

**Committee on the Administration of Justice**  
(The Northern Ireland Civil Liberties Council)

**LAY VISITORS TO  
POLICE STATIONS IN  
NORTHERN IRELAND**

**C.A.J. Pamphlet No.14**

November 1989

£2.00

# **THE COMMITTEE ON THE ADMINISTRATION OF JUSTICE**

The Committee on the Administration of Justice is an independent civil liberties organisation formed in 1981 to work for "the highest standards in the administration of justice in Northern Ireland by examining the operation of the current system and promoting the discussion of alternatives."

By undertaking and facilitating research, holding conferences, lobbying politicians, issuing press statements, publishing pamphlets and circulating a monthly news-sheet, the CAJ hopes to raise the level of public debate around important social justice issues.

Open meetings of the full committee and visitors take place every other month to discuss current justice topics. Various sub-groups meet and work on an ongoing basis. At present the sub-groups are specifically concerned with prisons, Bill of Rights, policing, emergency laws, laws on rape, the Payments for Debt Act and magistrates courts.

## **Membership of the Committee**

Membership entitles the individual to attend the organisation's meetings, to take part in the work of sub-committees, to use the CAJ library and newspaper clippings service, and to receive all CAJ mailings, including our monthly news-letter Just News. Individual membership fees £5 (£2 unwaged) and £10 for organisations.

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## **PREFACE**

The CAJ is particularly grateful to Peter Tennant who generously undertook the task of writing this pamphlet.

This publication is intended to complement the pamphlets already issued on complaints against the police (No's 3 and 4), on consultation between the police and the public (No 6), on the Stalker Affair (No 10) and on Police Accountability (No 11). A policy document which outlines the full framework of the CAJ's current ideas on policing is also available

# LAY VISITORS TO POLICE STATIONS IN NORTHERN IRELAND

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## Foreword

1.1. Ever since its formation the Committee on the Administration of Justice (CAJ) has been concerned to do whatever was possible to improve relationships between the Royal Ulster Constabulary (RUC) and the general public of Northern Ireland. To that end it has produced:

- Pamphlet nos 3 and 4 on Complaints against the Police
- Pamphlet no. 6 on Consultation between the Police and the Public
- Pamphlet no. 10 on the Stalker Affair
- Pamphlet no. 11 on Police Accountability in Northern Ireland

1.2. The present pamphlet deals with a subject that is entirely new to Northern Ireland but which has been tackled with some success in England and Wales.

### Special factors in Northern Ireland

2.1. There are two main respects in which conditions in Northern Ireland differ materially from those existing in England. In the first place, Northern Ireland has a significantly lower crime rate than virtually any other policing area in the United Kingdom. Whilst it is increasing, the clear-up rate is also rising proportionately. In the second place, Northern Ireland is not as multi-racial or multi-cultural a society as England. We do not have a large immigrant population nor a noticeable race relations problem. On the other hand, of course, our society is deeply split along sectarian lines and accompanying this rift is a high level of violent crime "on behalf of" one side or the other.

2.2. The sectarian divide is in turn responsible for two special factors concerning policing in Northern Ireland. One is that a large section of the minority community (and a few of the majority community) do not have complete confidence in the impartiality of the police. They view the police as an arm of the British state, whether this be in the context of repressing paramilitary activities or of enforcing the Anglo-Irish agreement. There is also scepticism regarding the independence of the Police Authority and of the Independent Commission for Police Complaints. A particularly obvious manifestation of the lack of confidence in the police is the fact that, despite Roman Catholics forming almost 40% of the overall population, only about 10% of the RUC are of that religion.

2.3. The other important factor is that ever since the creation of Northern Ireland the police have had "special" powers of arrest and detention which have supplemented their "ordinary" powers conferred by the common law. Today these special powers are laid down in the Northern Ireland (Emergency Provisions) Acts 1978 and 1987 and in the Prevention of Terrorism (Temporary Provisions) Act 1989. The 1989 Act, like its predecessors in 1974, 1976 and 1984, applies throughout the United Kingdom, but it is used much more frequently in Northern Ireland.

2.4. In many instances where use of ordinary police powers would suffice to deal with a situation, the RUC choose to take advantage of their special powers. Under these powers, people can be arrested and kept out of contact with relatives, friends, solicitors or doctors for up to 48 hours (and sometimes longer). In such cases the role of lay visitors to detention centres could be particularly important. In our research into the English experience of lay visiting we encountered only one comment on the applicability of the schemes to cases where people had been detained

under the PTA. In that case the Chief Constable was initially reluctant to allow any lay visitor access at all but after prolonged negotiation he agreed to allow some particular lay visitors access to some particular PTA detainees. If a lay visiting scheme is to be introduced in Northern Ireland we consider it imperative that it should extend to all detentions including those under the police's special powers. If it did not, a substantial number of detainees would fail to benefit from the safeguards which such schemes are intended to provide. The government currently intends to distinguish such detainees from "ordinary" detainees by subjecting the former to detention guidelines explaining the effects of the EPAs while subjecting the latter to Codes of Practice issued under the soon-to-be-enacted Police and Criminal Evidence (NI) Order. The CAJ can see no good reason for having two separate schemes either in the context of detainees' rights or in that of lay visiting.

# LAY VISITORS TO POLICE STATIONS IN NORTHERN IRELAND

## Introduction

1. In England and Wales it is now fairly general practice for lay people to visit police stations without warning at any hour of the day or night, and talk to the people detained in the cells about their welfare and conditions of detention. This system has had a number of advantages, not least for the police and their relationships with the general public. The CAJ welcomes the intention of the Police Authority for Northern Ireland to establish something similar here. This paper is an attempt to trace the development of the English system in some detail and to comment on the respects in which it may be necessary to adapt it to suit local conditions.

## History

2. Lay visiting to police stations was first suggested by the House of Commons Home Affairs Committee in 1980. The Boards of Prison Visitors had been performing a similar, though not identical, function within the prisons for a long time and the experience of the prison officers' dispute in 1980 - 81 drew attention to the absence of any such service in police stations. The idea was given further impetus by Lord Scarman's endorsement<sup>1</sup> of it in his report on the 1981 Brixton riots and so it was not surprising that one of the first pilot schemes was established in Lambeth (which includes Brixton) in 1984. Around that time six further pilot schemes were started in the north and midlands and from then on the model was increasingly copied until there are now very few areas where no such system operates.

## Objectives

3.1 The purpose of lay visits to police stations is described by the Home Office as being:

*"to enable members of the local community to observe, comment and report upon the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding of and confidence in these matters."*

3.2 This bald description of the objectives as securing greater public understanding and confidence could at first sight be thought of as simply creating a mechanism whereby repre-

1 Lord Scarman envisaged a statutory system of investigation of detention in police stations and supervision of interrogation. In two important respects what is now being done in England & Wales falls short of that; visitors are not allowed to witness, still less interrupt, police interviews with suspects and they have no statutory rights.

representatives of the public can see for themselves that the conditions in the cells and the treatment of the people in them are of an acceptable standard, and of course let their findings be known publicly. In practice it does rather more than that because no system, however good, is perfect at all times, and inevitably any inspection worth having will occasionally discover something which could be improved and draw it to the attention of those responsible.

3.3 At the same time it is worth mentioning that the greater understanding mentioned in the official description covers, among other things, a realisation of the very unattractive way in which some detainees behave and the strain this puts on the police.

