Report on an unannounced inspection of the short-term holding facility at Dunkerque

by HM Chief Inspector of Prisons and the Contrôleur Général des Lieux de Privation de Liberté

28 January 2014
Glossary of terms

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Fact page

Task of the establishment
To hold immigration detainees for up to 24 hours

Location
Terminal Roulier du Port Ouest, F-59279 Loon-Plage, Dunkerque, France

Name of contractor
Eamus Cork Solutions (ECS)

Last inspection
The facility has not been inspected before

Escort provider
Not applicable
Overview

This report represents the first inspection of the short-term holding facility (STHF) at Dunkerque. Her Majesty’s Inspectorate of Prisons (HMIP) and Contrôle Général des Lieux de Privation de Liberté (CGLPL) jointly inspected the facility. As signatories to the UN Optional Protocol to the Convention Against Torture (OPCAT), the UK and France have created National Preventative Mechanisms to inspect places of detention. HMIP and CGLPL fulfil their respective government’s responsibilities under OPCAT.

Ferries carrying freight and passengers leave Dunkerque ferry port approximately once every two hours, with a reduced service at weekends. The UK has exercised juxtaposed border control in Dunkerque since 2003. The arrangements are governed by the Touquet Treaty and the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003. The primary aim of the control is to prevent irregular migrants entering the UK to claim asylum.

The STHF is used to hold two types of detainee: clandestine travellers (those attempting to enter the UK by hiding in vehicles) and those who present themselves at the primary control point and are detained for further questioning by UK immigration officers. Border Force oversees the facility and has ultimate responsibility for those held there. The facility was staffed by authorised search officers, French nationals employed by the contractor, Eamus Cork Solutions. There was no routine monitoring of the facility by organisations such as the Independent Monitoring Board.

Compared with facilities in the UK, detainees were held for relatively short periods. Record keeping by Border Force was inaccurate but logs suggested that 211 detainees had been held in the previous three months, for an average of two hours and 45 minutes. On leaving the facility, detainees either continued their journey to the UK or were handed over to the French border police, the Police aux Frontières (PAF). In 2013, 2210 people were arrested by the PAF at the port, not all of whom entered the facility.

The holding rooms were austere and gloomy. They lacked the necessary facilities to hold detainees with dignity. The overall detention experience was poorer than in many other facilities that we inspect. Although short periods of detention mitigated some of these negative factors, more work was needed to improve the conditions in which detainees were held.
About this inspection and report

Her Majesty’s Inspectorate of Prisons is an independent, statutory organisation which reports on the treatment and conditions of those detained in prisons, young offender institutions, immigration detention facilities and police custody.

The Contrôle Général des Lieux de Privation de Liberté (CGLPL) is an independent public body with the authority to inspect the treatment and conditions of people who are deprived of their liberty to check that their fundamental rights are respected. This is without prejudice to the prerogatives given by law to the judiciary or any court.

All inspections carried out by HM Inspectorate of Prisons, as well as by the Contrôle Général des Lieux de Privation de Liberté, contribute to the UK’s and France’s response to their international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detainees. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK, and the Contrôle Général des Lieux de Privation de Liberté is the NPM in France.

All Inspectorate of Prisons reports carry a summary of the conditions and treatment of detainees, based on the four tests of a healthy prison that were first introduced in this inspectorate’s thematic review Suicide is everyone’s concern, published in 1999. The tests have been modified to fit the inspection of short-term holding facilities, both residential and non-residential. The tests for short-term holding facilities are:

- **Safety** – that detainees are held in safety and with due regard to the insecurity of their position
- **Respect** – that detainees are treated with respect for their human dignity and the circumstances of their detention
- **Activities** – that the centre encourages activities and provides facilities to preserve and promote the mental and physical well-being of detainees
- **Preparation for removal and release** – that detainees are able to maintain contact with family, friends, support groups, legal representatives and advisers, access information about their country of origin and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property.

Inspectors kept fully in mind that although these were custodial facilities, detainees were not held because they had been charged with a criminal offence and had not been detained through normal judicial processes.
Summary

Safety

S1 Transfers to the facility were short but detainees were transported in a caged vehicle. They were held by authorised search officers rather than detainee custody officers. Belts were removed from detainees.

S2 The risk assessment section of the written authority to detain (IS91) was incomplete in all the cases we inspected. Staff had clear views of the main holding room but not the smaller holding room where women and children were held. Incidents of self-harm were rare but facility staff were unaware of prevention procedures and did not carry anti-ligature knives.

