

## **INDEPENDENT PRISON MONITOR'S CODE OF CONDUCT**

Monitoring prisons through visits is a delicate and sensitive task. For reasons both of ethics and efficiency, it is important that those Independent Prison Monitors conducting visits keep in mind and respect a number of basic principles.

The following principles are mainly taken from the basic principles of monitoring identified in the United Nations Training Manual on Human Rights Monitoring. However, they have been adjusted, when necessary, to suit the particular arrangements of monitoring prisons in Scotland.

The independent prison monitoring code of conduct supports the continued development of recruitment strategies, working practices and training. The code is part of the terms and conditions of appointment for an Independent Prison Monitors

**The code is as follows:**

### **1. Do no harm**

People detained in prison are vulnerable and their safety should always be kept in mind by Independent Prison Monitors, who should not take any action or measure which could endanger an individual or a group. In particular, in cases of allegations of torture or ill-treatment, the principle of confidentiality, security and sensitivity should be kept in mind. This should be considered particularly where there is a perception of fear of reprisal.

### **2. Exercise good judgment**

Independent Prison Monitors should have an awareness of the HMIPS Standards and Prison Rules against which they are conducting their monitoring. However, whatever their number, relevance and precision, rules cannot substitute for good personal judgement and common sense. Independent Prison Monitors should therefore possess and exercise sound judgment in all circumstances.

Independent Prison Monitors should dress appropriately taking account of the environment they are operating in. For example long scarves should be avoided.

### **3. Respect the authorities and the staff in charge**

Unless a minimum basis of mutual respect is established between the prison staff and the Independent Prison Monitors the effectiveness of our work in prisons might be jeopardised. Independent Prison Monitors should always respect the functioning of the authorities and try to identify the management levels and their responsibilities so as to be able to address any problem at the right level.

### **4. Respect the persons imprisoned**

Whatever the reasons for imprisonment, prisoners must be treated with respect and courtesy. The Independent Prison Monitor should always introduce him or herself.

## **5. Be credible**

Independent Prison Monitors should explain clearly, to prisoners and prison staff, the objectives and the limitations of their monitoring work and behave accordingly. They should make no promise that they are unlikely or unable to keep, not take any action that they cannot follow through. The Independent Prison Monitors can support, advocate and where necessary investigate however cannot for example provide legal or medical advice to a prisoner regardless of their individual qualifications or expertise.

## **6. Respect confidentiality**

Respect for the confidentiality of the information provided in private interviews is essential. Independent Prison Monitors should not make any representation using the name of a prisoner without his or her express and informed consent. If the issue is a medical matter written consent is required from the prisoner by completing the form in the Guidance Document [Annex 12.3 ]. Independent Prison Monitors should make sure that the prisoner fully understands the benefits as well as the possible risks or negative consequences of any action taken on their behalf. Independent Prison Monitors are bound to respect a prisoner's confidentiality.

## **7. Respect security**

Security refers to the personal security of , Independent Prison Monitors the security of the prisoners who are in contact with them and the overall security of the prison. are Independent Prison Monitors key-holders in the prison and must have completed local induction and key security prior to the uplift of any keys. If an Independent Prison Monitor is on the rota to perform a night visit, the prison must be informed in advance to ensure that the Independent Prison Monitor can be recognised and external doors be opened for them. In the event of a night visit the Independent Prison Monitors will not be allowed to access keys, or speak with any prisoner. They may accompany staff on a night patrol around the prison and monitor in the electronic control room (ECR).

It is important to respect the internal rules of the prison visited and to seek advice or request any special dispensation from those in charge. The prison authorities may invoke security reasons for not allowing an Independent Prison Monitor to specific places or put conditions on interviews with specific prisoners. This must be respected, however should be challenged for defensibility through the appropriate channels.

Independent Prison Monitors should refrain from introducing or removing any object without the prior agreement of the prison authorities. They should display their identity by wearing a badge indicating that they are an Independent Prison Monitor and this should be worn on an Independent Prison Monitors lanyard.

Regarding the security of the prisoners visited, the Independent Prison Monitor should consider how to use information in such a way as not to put individuals at risk. Independent Prison Monitors should make repeat visits and meet again most of the prisoners seen previously to make sure they have not suffered reprisals.

## **8. Be consistent, persistent and patient**

The legitimacy of the independent prison monitoring mechanism is established over time, mainly as a result of the relevance, persistence and consistency of its work. Monitoring prisons requires efficiency, regularity and continuity. It implies visiting regularly the same places, and building up

enough evidence to draw well founded conclusions and make recommendations. It is essential to be persistent also in the follow-up activities.

#### **9. Be accurate and precise**

During the on-site visit it is important to collect sound and precise information in order to be able to draft well documented reports to support relevant recommendations.

#### **10. Be sensitive**

Particularly when interviewing prisoners, Independent Prison Monitors should be sensitive to the situation, mood and needs of the individual, as well as to the need to take the necessary steps to protect his or her security. In cases of allegations of torture and ill-treatment, Independent Prison Monitors should be aware of the problems of re-traumatisation.

#### **11. Be objective**

Independent Prison Monitors must strive to record actual facts, and to engage with the prison staff, any other relevant staff and prisoners in a manner that is not coloured by feelings or preconceived opinions.

#### **12. Behave with integrity**

Independent Prison Monitors should treat all prisoners, prison authorities and staff, and their fellow Independent Prison Monitors with decency and respect. They should not be motivated by self-interest and should be scrupulously honest. In all their dealings they should operate in accordance with the international human rights standards that they are mandated to uphold. Any concerns should be raised through the appropriate escalation channels.

#### **13. Be visible**

Within the prison, Independent Prison Monitors should make sure that prison staff, other relevant staff and prisoners are aware of the methodology and mandate of the independent prison monitoring scheme and that they know how to approach them.

Posters should be available on each prison landing notice board and prisoners should have received a leaflet describing the service and setting expectations as part of their induction to the prison. Outside the prison, the work of prison monitoring should be publicised through written reports from the HMIPS head office only. No contact should be made to the media or comments made on social media by any or Independent Prison Monitor collective group of Independent Prison Monitors regarding the work of independent prison monitoring or individual prisoners, Governors in Charge or any staff. This will result in instant removal from the role of Independent Prison Monitor and is considered a confidentiality breach and breach of this code.

#### **14. Conflicts of Interest**

It is possible that during an Independent Prison Monitoring visit that an Independent Prison Monitor may know an individual in prison for a variety of reasons. In the event that there is any potential for a conflict of interest arising the Independent Prison Monitors must inform the regional PMC to determine the nature of the potential conflict of interest and to allow any reasonable adjustments to be considered and implemented.