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STATUTORY INSTRUMENTS

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**2001 No. 238**

**The Detention Centre Rules 2001**

**PART III**

**MAINTENANCE OF SECURITY AND SAFETY**

**General security and safety**

**39.**—(1) Security shall be maintained, but with no more restriction than is required for safe custody and well ordered community life.

(2) A detained person shall not behave in any way which might endanger the health or personal safety of others.

(3) A detained person shall not behave in any way which is inconsistent with his responsibilities under the compact.

(4) A detained person shall not be employed in any disciplinary capacity.

**Removal from association**

**40.**—(1) Where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes, the Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may arrange for the detained person's removal from association accordingly.

(2) In cases of urgency, the manager of a contracted-out detention centre may assume the responsibility of the Secretary of State under paragraph (1) but shall notify the Secretary of State as soon as possible after making the necessary arrangements.

(3) A detained person shall not be removed under this rule for a period of more than 24 hours without the authority of the Secretary of State.

(4) An authority under paragraph (3) shall be for a period not exceeding 14 days.

(5) Notice of removal from association under this rule shall be given without delay to a member of the visiting committee, the medical practitioner and the manager of religious affairs.

(6) Where a detained person has been removed from association he shall be given written reasons for such removal within 2 hours of that removal.

(7) The manager may arrange at his discretion for such a detained person as aforesaid to resume association with other detained persons, and shall do so if in any case the medical practitioner so advises on medical grounds.

(8) Particulars of every case of removal from association shall be recorded by the manager in a manner to be directed by the Secretary of State.

(9) The manager, the medical practitioner and (at a contracted-out detention centre) an officer of the Secretary of State shall visit all detained persons who have been removed from association at least once each day for so long as they remain so removed.

### **Use of force**

**41.—**(1) A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used.

(2) No officer shall act deliberately in a manner calculated to provoke a detained person.

(3) Particulars of every case of use of force shall be recorded by the manager in a manner to be directed by the Secretary of State, and shall be reported to the Secretary of State.

### **Temporary confinement**

**42.—**(1) The Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may order a refractory or violent detained person to be confined temporarily in special accommodation, but a detained person shall not be so confined as a punishment, or after he has ceased to be refractory or violent.

(2) In cases of urgency, the manager of a contracted-out detention centre may assume the responsibility of the Secretary of State under paragraph (1) above but shall notify the Secretary of State as soon as possible after giving the relevant order.

(3) A detained person shall not be confined in special accommodation for longer than 24 hours without a direction in writing given by an officer of the Secretary of State (not being an officer of a detention centre).

(4) The direction shall state the grounds for the confinement and the time during which it may continue (not exceeding 3 days).

(5) A copy of the direction shall be given to the detained person before the 27th hour of the confinement.

(6) Notice of the direction shall be given without delay to a member of the visiting committee, the medical practitioner and the manager of religious affairs.

(7) Particulars of every case of temporary confinement shall be recorded by the manager in a manner to be directed by the Secretary of State.

(8) The manager, the medical practitioner and (at a contracted-out detention centre) an officer of the Secretary of State shall visit all detained persons in temporary confinement at least once each day for as long as they remain so confined.

### **Special control or restraint**

**43.—**(1) The Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may order a detained person to be put under special control or restraint where this is necessary to prevent the detained person from injuring himself or others, damaging property or creating a disturbance.

(2) In cases of urgency, the manager of a contracted-out detention centre may assume the responsibility of the Secretary of State under paragraph (1) but shall notify the Secretary of State without delay after giving the relevant order.

(3) Notice of such an order shall be given without delay to a member of the visiting committee, the medical practitioner and the manager of religious affairs.

(4) On receipt of the notice the medical practitioner shall inform the manager whether there are any medical reasons why the detained person should not be put under special control or restraint and the manager shall give effect to any recommendation which the medical practitioner may make.

(5) A detained person shall not be kept under special control or restraint longer than necessary, nor shall he be so kept for longer than 24 hours without a direction in writing given by an officer of the Secretary of State (not being an officer of the detention centre).

(6) A direction given under paragraph (5) shall state the grounds for the special control or restraint and the time during which it may continue.

(7) A copy of the direction will be given to the detained person before the 27th hour of application of the special control or restraint.

(8) Particulars of every case of special control or restraint shall be recorded by the manager in a manner to be directed by the Secretary of State.

(9) The manager, the medical practitioner and (at a contracted-out detention centre) an officer of the Secretary of State shall visit any detained person placed under special control and restraint at reasonable intervals during every 24 hour period for so long as the special control or restraint continues to be applied.

(10) Except as provided by this rule no detained person shall be put under special control or restraint otherwise than for safe custody, to give effect to directions lawfully given for his removal from the United Kingdom, or on medical grounds by direction of the medical practitioner.

(11) No detained person shall be put under special control or restraint as a punishment.

(12) Any means of special control or restraint shall be of a pattern authorised by the Secretary of State, and shall be used in such manner and under such conditions as the Secretary of State may direct.

### **Compulsory testing for controlled drugs and alcohol**

**44.—**(1) This rule applies where a detainee custody officer, acting under an authorisation given by the Secretary of State under paragraph 2 of Schedule 12 to the Immigration and Asylum Act 1999, requires a detained person to provide a sample for the purpose of ascertaining whether he has a controlled drug or alcohol in his body.

(2) In this rule “sample” means a sample of urine or breath or any other description of sample specified in the authorisation.

(3) The detainee custody officer shall not require a sample to be taken unless there are reasonable grounds for believing that the detained person has a controlled drug or alcohol in his body.

(4) When requiring a detained person to provide a sample, the detainee custody officer shall inform the detained person that he is being required to provide a sample in accordance with paragraph 2 of Schedule 12 to the Immigration and Asylum Act 1999.

(5) The detainee custody officer shall require the detained person to provide a fresh sample, free from any adulteration.

(6) A detainee custody officer requiring a sample shall make such arrangements and give the detained person such instructions for its provision as may be reasonably necessary in order to prevent or detect its adulteration or falsification.

(7) A detained person who is required to provide a sample may be kept apart from other detained persons for a period not exceeding one hour to enable arrangements to be made for the provision of the sample.

(8) A detained person who is unable to provide a sample of urine when required to do so may be kept apart from other detained persons until he has provided the required sample, save that the detained person may not be kept apart under this paragraph for a period of more than 5 hours.

(9) A detained person required to provide a sample of urine shall be afforded such degree of privacy for the purposes of providing the sample as may be compatible with the need to prevent or

detect any adulteration or falsification of the sample and in particular a detained person shall not be required to provide such a sample in the sight of a person of the opposite sex.