S3 There were no links with French social services to safeguard at-risk adults. Border Force staff were aware of their statutory duty to safeguard and promote the welfare of children but facility staff had not been trained in child protection. Few adjustments for children had been made to the facility.

S4 Force was rarely used. Facility staff did not use control and restraint techniques but had been trained in personal safety. Information about legal advice was not displayed. The average length of detention in the previous three months was two and three-quarter hours, with the longest period being just under eight hours.

Respect

S5 Women and children were not kept completely separately from men. The holding rooms lacked natural light and were gloomy. There were sometimes not enough seats for the number of detainees held. There were no adequate washing or sleeping facilities. Facility staff were trained in race and diversity. There was insufficient provision for religious activities. Border Force regularly used professional telephone interpretation but facility staff did not. Detainees could not easily make formal complaints. Food provision was poor.

Activities

S6 There was little to keep detainees occupied and they could not access fresh air, although stays were short.

Preparation for removal and release

S7 On leaving the facility, most detainees were handed over to the French border police, the Police aux Frontières (PAF). Clandestine travellers could not retain their mobile telephones while in the facility. No stock of clothing was kept for detainees. There was no written information advising detainees what would happen on leaving the facility.
Section 1. Safety

Escort vehicles and transfers

Expected outcomes:
Detainees under escort are treated safely, decently and efficiently.

1.1 Border Force used the services of a private contractor, Eamus Cork Solutions (ECS), to search vehicles travelling to the UK. If clandestine travellers were found in a lorry, they were transported the short distance to the facility in a van. This contained six seats and, unlike most escort vans in the UK, was caged. The floor of the van was dirty and littered with cigarette butts. There was no first-aid kit on the van. Journey times were short, lasting no more than a few minutes.

Recommendation

1.2 Detainees should not be transferred in caged vans.

Housekeeping point

1.3 The escort vehicle should be kept clean and contain a first-aid kit.

Arrival

Expected outcomes:
Detainees taken into detention are treated with respect, have the correct documentation, and are held in safe and decent conditions. Family accommodation is suitable.

1.4 Unlike at other juxtaposed control facilities in Calais and Coquelles, which are staffed by qualified British detainee custody officers (DCOs), the facility was staffed by French nationals working for ECS. Typically, DCOs undergo a five-week initial training course before accreditation. The UK’s College of Policing delivers a five-day training course to enable ECS staff to qualify as authorised search officers (ASOs). This is supplemented with two days of refresher training.

1.5 No detainees were held during the inspection. Detainees entering the facility were given a rub-down search and, unlike at Calais and Coquelles juxtaposed control facilities, had their fingerprints taken. Border Force recorded detainees’ details on their case information database (CID) and fingerprints were held in their immigration fingerprint bureau.

1.6 Detainees were asked to empty their pockets. Clandestine travellers were not allowed to retain mobile telephones and were not offered a telephone call on arrival (see section on preparation for removal and release). Belts, but not shoelaces, were removed from detainees.

1.7 Before detainees entered the facility, Border Force issued the written authority to detain (IS91). The risk assessment section had not been completed in any of the 10 forms we examined.
1.8 Key information was not available in written format.

Recommendations

1.9 The facility should be staffed by accredited detainee custody officers.

1.10 All detainees should be able to make a free telephone call in private soon after their arrival.

1.11 Key information should be given to detainees on arrival, verbally and in writing, in a language they understand.

Housekeeping points

1.12 Belts should only be removed from detainees to reduce a demonstrable risk of harm.

1.13 The risk assessment section on detainees' IS91 forms should be completed in full. If there are no risks, the section should be completed to show that risks have been assessed.

Bullying and personal safety

Expected outcomes:
Detainees feel and are safe from bullying and victimisation.

1.14 ASOs had a clear view of the main holding room but not the smaller holding room, which held women and children (see recommendation 1.36 and Appendix II). To reach the smaller holding room, women and children had to walk through the main holding room, which meant that men and women could not be held completely separately (see also section on accommodation). There was no closed-circuit television coverage in the facility. Staff avoided tensions between people smugglers (facilitators) and clandestine travellers by keeping them apart, holding facilitators in their lorries (with ASOs retaining the keys) and clandestine travellers within the facility.

Self-harm and suicide prevention

Expected outcomes:
The facility provides a safe and secure environment which reduces the risk of self-harm and suicide.

1.15 ASOs were not aware of any self-harm prevention procedures and did not carry anti-ligature knives. The ASO we spoke to could not recall any detainees attempting to harm themselves.

