

# Detainees under escort at Dungavel House IRC

Report on an announced escort inspection

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by HM Chief Inspector of Prisons

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# Overview

In June 2006 we published a review of detainee escort provision, *Detainees under Escort*, which was based on interviews conducted at two holding rooms at Heathrow airport. This is the first escort report to be published since then, and is based on the experiences of detainees arriving at Dungavel House immigration removal centre (IRC) in Scotland. Some detainees arrived at the centre from locations in England, but many were transferred from Northern Ireland, which has no IRC. As the escort inspection was conducted at the same time as a full announced inspection of the IRC, it was also an announced inspection. However, inspections of escort provision will normally be unannounced.

Most detainees had few concerns about the behaviour of escort staff or the condition of escort vans. However, detainees reported feeling particularly upset and humiliated at having to wear handcuffs in public areas and there were significant concerns about the use of handcuffs without individual risk assessment.

The length of journeys to Dungavel was also a concern particularly when comfort breaks were not provided. It was not always clear why detainees were being transferred so often or so far away. As they moved between countries with different legal systems, it was also difficult for them to retain legal advisers.

# Section 1: Background and methodology

- 1.1 Under section 46 of the Immigration, Nationality and Asylum Act 2006, HM Inspectorate of Prisons now has the power to inspect detainee escorts, which are under the control of the Immigration and Nationality Directorate (IND).<sup>1</sup>
- 1.2 In December 2006, during a full announced inspection of Dungavel House, we interviewed detainees about their recent experience of escorts. Group 4 Securicor (G4S) was the main escort provider.
- 1.3 Dungavel is the only immigration removal centre (IRC) in Scotland. It holds people who have been detained in Scotland but people detained anywhere in the UK can also be held there. In addition, people detained in Northern Ireland, which has no IRCs, are routinely transferred to Dungavel. Many of the detainees at Dungavel had experienced long journeys in a unique set of circumstances. This is reflected in the structure of this report, which focuses on detainees transferred from Belfast, those returning from bail hearings, and those transferring from other places of detention.
- 1.4 The inspection process consisted of general observation, a physical examination of the escort vans, interviews with escort staff and structured interviews with a sample of detainees, one of whom was interviewed in French. We also examined available documentation, including detainee transferable documents, movement orders and escort details recorded on detainees' IS91 detention authorities.
- 1.5 We interviewed 12 detainees and asked them all the same set of questions about:
  - Journey lengths
  - Cleanliness and comfort of vans
  - Comfort breaks
  - Escort staff–detainee relationships
  - Information provided about the escort van and the journey
  - Property
  - Complaints
  - Medication
  - Use of force
  - Consequences of movement.

Some staff were also asked to comment on these areas.

- 1.6 Transfer across the borders between Scotland, England and Northern Ireland affected both family links and access to legal advice and courts. The differences between the English and Scottish systems often left detainees transferred to Dungavel in a state of legal limbo, which was compounded if they passed back and forth across the border. Some of these issues, which are specific to Dungavel, were prevalent in our interviews.
- 1.7 We interviewed five people who had recently arrived from Northern Ireland, whose transfer involved a number of stages: following initial detention by an immigration officer, often at

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<sup>1</sup>On 2 April 2007, the role of IND was assumed by the Border and Immigration Agency (BIA), a new agency within the Home Office. As this inspection was conducted while IND still existed, we will continue to refer to IND.

Belfast Airport, they were transferred to a police station, and then escorted to the ferry. Following the crossing they were collected by different escorts and driven to Dungavel.

1.8 Three interviewees had returned from the Asylum and Immigration Tribunal hearing centre at Eagle Building in Glasgow and four had just arrived from detention elsewhere in England.

1.9 The 12 Dungavel interviewees, nine men and three women, are listed below. The age range was 19 to 45 years. Ten spoke good or adequate English; one spoke no English and was interviewed in French.

- Nigerian female (DF1)
- Nigerian female (DF2)
- Nigerian male (DM3)
- Jamaican male (DM4)
- Jamaican male (DM5)
- Pakistani male (DM6)
- Eritrean male (DM7)
- Guinean male (DM8) (interviewed in French by an inspector)
- Nigerian male (DM9)
- Turkish male (DM10)
- Turkish male (DM11)
- Somali female (DF12)

## Section 2: Findings

2.1 Detainees had few complaints about the condition of vehicles and escort staff. However, the blanket application of handcuffs without individual risk assessment was a significant concern. There was evidence that excessive movement and distance disorientated and confused detainees, and interfered with contact with family and legal advisers. Limited information was given to detainees to reduce their apprehension.