3.4 It has also to be said that for many people being arrested and taken to a police station is an unnerving experience and the presence of an outsider representing the general public has a reassuring effect. While this cannot strictly be said to be part of the purpose of the scheme it is mentioned here because it is certainly one of its functions and, after all, many of the detainees sooner or later will again become part of the general public and will carry with them the experience of having had their conditions checked by an impartial person and of having been asked whether their treatment has been satisfactory.

3.5 We do not consider that these elaborations of the first sentence of the paragraph about objectives in the Home Office guidelines quoted above contravene the second sentence which says that "these are the only purposes for which lay visitors are permitted to visit police stations."

## The value of lay visiting

4. Before describing the detailed operation of lay visiting it is worth quoting some of the assessments of its value. Taking them in date order -

(a) 30th January 1984: Joint report of the Chief Executive and the Chief Constable to the South Yorkshire County Council:

*"The reaction of police officers to the scheme has been quite favourable and the potential benefit in public reassurance is seen by them to outweigh the minimal inconvenience and disruption caused to normal police procedures by the attendance of visitors."*

(b) April 1984: First report of the Lambeth panel of lay visitors to the Lambeth Community/Police Consultative Group:

*"The response of police officers to visits has been very positive. The scheme has been welcomed by all ranks as an opportunity to show the community that they have nothing to hide."*

(c) 26th February 1986: Home Office letter to Chief Officers of Police and Clerks to Police Authorities:

*"Their potential for promoting public confidence in the work of the police flowing from a better understanding of what goes on within police stations has already been demonstrated."*



(d) 1986 report of the Commissioner of the Metropolitan Police:

*"Lay visitors schemes are now operating in six London boroughs, with a further 22 in various stages of development. The Lambeth scheme continues to flourish and has allayed much of the apprehension felt by some members of the community; confidence in the police has increased and the scheme has earned its credibility. The issue of public statements through the parent consultative group has reduced tension and countered rumour. To date no scientific evaluation of lay visiting has been undertaken. However, it is the opinion of all those who are associated with the schemes that Lord Scarman's prediction of an increase in public confidence has been fulfilled.*

*That impression is reinforced by the fact that lay visitors have not found any evidence of police officers abusing prisoners at police stations. Cynics may suggest that this is because the police are now wary, knowing that an unannounced visit could take place at any time. The truth is that abuse of prisoners, if it occurs, is a rare aberration and the positive response to the scheme of the Force at all levels is evidence that my officers are pleased to demonstrate that such behaviour is isolated, and above all, intolerable.*

*The schemes have already helped to improve the accommodation and facilities which are available, not only to prisoners, but also to the police officers responsible for their custody."*

(e) 1986 Report of HM Chief Inspector of Constabulary:

*"The experience of the pilot schemes has shown that lay visiting has a practical role to play in promoting public confidence in the treatment of persons in police custody. It has allowed a further degree of openness by the police in their relations with the community.*

*The response of police authorities and chief constables has been encouraging. By the end of the year lay visiting schemes had been introduced, or were planned, in the vast majority of force areas. Experience has shown that the visitors will need time to gain experience and build confidence in their role. HM Inspectors will continue to encourage and support this initiative which, particularly in urban areas, is already showing its worth."*

(f) Home Office Circular 12/1986:

*"While evaluation of these schemes is still continuing enough has already been learnt to enable the Home Secretary to commend similar arrangements wherever local wishes and circumstances might make them appropriate..... their potential for promoting public confidence in the work of the police flowing from a better understanding of what goes on within police stations has already been demonstrated."*

(g) 1987 Report of HM Chief Inspector of Constabulary:

*"Lay visiting schemes have continued to be set up throughout the country during 1987, and the positive response of police authorities and chief constables has been welcome. Police authorities have now approved 34 schemes, 27 of which are in operation. In only 7 areas have police authorities so far decided not to introduce lay visiting.*

*As lay visitors have become more experienced, the results of their visits are being seen in better conditions for prisoners, in particular in improved facilities within police stations, and in fostering better relations between the police and the local community. HM Inspectors will continue to support and encourage lay visiting which, particularly in urban areas, is already proving its worth."*

(h) 1989. A survey of lay visiting schemes by Charles Kemp and Rod Morgan of the Bath Centre for Criminal Justice reveals that throughout England and Wales police have mostly welcomed the schemes and given them their support.

## **Appointment of lay visitors**

5.1 Lay visitors are appointed by the Police Authority in consultation with the Chief Constable and may be selected from nominations submitted to them by local consultative groups, community groups and organisations or as a result of recruiting from the general public by various means including public advertisement. Lay visitors may be drawn from the Police Authority's own members or the membership of a consultative group or a Board of Prison Visitors or indeed from any background likely to offer suitable people. In Lambeth the panel has its own recruitment committee which submits names for approval. It is generally considered that magistrates should not be lay visitors in order to avoid their impartiality being called into question, and that those who have been convicted of serious offences should be avoided for obvious reasons. Appointments are usually made for 3 years; in Lambeth they may be reappointed after an interval of one year. The Home Office ruled in 1989 that lay visitors in the London panels will be appointed for 3 years with an optimal reappointment for another 3 years. However in the early years of a panel's life some arrangement needs to be made for a proportion of the original members to hold office for 4 or 5 years in order to avoid too sharp breaks in the membership.

5.2 Similar arrangements would appear to be suitable in Northern Ireland; though the new consultative groups have not yet been established it is probable that they soon will be and in any case there are several bodies whose membership could present suitable candidates.

## **Reserve appointments**

6. Some Police Authorities keep an approved reserve list for each panel which enables vacancies to be filled quickly when visitors resign part way through their period of office, as several do each year when their personal circumstances change.

## **The selection of lay visitors**

7.1 There are at least two mistakes in the selection of lay visitors which it is important, but not necessarily very easy, to avoid. The first is the tendency to select too many local "worthies" or even people simply of middle class backgrounds not representative of the general public in the area concerned. In this connection it is of interest that in his 1986 report the Commissioner of the Metropolitan Police said:

*"There is a danger that lay visitors will tend to be drawn from the ranks of local dignitaries rather than ordinary people. I am pleased to see that, so far, lay visitors panels have openly advertised for applicants and have selected their members from a cross-section of people who display widely diverse origins. This gives ordinary members of the local community an important role in influencing local policing."*

7.2 The second danger is that, while avoiding the obvious class imbalance, the panel could be weighted too heavily in one direction or another, measured in different ways, such as age, sex, ethnic origin, etc, and it may be necessary to take special steps to avoid this. Two very general comments made by police custody officers in Merseyside are worth quoting:

*"There seems to be an age gap between the lay visitors and the prisoners".*

*"There should be more lay visitors who are ordinary working or non-working men - these are what most of our prisoners are."*

These observations are borne out by the following figures taken from the first Lay Visiting Report to the Community Liaison sub-committee of the Merseyside County Council:

*Table 3.1.1.*

Age	Number
Under 30	9
31 - 55	24
56 and over	8
no response	1

*Table 3.1.2.*

Sex	Number
male	29
Female	13

Table 3.1.2.3.

Occupation	Number
I	0
II	5
III Non manual	27
III Manual	2
IV	0
V	1
Not known	7

The categories employed in this table refer to the Registrar General's Classification of Occupations, 1972.