Recommendations

1.16 There should be a self-harm and suicide prevention policy.

1.17 Authorised search officers (ASOs) should routinely carry anti-ligature knives.
Safeguarding (protection of adults at risk)

Expected outcomes:
The centre promotes the welfare of all detainees, particularly adults at risk, and protects them from all kinds of harm and neglect.1

1.18 There were no links between custody staff and the French social services and no specific adult safeguarding procedures. However, at-risk adults were unlikely to be detained alone as they would invariably be travelling with someone else. Detainees were usually held for short periods. Border Force staff were aware of mechanisms for protecting victims of trafficking (the National Referral Mechanism).

Safeguarding children

Expected outcomes:
The facility promotes the welfare of children and protects them from all kinds of harm and neglect.

1.19 In the previous three months, 38 children had been held in the facility, most of whom had been teenagers but four had been under the age of 13, with the youngest being five. The longest detention was of a 15-year-old held for just under eight hours. Border Force records did not specify whether or not the children had been accompanied.

1.20 All Border Force staff had completed tier one of the Keeping Children Safe training; Border Force children and young persons team members had completed tier two of this training. Immigration officers were aware of their duty to safeguard and promote the welfare of children and were sighted on child trafficking. When entry to the UK was refused and Border Force had child safeguarding concerns, they alerted the French border police, the Police aux Frontières (PAF). When entry to the UK was granted and they had such concerns, immigration officers alerted social services in the destination locality, and Kent police. ASOs had not undertaken child protection training.

1.21 A box of toys was available for small children to play with. The baby change facility in one of the toilets was dirty. Other than these, no other adjustments for children had been made to the facility.

Recommendations

1.22 ASOs should undergo child protection training.

1.23 Children should be held in a child-friendly environment with age-appropriate facilities.

Housekeeping point

1.24 The baby changing facility should be kept clean.

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1 We define an adult at risk as a person aged 18 years or over, who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. ‘No secrets’ definition (Department of Health 2000).
Use of force

Expected outcomes:
Force is only used as a last resort and for legitimate reasons.

1.25 Staff told us that they had never used force on detainees in the facility. ASOs had received personal safety training from the UK’s College of Policing but had not been trained in control and restraint techniques. They did not carry handcuffs. If a detainee became violent or refractory, staff called PAF officers, who were located in the same building. As detainees were not removed to their country of origin (see section on preparation for release), they were less likely to resist removal from the facility.

Legal rights

Expected outcomes:
Detainees are fully aware of and understand their detention. Detainees are supported by the facility staff to exercise their legal rights freely.

1.26 Information about organisations that could assist detainees was not displayed. We were told that detainees who claimed asylum were transferred to a centre de rétention administrative, where they could obtain legal advice. Detainees did not have access to email, internet or fax facilities (see also section on preparation for release). Although many detainees attempted, unsuccessfully, to enter the UK to claim asylum, there was no written information advising them that they could seek asylum in France. There was also no written information explaining that if, in the future, they managed to gain clandestine entry to the UK, they could be returned to France to have their claim determined.

Recommendation

1.27 Independent legal advice from French organisations should be available to detainees. Written information about these organisations should be clearly displayed in a variety of languages.

Casework

Expected outcomes:
Detention is carried out on the basis of individual reasons that are clearly communicated. Detention is for the minimum period necessary.

1.28 In the previous three months, 211 detainees had been held. Border Force recorded the times that detainees arrived at and left the facility but in 34 cases the data had been recorded incorrectly. The average length of detention in cases where recording had been accurate was two hours and 45 minutes—a relatively short period compared with other port STHFs. The longest period of detention was seven hours and 57 minutes. Most detainees were held after attempting to enter the UK clandestinely, hidden in lorries (66%). Others arrived in light vehicles but were refused permission to enter (34%). In 2013, the PAF arrested 2210 people at the port: 1655 clandestine travellers, 84 smugglers, 207 people who tried to enter the port illegally (i.e. jumped over the perimeter fence), 112 people whose situation was incompatible with an entry to the UK and 152 wanted persons. Not all of those arrested were held in the facility.
1.29 Border Force staff told us that processing detainees’ biodata prolonged detention. The policy of taking biodata from all clandestine entrants was being reviewed by Border Force following an inspection of juxtaposed controls by the Independent Chief Inspector of Borders and Immigration. We were told that if biodata were not collected, detainees could be passed to PAF quickly, with only minimal detention.