### *General*

- 2.2 As this inspection was conducted at the same time as a full inspection of the centre, Inspectorate researchers had carried out a survey across all areas of detainees' experience and compared their responses with detainees' aggregated responses in other immigration removal centres (IRCs). When asked about their experience of escorts, 57% of respondents reported spending more than four hours in an escort vehicle to get to the centre, more than double the 26% comparator for IRCs in general. Two-thirds said they were treated well by escorts, which was better than the IRC comparator of 54%.
- 2.3 A number of G4S escort vehicles were seen and were generally clean, although in some cases the two bench seats in the secure rear of the van, intended to seat six people, were uncomfortably close together.

### *Detainees transferred from Belfast*

- 2.4 The first five detainees, DF1 to DM5, had transferred from Belfast, where they had initially been detained in a police station. One had spent one night in the police station, two had spent two nights and two had been there for four nights. A pregnant woman who spent two nights in the police station said she and her family were worried because she had had so little contact with them during this period. None had received legal advice. On arrival at Dungavel, some expected that they would shortly be transferred again to an IRC in England. This amount of movement had a significant impact on access to legal advice and one detainee (DM4) said:

*When I was detained by the immigration officer at the airport I asked to see a solicitor but was told to ask at the police station. I asked again at the police station. However I was told that I would only be there one night and there was no point so I had no legal advice about my situation – although I spent four nights there. I was really worried about getting legal advice because the immigration officer said we would be detained to be removed to Jamaica quickly.*

- 2.5 Three recalled seeing the police doctor. DM5 was taken to hospital with a painful ulcer and returned to the police station with prescribed medication. The medication and a sealed doctor's letter accompanied him for the attention of the IRC healthcare staff, but police custody records were not generally attached to IS91 detention authorities when people moved.
- 2.6 When collected, the detainees were told by escorts where they were going. All said the journey took six to seven hours in total. They said that escort vehicles, on either side of the ferry, were clean, the temperature was adequate, and property accompanied them. Two (DF1 and DF2) described the van that collected them from the ferry and took them to Dungavel as uncomfortable, although four had no complaints. The same two, including a pregnant woman (DF2), said they felt sick and were offered sick bags and water but the vehicle did not stop. Only one (DM3) recalled being asked if he needed a comfort break between the ferry and the

IRC – a journey of two and a half to three hours. All had the opportunity to use the toilet, and were offered food and drink, on the ferry.

2.7 Two or three escorts accompanied detainees. None of the five detainees complained about treatment by escorts, though four said there was little communication. One of the two women said the escorts asked her to comfort her pregnant fellow traveller whom she had never met before, as the latter kept crying. Only one detainee (DM3) knew about complaints procedures.

2.8 All five complained strongly about routine use of handcuffs under escort. Handcuffs were applied between the van and the ferry on boarding, and between the ferry and the second vehicle when they disembarked, in addition to having uniformed detainee custody officers on each side of them. They were not handcuffed on the ferry, when the custody officers sat on each side of them and held their arm to accompany them to the toilet. Typical comments included:

*We were both handcuffed [hands in front] as we got out of the vehicle in the car park ... The officers did try to bring us through before most of the passengers but there were still people around. I asked why and they said 'It is part of what we are told to do.' I tried to pull my sleeves down over the cuffs, but it is not possible to conceal them completely... We were each escorted by the officer to the toilet. This was very embarrassing and people were staring at us... It was a horrible and humiliating experience. I looked like a criminal. Because of this I felt sick travelling in the second van, from the ferry to Dungavel. (Detainee DF1)*

*My main complaint is about the chains getting on and off the ferry, as well as being held by both arms by officers. It was very undignified. I am still very angry. I think it was unnecessary because they did not make proper checks about me with the Home Office. (Detainee DM3)*

2.9 This last detainee was released shortly after we interviewed him. Three detainees described problems for their family arising from their detention and limited access to the telephone in the Belfast police station (DF2, DM3, DM4).

#### *Detainees returning from bail applications*

2.10 DM6, DM7, men aged 45 and 26, were interviewed after returning from a bail hearing at the Eagle Building asylum and immigration tribunal hearing centre in Glasgow. DF12, a 20-year-old Somali woman, had returned from a bail application four days previously. The two men travelled together. During both journeys, the detainees were accompanied by two escorts, one male and one female. The journey each way took approximately 45 minutes, and a comfort break was unnecessary. The detainees said the vehicle was clean, the temperature and conditions were adequately comfortable, and their property travelled with them. One was aware of complaints processes advertised in the IRC. None had any complaint about treatment by escorts, although there was little communication between them. One said he wished they had forewarned him that handcuffs would be applied when they reached the hearing centre. The woman interviewee said that one of the two escorts, the female officer, had been reluctant to apply handcuffs but her male colleague insisted.