The report's comment on these figures is:

*"Whilst they may be typical of the kinds of people who respond to advertisements and wish to become involved in work of this sort, they cannot be seen as a representative cross sample of the general public. The extent to which this impairs the viability of the scheme depends in part on the scheme's purpose and in part on how the analysis which follows is received. It must be noted, however, that significant sections of the population are under-represented in this group; the young, the unemployed, manual workers, and to a certain extent, women. That within these groups there may be sections of the population for whom fears and experiences of the police are qualitatively different than the white, employed middle-aged male must not be overlooked. Burney reports in discussing the Lambeth scheme:*

*'Perhaps the most hopeful sign is the initial success of the drive to recruit young black people onto the panel. Since so many police prisoners in Lambeth are also young and black, their presence has wide implications, not all foreseeable.'* (New Society, 8/11/85)

*This comment might also apply to some areas within the Merseyside region, not only concerning young blacks but also young whites."*

To take actual figures from Lambeth, the tenth report of their panel to their consultative group for the period 1/8/87 to 31/12/87 said:

*"The compositional balance of the Panel (21) Lay Visitors is 4 black females, 6 white females, 5 white men and 6 black men. There are 6 people under the age of 30, one of whom is white. There is a higher percentage of younger black visitors than ever before."*

7.3. In addition to the problem of balance and representativeness there is also an important requirement for maturity which may to some extent point in the opposite direction. The Home Office guidelines say that lay visitors should be people of good character who will be expected to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified. However, as will be seen later, they must be

totally reliable as regards confidentiality and they must have their wits about them when tempted, perhaps by insistent requests from an emotional detainee, to overstep the bounds of their remit. The disastrous effect of a lay visitor allegedly over-stepping the mark (though in fact it has never been established that this actually happened) can be seen in the Lambeth incident, mentioned in para. 18.3 below, where the whole lay visiting scheme had to be temporarily suspended.

7.4. If lay visitors are to be appointed in Northern Ireland somewhat similar considerations will have to be borne in mind. While there is no significant element of black people in the population life here is dominated by the sectarian divide and it would be unthinkable that this should not have its effect on the make-up of any panel. Though in some cases no doubt the problem will be less difficult if the population of the panel's area is itself homogeneous the point is very important because lay visitors, taken as a whole, have to be credible to the Police Authority (to whom they report), the police (whose work they check) and the local community (from whom they are drawn).

7.5. Some of the passages quoted above have referred to the English practice of advertising for applicants for lay visiting panels. We shall comment on this aspect in the next section.

## **Recruiting**

8.1 There does not seem to be any received wisdom in England on how potential lay visitors should be sought. The Home Office guidelines say some very important things about the qualities that are necessary but it seems that the mechanics of recruitment are matters for the Police Authority and the consultative groups.

8.2 One of the first decisions that a police authority has to make in appointing lay visitors is to what extent its own membership wishes to, or should, be involved. English practice varies very greatly from those schemes where the authority provides all the visitors to those where it provides none. Members of a police authority tend to be busy people and in England it has been found, not surprisingly, that they have often had difficulty in keeping to their visiting schedule. Moreover their presence raises a question about independence which is generally regarded as an important element in lay visiting. Since lay visiting reports are made to the police authority they will be reporting to themselves, which can only be perfunctory; and in addition they are the very people already responsible (in so far as anyone is) for overseeing the police, so on that level they are not really lay people at all. Certainly they do not represent the sections of the population most likely to be suspicious of police methods and in the long run lay visiting will succeed or fail depending on how good it is at giving some reassurances about what happens in police stations to the kind of people most likely to be detained there. While there is an argument for a few police authority members to act as visitors as one way of ensuring that the scheme works properly it seems that their number should be kept to the very minimum.

8.3. In England one step in moving away from the police authority as a source of lay visitors has been to approach members of local authorities. They also tend to be busy people and, though not subject to the same objections on the ground of independence as police authority members, and their claim to represent the community is valid in so far as they have been elected, they are also "establishment" figures in the eyes of the young and the disadvantaged.

8.4. After people in official positions, the search, except when it is completely open by public advertisement, sometimes looks towards the consultative groups, who are often themselves closely involved in the responsibility for lay visiting, and after them to local community or voluntary organisations.

8.5. Where a completely open approach is preferred there are various options as well as the straightforward advertisement in the press. There can be press releases and if the editors are willing, editorials or feature articles; leaflets and posters can be distributed in libraries or community centres or even doctors' surgeries. Any kind of local cultural line of communication that already exists is exploited and in Tower Hamlets leaflets are printed in several languages.

8.6. Lambeth appears to have a well-developed procedure which is described in one of their publications thus:

*"Recruitment and selection of lay visitors is the responsibility of the Recruitment Panel of the Consultative Group. This comprises the Chairs of the Group and the Panel of Lay Visitors, and two members of the Group who are not lay visitors elected in open meeting. The purpose of this is to ensure that the Panel does not become a self-perpetuating elite.*

*In general terms one-third of visitors retire each year. There is therefore a recruitment process every year. The Recruitment Panel is appointed to start the annual process in September. It involves: -*

- (a) advertising in newspapers;*
- (b) circulating Lambeth community and voluntary organisations;*
- (c) briefing and interviewing applicants;*
- (d) submitting all the names to the Home Office, indicating those the Panel would wish to see appointed (2 names for each vacancy);*
- (e) trying to keep a balance of visitors of equal numbers of men/women, black/white, and 18-30s/31-50s/51+."*

8.7. Bearing in mind that the mention of the Home Office in this passage refers to the Home Secretary's position as the Police Authority for London, and that the equivalent in Northern Ireland would be the Police Authority and not the Northern Ireland Office, this description could be regarded as a useful prototype of how the work of recruitment could be tackled, though careful thought would have to be given to the desirability or otherwise of advertising. It may be thought that there are too many people in Northern Ireland who would relish an apparently easy opportunity to make themselves a nuisance to the police and that any advertising would have to be restricted to discreet enquiries in reliable quarters. Advertising in the press could perhaps be tried in areas where there did not appear to be a risk of completely unsuitable people applying or, alternatively, it may be thought that it would be a mistake not to advertise and that the police themselves can be relied on to recommend the elimination of potentially disruptive applicants. Indeed in some areas in England the police have been more favourably disposed to advertising than have the Police Authority.

8.8. One of the Lambeth advertisements is attached as Appendix C.

## Training

9. There are three aspects of training which are worth noting.

(a) It is obviously necessary for new lay visitors to receive adequate training from the police about the relevant parts of the law and Force Regulations to enable them to assess whether the conditions in police stations and the treatment given to detainees are of the required standard. One of the reports of the Lambeth panel to the consultative group records that the police course was very carefully devised and presented but only 4 of the 7 recruits attended. Subsequently training became compulsory, as indeed it should be. Arrangements for training the occasional replacement can present some difficulty as the police are naturally reluctant to go to a lot of trouble for 1 or 2 people. At present there is some cooperation between schemes to enable small numbers of visitors from one area to attend training courses in another area.

(b) There seems to be a broad consensus among lay visitors that while the police training is essential it is not enough in itself and should be supplemented by some training from existing lay visitors derived from their experience of the wide variety of situations with which they have been presented.

(c) It may be worth considering whether, additionally, lay visitors might be helped to overcome their natural inhibitions and to approach their work with confidence if they were given some training by an independent legal expert, perhaps from the law faculty of one of the universities. Some London panels arrange for a solicitor to talk about PACE.