1.30 Records showed that a member of the Border Force team visited the facility regularly.

Housekeeping point

1.31 Border Force should keep accurate records of detention.
Respect

Accommodation

Expected outcomes:
Detainees are held in a safe, clean and decent environment.

1.32 The facility comprised a fingerprint area, the ASO office and a main holding room, which opened out into a small holding room for women and children (see Appendix II). In the previous three months, 51 women and 160 men had been held.

1.33 Despite recent redecoration, the holding rooms were austere and lacked natural light, and there were no posters to soften the environment. The main holding room contained hard metal benches for six detainees, and the small holding room contained two fold-down chairs. In November 2013, 13 detainees had been held in the facility at the same time, which meant that not all would have had a seat. The separate toilets for men and women afforded full privacy, although women had to walk through the main holding room to use the toilet. The holding room and toilets were clean.

1.34 The facility contained a television and drinking water fountain but little else. The pressure in the drinking water fountain was too great, so water gushed onto the floor when in use.

1.35 Although some detainees were held overnight, there were no sleeping facilities and there was nowhere for detainees to lie down. There were no adequate washing facilities for detainees, and no toiletry packs were available.

Recommendations

1.36 Women, children and families should be held in entirely separate facilities, which can be continuously observed by detention staff.

1.37 All holding rooms should have adequate seating, washing and sleeping facilities.

Positive relationships

Expected outcomes:
Detainees are treated with respect by all staff, with proper regard for the uncertainty of their situation and their cultural backgrounds.

1.38 No detainees were held during the inspection. Other than high-visibility jackets, ASOs did not wear uniforms or name badges.

Housekeeping point

1.39 ASOs should wear clearly legible name badges.
Equality and diversity

Expected outcomes:
There is understanding of the diverse backgrounds of detainees and different cultural backgrounds. The distinct needs of each protected characteristic, including race equality, nationality, religion, disability, gender, transgender, sexual orientation, age and pregnancy, are recognised and addressed.

1.40 ASOs underwent race and diversity training as part of their initial five-day training course. In the previous three months, the average age of detainees had been 29. Five detainees over the age of 60 had been held, the oldest being 66. A Qur’an and Bible were kept in the adjoining Border Force offices but there were no notices in the holding room advising detainees of their availability. There were no prayer mats available and there was no compass to determine the direction of Mecca. Staff told us that they had not held anyone with mobility problems but there was an adapted toilet for those with disabilities in the Border Force offices, and the facility was located on the ground floor. ASOs did not use professional telephone interpreting services to communicate with detainees. Border Force staff used telephone interpretation to interview detainees.

Recommendation

1.41 ASOs should use interpretation and/or pictorial prompts to facilitate communication with detainees.

Housekeeping point

1.42 Detainees should have free access to religious items.

Complaints

Expected outcomes:
Effective complaints procedures are in place for detainees which are easy to access and use, in a language they can understand. Responses are timely and can be understood by detainees.

1.43 Complaint forms were not available in the holding room. Detainees wishing to complain were expected to raise their concerns with Border Force staff, who would then give detainees a complaint form. The lack of freely available forms and of a secure complaints box might have inhibited detainees from complaining. This was evidenced by the fact that staff said that detainees never complained.

Recommendation

1.44 An effective complaints procedure, which is easy to access and use, should be implemented, with complaint forms in a language that detainees can understand, pens and a secure box available.
Catering

Expected outcomes:
Detainees are offered varied meals to meet their individual requirements. Food is prepared and served according to religious, cultural and prevailing food safety and hygiene regulations.

1.45 Food provision was poor. Despite the fact that some detainees may have had long and difficult journeys in the back of lorries, only crisps and snack bars were available, with no hot food or sandwiches. Other than a water fountain, detainees were not offered drinks.

Recommendation

1.46 Those detained for several hours should be offered a hot meal, and hot drinks should be freely available.
Activities

Expected outcomes:
The facility encourages activities to preserve and promote the mental and physical well-being of detainees.

1.47 Although the average length of detention was short, there was not enough for detainees to do. Other than a television behind a Perspex case and a DVD player, with a handful of DVDs available, there were no activities for detainees to occupy themselves. They did not have access to the fresh air.

Recommendations

1.48 There should be sufficient activities and facilities to enable detainees to occupy themselves, including access to books, newspapers and dictionaries in a range of languages.

1.49 Detainees held for more than a few hours should have access to the fresh air.
Preparation for removal and release

Expected outcomes:
Detainees are able to maintain contact with the outside world and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property. Families with children and others with specific needs are not detained without items essential to their welfare.

