
52. Mobile phones, internet enabled devices 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.

## Revision History

Review date	Reviewed by	Review outcome	Next review
Jan 2017	Jose Domingos	Reformat.	January 2019
December 2018	Shadia Ali	Amended to include the roll out of DET teams and individual responsibilities	December 2020