(d) It is also desirable that the custody officers in police stations should be properly briefed about the role of lay visitors, how they should be treated and what training they are given. In the early days of the Merseyside scheme it appears that this training ranged from almost nothing to a 2 day course. Some custody officers in England were initially quite ignorant about the scheme and understandably were very suspicious. If lay visitors are to be appointed in Northern Ireland it would be as well if some thought was given to this aspect as well as to each of the other two.

## Guidance documents

10.1 It is obviously desirable that lay visitors should be given something in the nature of a handbook setting out some of the background information to which they may wish to refer from time to time. Lay visiting schemes in England vary in the size of the guides they provide from a few pages to the Cheshire one which has 78 pages.

10.2. In addition to factual information the English guides vary where they place the emphasis. Some stress the latitude and discretion they wish visitors to exercise while others are more restrictive. Again some give weight to the discretion that belongs to the police while others encourage visitors to watch police practices more closely. Moreover within the guidelines themselves there are gaps, ambiguities and grey areas, so some of the more active areas in England have established their own ground rules, agreed between the lay visitors and the police, to cover some of the more sensitive points in more detail. Clearly there is an area here where

the Police Authority, as the appointing body, has a wide choice in the content of its guidance to visitors.

## Responsibility

11. In a paper presented to the 1987 British Criminology Conference Ms Sandra Walklate of the Liverpool Polytechnic gave an account of a research project she undertook to assess the lay visiting experience in Merseyside. Among the questions she asked the lay visitors was: "Who do you see yourself responsible to?" The answers reveal a surprising lack of unanimity.

	as a multiple loyalty	as a single loyalty
Police committee	18	14
Police/Chief Con./Sergeant	6	5
Public	9	9
People in custody	9	8
Self/own conscience	5	4
Don't know	1	1

While some of the most active lay visitors rightly place much value in their impartiality and independence, the chain of command and the position of the lay visitors in it ought surely to be made clear both in their letters of appointment and in their training.

## The panels as teams

12.1. Though not every lay visiting scheme is organised on the basis of panels we take the view that it is important that lay visitors should regard themselves as members of a team rather than as individuals acting in isolation. This will enable them to compare their experiences, give each other help and, where appropriate, collect data on some common experiences with a view to seeking a change. This concept is quite consistent with paras 5 - 10 of the Metropolitan Police guidelines (Appendix B) and is portrayed in practice by the following description of the work of the Lambeth panel given in their first report to the Home Secretary:

*"At monthly meetings of the Panel typed copies of the reports for the month will be considered by the lay visitors together. Any matters requiring attention, in addition to those already notified to the Commander in the reports, will be identified. The panel's Secretary will also have received from the District Chief Superintendent a written reply to the specific questions and comments raised by us in our report. This reply will be discussed to see whether we need further information or comment.*

*The District Chief Superintendent will join us for part of the meeting. Outstanding matters will then be discussed and resolved, or if necessary adjourned for further discussion at the next meeting in the light of further reports by the District Chief Superintendent."*



12.2 This passage, and the paragraphs in Appendix B referred to, illustrate the fact that the London schemes are generally more highly organised than the provincial ones and have more of an independent existence. Their structure enables them to be serviced, administered and monitored and several of them are closely linked with the consultative groups which gives them some access to the general public from whom their members are drawn. By contrast those provincial schemes which rely largely or even wholly for their membership on the police authority come very much less to the notice of the public because their organisation is catered for by the police authority's secretariat. It is also worth noting that the Metropolitan guidelines give the London panels some latitude and discretion to initiate whatever measure they consider likely to promote their objectives.

12.3 Experience of different practices in different parts of the country has revealed one factor which can help or hinder the effectiveness of the team work of a panel, namely its size. The Lambeth panel with 20 members is a manageable size and there seems to be little doubt that that is at least one potent source of its effectiveness. The Merseyside panel, covering of course a much larger area, had 48 members and was more conscious of their lack of power. Five schemes in England have over 60 visitors and one has over 100 but two have had less than 10. Some panels are confined to one major police station while others cover a police division or sub-division or even the whole police authority area.

## Visiting programmes

13. A general idea of the way visiting programmes are planned can be obtained by referring to paras 7,9 and 10 of the Home Office guidelines (Appendix A), and paragraphs 12 - 15 of the Metropolitan Police guidelines (Appendix B). (The maximum number of visits per station per annum, given as 60 in para 12 of Appendix B, was later increased by the Home Secretary to 70 on the recommendation of the Lambeth panel).

## Timing of visits

14.1. This is an aspect of visiting programmes which requires some thought. There are several considerations which have to be borne in mind and to some degree they are in conflict.

(a) Each panel of visitors decides for itself at what time of day or night they are going to visit a station and they are obviously going to be governed to some extent by their own convenience or even availability.

(b) Reference has already been made in the passages referred to to the undesirability of forcing a visit on a station when the staff are fully stretched by the volume of work. (This consideration is assuming increased importance in England as a result of the passage of the Police and Criminal Evidence Act, which imposes on the police the obligation to keep very detailed records of each happening during detention; it not only increases the volume of work but obliges it to take priority. This same factor is likely to come into operation in Northern Ireland in 1990.) While the need to avoid particularly busy times is generally valid it is worth noting that both the police and some lay visitors have argued that occasional visits at busy times are desirable, partly as a means whereby the visitors can see for themselves what it is like in a busy charge room, and

partly because it is when there is pressure and confusion that mistakes may be made or something overlooked.

(c) A criticism made by some of the Merseyside police of the lay visitors there was that they did not work late enough or start early enough but on the other hand -

(d) one of the regulations governing the treatment of detainees in police cells is that they must be allowed 8 hours uninterrupted sleep, and if a person is asleep when a visitor calls at 2 am it is questionable whether he or she should be woken. Opinion seems to differ as to whether this decision should be made by the visitor or by the custody officer or indeed whether there should be any question of waking him/her at all, though the guidelines do give this discretion to the visitor.

(e) If visitors call in the early morning when detainees may be getting dressed and ready to go to court it is probable, that the proportion of those who decline a visit will be higher than at other times of the day.

14.2 An interesting example of the kind of thing that tends to happen in practice is given by these two tables from the second report of the Lambeth panel to the Home Secretary .

**Table 3: Number of visits during each four-hour period - 30 January 1984 to 27 January 1985.**

Station	0001-0400	0401-0800	0801-1200	1201- 1600	1601-2000	2001-2400
51 Brixton	6	1	6	6	17	15
51 Clapham	5	-	5	8	10	23
36 Gipsy Hill	2	1	5	3	8	17
51 Kennington	-	2	3	11	8	27
47 Streatham	1	2	5	9	9	21
236 TOTAL	14	6	24	37	52	103

**Table 4: Number of visits made on each day of the week - 30 January 1984 to 27 January 1985**

Station	Mon	Tues	Wed	Thur	Fri	Sat	Sun
51 Brixton	9	6	8	8	8	5	7
51 Clapham	7	6	7	10	6	7	8
36 Gipsy Hill	2	6	5	10	8	3	2
51 Kennington	6	6	13	10	7	4	5
47 Streatham	2	4	7	14	11	4	5
236 TOTAL	26	28	40	52	40	23	27

## Conduct of visits

15.1. The rules governing the conduct of visits are given in paras 11-25 of the Home Office guidelines (Appendix A) and paras 16-29 of the Metropolitan Police guidelines (Appendix B). Much of these texts cover the same ground though the wording is not always identical. In drafting any comparable guidelines for Northern Ireland it would be necessary to take very great care to achieve precision and clarity, not least because some passages appear to be contradictory, either within themselves or with other passages elsewhere. For instance how can one reconcile the first sentence of para 26 of the Metropolitan guidelines with the fact that one of the chief functions of visitors is to see that detainees are properly treated? If someone complains that he/she has not been properly treated it defies common sense to suggest that the visitor should make no attempt to form his/her own view of whether the complaint has any substance. It may be that the apparent contradiction here derives from the absence of any clear distinction between the two uses of the word "complaint". If para 26 of the Metropolitan guidelines refers to official complaints, which are dealt with by a recognised procedure, then it is obviously right that lay visitors should not seek to intervene; but in that event it should be made clear that the reference is to official complaints. However the greater probability is that a detainee will complain to a lay visitor about some aspect of the treatment accorded to him or her without any intention of lodging an official complaint, and it is to this sort of situation that our comment applies.