1.50 No detainees leaving the facility were removed directly to their country of origin; they were either handed to PAF or allowed to continue their journey. In the previous three months, most detainees (91%) had been refused entry to the UK and handed to PAF. The remaining 9% had been granted admission to the UK. At least one clandestine traveller had been able to enter the UK some weeks after being handed to PAF.

1.51 Clandestine travellers could not keep in contact with the outside world, as their mobile telephones were confiscated and there was no payphone in the facility. Those detained after trying to enter through regular means could retain all telephones, even those with a camera, although staff advised them not to take photographs. Detainees had no internet or telephone access and could not send or receive faxes. No stocks of clothing were kept for those who required it. Detainees were given no written explanation about what would happen after being handed over to PAF.

1.52 When detainees were handed over to PAF, the latter checked whether they had permission to stay in France. If they did, they were released; if they did not, they were taken to a magistrate in Coquelles.

Recommendations

1.53 All detainees should be able to retain their mobile telephones and have access to email, fax and internet facilities for communication and information purposes.

1.54 Detainees should be told about what will happen to them after they are handed over to PAF.

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2 An Eritrean national tried to enter the UK in the back of lorry on 5 Dec 2013. He was detected, detained, fingerprinted and handed over to PAF. A few weeks later he was found getting out of a lorry in the Midlands. His asylum claim is being considered by the Home Office.
Section 2. Recommendations and housekeeping points

Recommendations To Border Force

Accommodation

2.1 Women, children and families should be held in entirely separate facilities, which can be continuously observed by detention staff. (1.36)

2.2 All holding rooms should have adequate seating, washing and sleeping facilities. (1.37)

Recommendations To Border Force and the facility contractor

Escort vehicles and transfers

2.3 Detainees should not be transferred in caged vans. (1.2)

Arrival

2.4 The facility should be staffed by accredited detainee custody officers. (1.9)

2.5 All detainees should be able to make a free telephone call in private soon after their arrival. (1.10)

2.6 Key information should be given to detainees on arrival, verbally and in writing, in a language they understand. (1.11)

Safeguarding children

2.7 Children should be held in a child-friendly environment with age-appropriate facilities. (1.23)

Legal rights

2.8 Independent legal advice from French organisations should be available to detainees. Written information about these organisations should be clearly displayed in a variety of languages. (1.27)

Complaints

2.9 An effective complaints procedure, which is easy to access and use, should be implemented, with complaint forms in a language that detainees can understand, pens and a secure box available. (1.44)
Section 2. Recommendations and housekeeping points

Activities

2.10 Detainees held for more than a few hours should have access to the fresh air. (1.49)

Preparation for removal and release

2.11 All detainees should be able to retain their mobile telephones and have access to email, fax and internet facilities for communication and information purposes. (1.53)

Recommendations

To the facility contractor

Self-harm and suicide prevention

2.12 There should be a self-harm and suicide prevention policy. (1.16)

2.13 Authorised search officers (ASOs) should routinely carry anti-ligature knives. (1.17)

Safeguarding children

2.14 ASOs should undergo child protection training. (1.22)

Equality and diversity

2.15 ASOs should use interpretation and/or pictorial prompts to facilitate communication with detainees. (1.41)

Catering

2.16 Those detained for several hours should be offered a hot meal, and hot drinks should be freely available. (1.46)

Activities

2.17 There should be sufficient activities and facilities to enable detainees to occupy themselves, including access to books, newspapers and dictionaries in a range of languages. (1.48)

Preparation for removal and release

2.18 Detainees should be told about what will happen to them after they are handed over to PAF. (1.54)
Housekeeping point  To Border Force

2.19  Border Force should keep accurate records of detention. (1.31)

Housekeeping point  To Border Force and the facility contractor

2.20  The risk assessment section on detainees’ IS91 forms should be completed in full. If there are no risks, the section should be completed to show that risks have been assessed. (1.13)

Housekeeping points  To the facility contractor

2.21  The escort vehicle should be kept clean and contain a first-aid kit. (1.3)

2.22  Belts should only be removed from detainees to reduce a demonstrable risk of harm. (1.12)

2.23  The baby changing facility should be kept clean. (1.24)

2.24  ASOs should wear clearly legible name badges. (1.39)

2.25  Detainees should have free access to religious items. (1.42)
Section 3. Appendices

Appendix I: Inspection team

Cédric de Torcy (CGLPL) Inspector
Colin Carroll (HMIP) Inspector
Appendix II: Photographs

Smaller holding room used to hold women and children.

Main holding room