2.11 All three became distressed when describing the experience of handcuffs. This appeared to be a G4S blanket policy and we saw no evidence of individual risk assessment in these cases. Handcuffs were applied when the vehicle reached the Eagle Building, a public building in which the hearing centre was on the fourth floor. One of the interviewees (DM7) described the experience as follows:

*There were two of us going to court for bail applications. They said we had to wear handcuffs [in front]. We were both very unhappy. The other man, an older man, was begging them not to*

*put him in handcuffs. He said he had a bad leg and could not run. They said 'it is the law'. I don't know why they had to do it because we wanted to go to court and I was meeting my girlfriend in court. She had come all the way to Glasgow from England to be in court and paid £500 for the solicitor. When we were taken into the building in cuffs we had to wait several minutes for the lift to go to the fourth floor, where the hearing centre was. We had to wait for the lift to be empty. If there was someone else using it, we let it go. So we were standing there in cuffs for several minutes. When we entered the hearing centre, there were people standing about looking at us. My girlfriend was there. We were both embarrassed. She said 'why are they treating you like a criminal?', but I think she tried to make me feel better than I was feeling. I was feeling ashamed – like I was some terrorist. It puts you in a bad way for the bail hearing, even though you don't wear the cuffs in court.*

- 2.12 The second man (DM6) also said it made him feel 'like some big case, a dangerous person':

*I was not looking at anybody. I was looking down all the time – feeling shame. I saw my friend reading the paper and walked past quickly with my head down. I didn't want to talk to them.*

#### *Transfers from other places of detention in England*

- 2.13 Four male detainees, DM8 to DM11, were interviewed following arrival from other places of detention in England. Their last journey was from Doncaster prison to Dungavel. Two had previously been in Harmondsworth immigration removal centre. Following a disturbance at that centre at the end of November 2006, a large number of detainees were dispersed around the detention estate. Detainees' estimates of how long the journey from Doncaster to Dungavel took varied from three to six hours. An IS91 detention authority recorded that a detainee (DM8) was collected four hours 45 minutes prior to arrival at Dungavel, but did not record where from; his six-day stay at Doncaster was omitted. One was told of the move the previous day, two were told the same day and one, who spoke no English, said he received no information (DM8).
- 2.14 They reported that the escort vehicle was clean and comfortable and that they had no complaints about escorts, who were described as friendly and respectful, although they offered little information or communication. No comfort breaks were offered, although detainees were told they could smoke if they wished. None were taking medication. Two said their property accompanied them. The two who had previously been at Harmondsworth had been moved without their property, which so far had not caught up. One said he had complained about his missing property during the few days he spent at Doncaster (DM9).
- 2.15 One of the four (DM8), aged 19, spoke no English and although interviewed in French he was manifestly confused, disoriented and had difficulty recalling details of his journey in response to our questions. He fled a country in a state of conflict where he said close family had been killed. He had arrived in the UK in mid-October and asked for asylum at the airport, and had since been detained and moved seven times in less than eight weeks. His experience included a stay of less than five hours in the first IRC, witnessing a major disturbance two weeks after arriving at Harmondsworth, transfer without his property to detention in a prison, where he said he spent six days locked up most of the time and scared, followed by transfer to Dungavel, without any explanation in a language he understood of where he was going or what was going to happen to him. He had no money and no one to contact as he knew no one in the UK. He said he had briefly seen a legal adviser in connection with fast-track asylum processing in Harmondsworth, but the adviser did not maintain contact and he had no record of his name or address. His documentation had been left behind with his property at Harmondsworth.

## Section 3: Recommendations

- 3.1 Detainees should not be subjected to excessive, disorienting moves around the detention estate, hindering contact with family, friends and legal advisers.
- 3.2 When detainees are held in police stations, police custody records should be attached to the IS91 detention authority.
- 3.3 Detainees should be given information about where they are going and what will happen to them next in a language they understand.
- 3.4 Detainees should be provided with adequate telephone facilities, in addition to a free phone call on arrival, sufficient to enable them to maintain contact with family and legal representatives.
- 3.5 Detainees under escort should only be subjected to handcuffing following individual risk assessment, which takes into account the views of health professionals when it is pre-planned, and which is subject to supervision and monitoring in all cases.
- 3.6 Detainees under escort should have a comfort break if the journey exceeds 2.5 hours and this should be recorded.
- 3.7 Property, including legal documentation, should accompany detainees on transfer; if it does not, they should be given information, in a language they understand, about how to recover it and how to complain.