15.2. Some of these passages are obviously very important and should in any new draft perhaps be given the emphasis of underlining or heavy print, particularly because it may not always be easy on the spur of the moment to draw the line correctly between what is permissible and what is not. The correct way to respond to requests for advice is a case in point. The demands made upon visitors in such a situation or in the one referred to in the previous paragraph are good illustrations of the need, mentioned earlier, for visitors to be mature people - mature in personal development though not necessarily in years; they also illustrate the wisdom of the practice of visiting in pairs.

15.3. The pairing system also has the advantage of flexibility. New visitors can be paired with more experienced ones, men with women, older people with younger ones and pairings can be changed periodically to give every visitor the opportunity of working alongside several partners. Moreover pairs can be switched from one area to another so as to become familiar with a range of police stations, though some visitors may wish not to visit near their own home in order to reduce the risk of meeting someone they know.

15.4. As examples of what happens in practice we may quote the following passages -

(a) From the first report of the Lambeth panel to the Home Secretary:

*"A typical visit at this stage will follow roughly the pattern described below. Two of us, usually one black and one white, frequently one man and one woman, will present ourselves unexpectedly at the front office of the chosen station, say who we are and state that we have come to make a visit. We will immediately be taken into the detention area and the station officer will be found.*

*We will ask him or her how many detained persons are being held at the station and where they are. We will also ask if any persons are out of the station, and, if so, for what reasons.*

The station officer, or another designated officer, will go with us to each occupied detention room and cell and will, in our hearing explain who we are and ask each detained person whether (s)he wants to see us. If the answer is "Yes", we are then free to speak privately to him/her while the officer keeps us in sight. On leaving each cell we will check the custody sheet for the person concerned, seek any necessary explanations and tell the officer of any requests. We will also speak to anyone in the charging area who wants to talk to us. Our visits will be recorded on the custody sheets.

At the end of these individual visits we will look at conditions generally, testing lavatory flushes, smelling blankets and so on. The two of us will then, in private, prepare a report using the custody sheet number of each detained person to identify the cases to which we refer, in order to safeguard anonymity.

On the report we will request further information from the Commander, "L" District, on any matter about which we are not satisfied and draw to his attention any issues arising. Finally we will make a comment on conditions in the station and on our reception. This report will be sealed and left at the station for the Divisional Chief Superintendent to be forwarded to the Commander. A copy of the report will be sent by us to the Secretary of the Panel of Lay Visitors."

(b) From the second report of the Lambeth panel to the Home Secretary:

"It cannot, however, be too strongly emphasised that we see our prime function in the stations as being one of finding how prisoners are being treated. Within the first few minutes of any visit the prisoner will be asked, "How have you been treated?" - or words to that effect. Following upon the answer further questions will be asked as to whether friends or relatives have been notified and whether legal advice is needed, because we see it also as our job to check that a prisoner has been informed of his/her rights. Our impression is that constant vigilance is necessary to help officers achieve the best practice they themselves seek."

(c) From the fourth report of the Lambeth panel to the consultative group:

"The Home Office guidelines do not allow visitors to interrupt interviews by the police in police stations. They do permit visitors to wait until an interview is over and then see the prisoner. This is done occasionally. In addition twice recently visitors have been allowed to speak to a prisoner during a natural break in an interview."

15.5. Some of the particular issues mentioned briefly above are examined in greater detail in the following paragraphs.

16.1. The unexpectedness of visits and its importance as an element in the concept of lay visiting is illustrated by the following passage from the first report of the Lambeth panel to the Home Secretary:

"We have gone to much trouble - and our Secretary has helped us greatly in this - to try to see that we have no fixed pattern of visits. We are probably achieving this in that, although we have a maximum of 60 visits to any one station in a year, the time between one visit and the next has varied between one day and twenty-one days, with roughly

*half the visits having five to eight days between them. In addition, we feel free, although we have not yet done so, to visit the station twice in one day, if we should ever feel that would be desirable.*

*We have not on the other hand succeeded quite so well in spreading our visits over the 24 hour period, almost half being concentrated in the four hours between eight in the evening and midnight. We will be trying to adjust that a little in the future, bearing in mind that there are unlikely to be many people in the cells during the morning, when those detained overnight are appearing in court."*

16.2. The right to have immediate access to the station or, if that is not possible for some good reason, - and there can of course be perfectly good reasons - to be given the explanation, goes hand in hand with the unexpectedness of the visit. In the early days of the Merseyside scheme 14 visitors reported having been kept waiting for more than 15 minutes, on one occasion for 45 minutes and on two occasions for half an hour when the station did not appear to be busy. One of them commented: "There is a lot you can cover up in 20 minutes".

16.3. One unusual arrangement is worth noting. In Hounslow the police have given lay visitors access to the security code at the back entrance to the police station which avoids the need for queuing at the front desk along with members of the public. They must of course have their identity cards with them and may be challenged by a passing officer.

## **Acceptance or refusal of a visit by the detainee.**

17.1 This is another matter that needs to be arranged properly if the visitors are to be satisfied that a refusal has not been either orchestrated or invented by the police for their own reasons. Detainees are asked by the police to sign a form agreeing to be visited and this should be shown to the visitor, but more importantly the question whether they want to be visited and the reply should both be within the hearing of the visitor. This has not always been done in the past. Very occasionally it is not possible but visitors should always require to be given a convincing reason if they are told it cannot be arranged that way.

17.2. The importance of lay visitors interviewing all the detainees except those who have to be excluded for reasons like drunkenness or violence, and those who genuinely do not want a visit, is not merely a matter of thoroughness. There could be occasions when the record of a visit will help to substantiate the denial by the police of any maltreatment of the detainee, an accusation which is sometimes made in an attempt to withdraw a confession on the ground that it was made under improper pressure.

## **The position of the custody officer**

18.1 This is a matter that has given rise to a good deal of difficulty. No-one disputes that, for obvious reasons of safety and the custody officer's proper control over the station of which he is in charge, he must be able to see both parties to the interview. The difficulty arises over whether he should also be able to hear what is said. There are some cases where the physical arrangement of the premises is such that it is not possible for him to be within sight and not at

the same time within hearing, and if that is so it has to be accepted. But in most cases it is possible and it is over these that views have differed.

18.2. The Home Office guidelines (para 18) and the same passage in the Metropolitan guidelines (para 23) say that most visits should be within the sight and hearing of the custody officer but that if it is possible for him or her to be out of hearing, and if the police do not object, then that may happen. It is obvious enough that the tendency of the police will be to want to hear in order to satisfy themselves that the visitor is keeping within his or her remit, and equally that the visitors will prefer privacy as an aid to getting the detainee to speak freely. Without that freedom it may be difficult for the visitors either to achieve an informed assessment of the situation or to be seen to be impartial and detached.

18.3. The delicacy of this issue was brought into sharp focus in Lambeth where the panel had originally negotiated with the police a local variant of the guidelines whereby it was agreed that only in exceptional circumstances would the escorting officer be within hearing of the interview and for a considerable period this ruling had been observed and had given no trouble. However a dispute arose in November 1987 when the police brought a visit to an end because they thought a visitor had overstepped his remit and they announced that they would no longer honour the agreed variation of the guidelines. The panel took exception to this and stopped all visiting while fresh negotiations took place with the police and the Home Office. Ultimately the matter was resolved and visiting was resumed with interviews generally being out of hearing of the police.

18.4 The panel's objections were partly to the unilateral decision taken by the police without waiting for the dispute to be discussed in the ordinary way, but mainly they objected to the lack of trust shown in the lay visitors and the rather thorough selection and interviewing process they go through before being appointed. They also of course objected on the general ground that the detainees would no longer have the same confidence in the visitor's independence and could well feel inhibited in saying what they wanted to say for fear of being treated badly after the visitor's departure.

18.5. Clearly this is, by its very nature, a delicate issue and if a visiting system is to be set up in Northern Ireland it will be vital that the position of the escorting officer should be very thoroughly discussed before the guidelines are drafted; and moreover that whatever is agreed should be communicated most clearly to all lay visitors and all custody officers. The concept of lay visiting can work only on the basis of trust and that trust has first to be earned and must then never be abused. We hope that the principle will be established from the beginning that wherever possible interviews with detainees should be conducted within the sight, but out of the hearing, of the custody officer.

## **Refusal by the police to allow interviews**

19.1. The general rule is that if a visitor is to be refused access to a detainee this has to be recorded on the custody sheet by an officer of at least the rank of Inspector, and that it should happen only in exceptional circumstances. In the case of drunk or violent detainees there may well be nothing to be achieved by attempting an interview, though that need not rule out the possible advantage of an inspection, even if it be only through the hatch of the cell door - see para 20. In England there was initially a tendency on the part of the police to err on the side of

caution and refuse access to detainees suspected of the more serious offences. Initially in Merseyside there were some detainees who were not seen by lay visitors though the fact that the police were refusing access was not openly stated and was discovered only after some time. In Lambeth at one point visitors were refused access to 2% of those in detention at the time; that was thought to be excessive and as a result the general rule referred to above was negotiated.

19.2. Under the Police and Criminal Evidence Act detainees may be kept "incommunicado" for up to 36 hours by a police officer of the rank of superintendent or above if the police fear that to allow contact with outsiders might interfere with evidence, hinder the recovery of stolen property or alert other suspects not yet arrested. This power is aimed at the kind of people whose contact with the detainee might have these effects - friends, relatives and solicitors; it was not of course drafted with lay visitors in mind but the police were initially cautious in their case also. However the principle has been accepted in several districts that lay visitors may see incommunicado detainees unless specifically forbidden to do so, in which case that fact must be stated on the custody record.

## "Hatch visits"

20. The practice has grown up in the case of certain types of prisoners of allowing the visitors to interview a detainee through the hatch of the cell door without the door ever being opened. This is sometimes thought to be appropriate for violent people, those under the influence of drink or drugs who are yet able to speak, and those who might be a health risk to the visitor. This procedure must have a limiting effect on the usefulness of the visit but may nevertheless be the best that can be arranged in some cases.

## Juveniles

21.1. Initially visitors were not allowed access to juveniles except with parental consent. Later this was amended to allow the juvenile to give his/her own consent and this can be particularly useful if a parent cannot be found or takes a long time to appear or is antagonistic to the juvenile.

21.2. This kind of borderline case illustrates the extent to which some custody officers feel free to use their own discretion even if that results in them not abiding strictly by the regulations. One officer in Merseyside made the following comment:

*"Prior to the amendment last week which authorises a juvenile to consent for himself, consent had to be sought from the parent or guardian. But notwithstanding the amendment if I felt it appropriate I would allow a visit without parental consent. In.....there is a marked delay in parents attending. Juveniles can have a long wait in the room by themselves, not knowing what's going on, they become distressed. In this kind of situation I have allowed a lay visitor access to a 15 year old."*

21.3. It may be dangerous to encourage too much freedom to disregard regulations but there can also be much merit in common sense.

## **Women**

22. One research project has raised the question whether lay visiting schemes take adequate account of the welfare of female detainees because some lay visitors have reported that they either have not seen any women or have not seen the women who were in detention because there was no female police officer available at the time. The conclusion that some custody officers came to was that, provided there were two lay visitors, the visit could safely be allowed. That would seem to be valid and since it is generally agreed that visitors should usually work in pairs, there should not be any problem in checking on the condition of female detainees.

## **Remand and sentenced prisoners**

23.1. Due to the over-crowding of English prisons there have been periods when many prisoners on remand or already sentenced have been accommodated in police cells. Though at the end of 1988 this was no longer the case, the problem has returned. In essence it consists of the fact that police cells are designed for people who will not be there for long so that the facilities are quite inadequate for those who will, since they do not usually include such amenities as showers, visiting rooms or exercise yard, and it is exacerbated by the fact that one response to the overcrowding problem is to move remand prisoners around the country with disconcerting frequency. Police surgeons are particularly concerned because many of these prisoners have chronic medical problems and proper treatment in a police cell is not really possible.

23.2. So far as the lay visiting scheme is concerned these facts constitute the background. Indeed in the early stages lay visitors were not given access to remand prisoners but that restriction was later quite rightly withdrawn. Within the limits of the resources available in police stations remand prisoners are as entitled as anyone else to the benefits of a visit, though it may well be that the problem will not present itself in Northern Ireland to the same extent as in England.

## **Other inmates of police stations**

24. There is another category of people who may sometimes be found in police stations - those who have gone there voluntarily to give evidence or to be interviewed as possible suspects. Since they have not been detained under the formal arrest procedure their documentation is kept separate from that of detainees and they are not strictly people with whom lay visitors should be concerned. Only three English handbooks refer to these people and of them only two make some provision for lay visitors to see them. In so far as lay visitors' work is to check on the welfare of people in police stations generally there would seem to be some logic in not excluding them.

## **Visits to people detained but not in police stations**

25. The scheme is commonly spoken of as lay visits to police stations and that of course is where most detainees are held. But some who are ill have to be admitted to hospital and occasionally people are held at ports or airports, so it is important to be clear that lay visitors have access to



any places where people are detained. In Northern Ireland the application of this general principle should of course embrace the detention centres.<sup>2</sup>

## Special visits

26.1. It sometimes happens that public concern builds up about the treatment or well-being of someone detained in a police station or elsewhere. When this is the case the panel may and will usually arrange a so-called "special" visit to enquire specifically into the conditions of that particular person. This will often result in the issuing of a public statement so that local people whose concern gave rise to the visit can be informed of the outcome; but this should not be done without the consent of the detainee (or, if necessary, his or her legal adviser).

26.2. It also sometimes happens that the police themselves want a special visit because they would like to have independent witnesses of some operation they are going to undertake. Visitors are under no obligation to visit at the request of the police and there could be occasions when to do so might appear to compromise their independence. There is probably no blanket rule that can be laid down on this potentially delicate point and every case will have to be decided on its merits.

## Confidentiality

27. Both the Home Office guidelines (in paras 26 and 27) and the Metropolitan guidelines (in paras 30 and 31) emphasise the importance of confidentiality about individual detainees. The Lambeth panel has pointed out that the use of the custody sheet number instead of the name of the detainee makes it easy to preserve anonymity in reports but there is always the danger that a lay visitor, though engaged in perfectly proper and necessary discussion of a case, may, in an unguarded moment, reveal some information that ought to be withheld. Clearly this matter requires watchfulness and self-discipline, particularly where detainees have been arrested under the emergency laws.

## Relations with the police

28. It is natural that as time passes and individual visitors make more and more visits to a given police station they will come to be recognised and the formality of presenting their identification pass will often be dispensed with. There may be no harm in that by itself, and indeed there are

2 Possibly the major interest in what happens to detainees in detention centres is in the process of interrogation itself. If the English system, rather than Lord Scarman's recommendation, is to be followed lay visitors will not be allowed access to that process in person but there would seem to be no objection to their being admitted to the room in which the interrogation is being monitored on closed-circuit television. This could have the effect of ensuring that the monitoring officer was properly watchful of any tendency on the part of the interrogating officer to exceed the bounds of propriety. The CAJ is in favour of requiring that all interrogation sessions of people arrested under emergency legislation should be not merely monitored but audio- and video-recorded.

obvious advantages in this acceptance by the police in so far as it will tend to make the procedure of the visit work smoothly and may give the visitor more confidence in doing his job. But visitors should be careful not to let the relationship develop into over-familiarity for that could make them appear less independent in the eyes of both the detainees and of the general public, and in extreme cases could even cause a subtle and barely noticed reduction in their own alertness and watchfulness.

## Reporting

9. There obviously has to be an orderly system of reporting -

a) After each visit the visitors should submit a report on a standard form of which one copy should go to the police and one to the secretary of the panel. Outside London it goes to the Chief Constable and the clerk of the Police Authority. Any matter in those reports which requires discussion at a meeting of the panel should be noted by the secretary and put on the agenda. It is notable that in all the English literature covering several years of operating lay visiting schemes throughout the country there is no mention of any use having been made of the ordinary procedure of making a formal complaint, though it is known that some complaints have been made both about the conditions of detention, and about what happened during arrest. There is of course nothing to stop a detainee, or someone on his/her behalf, making a formal complaint about some matter that had been discovered by a lay visitor, but it seems that the essence of the lay visiting procedure is to deal with anything unsatisfactory by a system of friendly representations as part of regular administrative work and that this should ordinarily be both quicker and more effective than the confrontational atmosphere of a formal complaint.

b) The panel should report both to the Police Authority and the consultative group (if there is one) at whatever intervals these bodies require. Probably an annual report to the Police Authority would be appropriate but the consultative groups might like reports half yearly or even quarterly. An example of the kind of statistics submitted with the Lambeth reports is attached as Appendix D.

## Informing the public

10. Since the chief objective of lay visiting is expressly stated to be the achievement of public understanding of and confidence in what happens in police stations it is obviously important that those responsible for lay visiting schemes should not be content with an efficient panel which does its job well unless there is also good reporting to the public about what the visitors have done and found. The Home Office guidelines (in para 30) leave this function to the police authority. It seems likely that very few, if any, police authorities have achieved much success in this respect. Certainly the police themselves in Merseyside thought at one stage that the public knew very little about the system. If there is to be lay visiting in Northern Ireland, where relationships between the police and the public are a perennial source of tension, it will be essential that some imagination and energy be devoted to a programme of informing the public about the work of lay visitors, because it has to be recognised that it is not an easy job. Care has to be taken not to reveal the identity of people detained or give any information which might endanger the police; but more particularly it is not simple to get the attention of those sections of the public, especially the young, who are most likely to be suspicious of the police. In England

the news media have not shown great interest in lay visiting but consideration is being given in at least one English scheme to the production of an attractive guide with photographs of visits taking place and also to the organisation of a programme of talks to youth groups and community organisations. It could be that by the time Northern Ireland has had enough experience of lay visiting for it to be appropriate to embark on any publicity there will be enough experience of the English efforts to provide some guidance as to how best to proceed.

## **Matters dealt with and changes effected**

31.1. As well as satisfying themselves that conditions in police stations and the treatment of detainees are mostly satisfactory, lay visitors will over a period of time find themselves having to draw the attention of the police to a number of matters that require attention. A reading of the reports of any panel reveals a wide spectrum of matters dealt with ranging from minor managerial things like lighting, hot food and footwear to more delicate subjects such as strip searching or allegations of ill-treatment. Many of the simpler matters are dealt with on the spot. In some cases there is an explanation which satisfies the visitors of why the arrangement concerned is the way it is. In a few cases when either the visitor cannot wait to see a change effected or when the matter is more complicated and requires thought or investigation the police will arrange to report on it at the next meeting of the panel.

31.2. In England there have been three areas where lay visitors have become aware of a problem in police stations caused by some government policy or regulation not directly concerned with detainees and have recommended alterations. These areas were the adequacy of the duty solicitors scheme, the level of funding for detoxification centres and the problems resulting from the presence of remand prisoners in police stations. In all three cases the lay visitors were acting out of concern for the detainees but in each case also their representations were most welcome to the police. The difficulty of securing a solicitor for a detainee can be very time consuming; the job of dealing with drunks can be very unpleasant and can sometimes require more professional skills than most police officers have; and the strain imposed on the police by the presence of remand prisoners has already been mentioned in para 23.1. So in all these cases the lay visitors became allies of the police in a way that no one envisaged when the schemes were initiated. Lay visitors' reports can also of course help to strengthen police representations about their own internal affairs, such as a heating system in need of attention.

## **Deaths in Police Custody**

32. Although it was the publicity given to some controversial deaths in police custody that caused the Home Affairs Committee of the House of Commons to make the original suggestion for the appointment of lay visitors the police were not required to notify the appropriate lay visitors of a death until 1987, when there were two deaths in Marylebone, one by suicide and one from a heart attack shortly after release from the station where the detainee had been questioned for several hours. The fact that the panel had not been informed of the first death and learned of the second only after some time could have given the impression that the panel was being kept in the dark by the police. So the Home Office issued an instruction that all panels were to be informed of any death in, or connected with, police custody.

## Conclusions

33.1. This paper has covered most of the aspects of lay visiting as experienced in all its varieties in England and Wales and especially those where important decisions have to be taken or where alertness or maturity are needed. Though the situation in Northern Ireland is not the same there is nothing to suggest that a lay visiting system here would not work satisfactorily or would not be helpful. Indeed if one looks again at paragraph 4 on the value of lay visiting it seems likely that it would be of greater benefit here.

33.2. It will have been seen that the English schemes have enabled lay visitors to do the following things with varying degrees of success:

- (a) monitor the way the procedures laid down under the Police and Criminal Evidence Act are being carried out;
- (b) examine the general conditions and the equipment in police stations and secure certain improvements either on the spot or after making representations;
- (c) provide through the unexpectedness of their visits an incentive to the police to be always ready for an inspection;
- (d) check on the treatment of detainees in their interviews with them and give them whatever assurance may be needed that their interests are being watched by independent people;
- (e) examine and report on the conditions in which the police have to work;
- (f) listen to police explanations of any apparent shortcomings in police stations and especially of the strain imposed on the police by some of the tasks they are called upon to perform;
- (g) report to the police authority, the consultative groups where they exist, and the public on their work and their findings generally, thus educating the public, allaying suspicions and easing tensions;
- (h) report in particular on the findings of special visits, thus providing a quick means of investigating whether there is any justification for local concern about a particular incident or a particular individual.
- (i) enhance the accountability of the police to the Police Authority to whom the lay visitors are responsible and to whom they report.

33.3. Having listed what the lay visiting schemes have been able to achieve it is necessary to draw attention to one area that they do not cover, because it is in practice a relatively frequent cause of complaint and controversy. The schemes are concerned with the treatment of people in detention but the police are also sometimes accused of maltreating people at the point of arrest or on the way to the police station. Lay visitors have no mandate for enquiring into such matters though they may well be brought to their attention either by the detainee talking about his/her experience or indeed by the physical evidence of rough treatment. All that the lay visitors can do directly is to advise the detainee to see a doctor or a solicitor as would be done with any other type of complaint; but any lay visitor who should happen to come across evidence of this problem on more than one occasion will probably think it right to take it up with the police either directly or through the panel or the local consultative group.

33.4. It will be seen that in some respects lay visitors are in a stronger position than solicitors. There have been occasions when a solicitor has been denied access to a client on the ground that the client has not asked for a visit. It has already been noticed in para 15.4 (b) that it is the practice of the lay visitors in Lambeth to ask detainees whether they want legal advice and this presumably should be general practice. But beyond this it is important that the functions of the

lay visitor and solicitor be kept strictly separate; the solicitor will be concerned with the charge that the police may be bringing against the detainee while the lay visitor's remit does not extend beyond the conditions of detention and the treatment given.

33.5. Lambeth, with its racial mix and its history of disturbances, must have been an awkward enough situation to tackle, but, apart from the ordinary teething troubles which can be expected anywhere, plus one major and very educative episode (see para 18.3) the system has worked conspicuously well. No doubt this is partly due to careful and wise management but it also seems likely that the balanced nature of the team illustrated at the end of para 7.2. above must have contributed significantly to the understanding and mutual acceptance of two sections of the population much more diverse than Catholics and Protestants or Celts and Anglo-Saxons.

33.6. In view of these considerations the CAJ hopes that lay visiting will soon be introduced into Northern Ireland. It is clear that in several respects a choice will have to be made between methods of working and it is also clear that the English experience will not always indicate the appropriate choice for Northern Ireland. For these reasons we believe it would be right to start by establishing pilot schemes in one or two areas, perhaps not with identical structures, so that some experience could be gained before embarking on a province-wide system. A further advantage of pilot schemes is that they could serve to shorten the period of teething troubles which are bound to be encountered however well designed any scheme may be. The RUC has very little experience of the general public playing a significant part in how they do their job, and the history of the English schemes has shown that it is one thing to design a good scheme but quite another to get it working smoothly. If pilot schemes are to be set up here it is probable that one of them ought to be somewhere in Belfast where there is a lot of talent on which to draw; the other could perhaps be in Londonderry where there has for several years been an outstanding system of consultation between the police and the public so that again there is a readily identifiable nucleus of people who could well prove to be suitable lay visitors.

## Recommendations

Much of this pamphlet consists of descriptions of the lay visiting schemes operating in England. Where no comment is made it may be inferred that in our view a similar arrangement would be appropriate in Northern Ireland. Those aspects of the subject are not listed below. What we do list are recommendations

- (a) where we are critical of an English arrangement,
  - (b) where we have not been able to discover what the English practice is,
  - (c) where the English practice varies from one area to another, and
  - (d) where conditions in Northern Ireland differ from those in England.
1. A system of lay visiting to people detained by the police should be introduced in Northern Ireland modelled on the systems now operating in most police force areas in England (para 1). It should cover all detainees regardless of the power used to detain them (Foreword para 2.4) and wherever they may be held. Visitors to detention centres, though not being present during an interrogation, should have access to the monitoring of it on closed-circuit television (para 25.)
  2. A lay visiting scheme for Northern Ireland should be instituted by the Police Authority but it would not be advisable for the Authority to attempt to provide more than a very few visitors from its own membership (para 8.2)
  3. Lay visitors must be highly responsible people with maturity of outlook and good judgement. They should reflect the make-up of the population of the area and should include at least some people with a background similar to that of the kind of people likely to be found in detention. It must be possible to rely on their treating with complete confidence the personal information with which their work will acquaint them (paras 7.3 - 7.4).
  4. The training given to lay visitors should be thorough (paras 9(a)(b)(c)) and custody officers should also be adequately informed of the details of the scheme (para 9(d)).
  5. The position of lay visitors in relation to the work of the police, and particularly to whom they are responsible, should be made clear both in their letters of appointment and their training (para 11).
  6. The panel system of organising lay visiting provides substantial advantages over a system of individuals working in isolation and should form the basis of any new scheme (para 12.1).
  7. Wherever possible visitors should work in pairs (paras 15.2, 15.3, 15.4)
  8. All visits should be made without warning (para 16.1). Visitors should expect to be received immediately (para 16.2) but should normally try to avoid arriving when the station staff are very busy. Exceptional visits at busy times have their own value (para 14.1(b)).
  9. Visitors should interview all those detained at the time of their visit (para 17.2) except those who decline to be seen and those to whom the police refuse access. Visitors should satisfy themselves that refusals by those detained are genuine (para 17.1) and that the police have good reasons for refusals on their part (para 19.1).

10. Interviews with detainees should, wherever possible, be conducted within the sight of the custody officer but not within his hearing (para 18).

11. If the work of lay visitors is to achieve all its objectives there must be orderly reports after each visit both to the police and to the panel (para 29(a)); general reports at appropriate intervals to the Police Authority and to the police/community consultative group where there is one (para 29(b)); ad hoc reports to the public by means of press releases after special visits (para 26.1); and the release of more generalised information from time to time in order that the public may become aware of the existence of lay visitors and know something of their work (para 30).

12. With a view to gaining experience on a small scale before embarking on a scheme for the whole of Northern Ireland one or two pilot schemes should be established in suitable areas (para 33.6).

## Appendix A

### Home Office Circular No. 12/1986

## LAY VISITORS TO POLICE STATIONS

### Objectives

1. The purpose of lay visiting arrangements is to enable members of the local community to observe, comment and report upon the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater understanding of, and confidence in, these matters. It is emphasised that these are the only purposes for which lay visitors are permitted to visit police stations.

### Organisation of visits

2. The police authority, acting in consultation with the chief constable, will be responsible for organising visits. This will involve the appointment of visitors and the preparation of a visiting programme within which unannounced visits can be made. These matters are dealt with more fully in paragraphs 3 to 10 below.

### Appointment of visitors

3. It will be for the police authority to select visitors. It will be open to it to include persons from outside its own membership who have broadly based interests in the local community; for example, members of local consultative groups and others who might be able to bring particular experience or knowledge to visiting (including members of boards of visitors for Prison Department establishments) and those involved in work with young people. The police authority will also wish to keep in mind the desirability of visitors not becoming too closely associated or over familiar with their local police stations. The police authority will wish to consult the chief constable before settling on the membership of its visiting panel.

4. The Council of the Magistrates' Association has recommended that justices of the peace should not participate in lay visiting arrangements at all, to avoid any possibility that their impartiality might be called into question. The police authority will obviously wish to take full account of this recommendation.

5. If the authority decides to appoint visitors from outside its own membership they must be independent persons of good character. They will be expected to make informed judgements in which the community can have confidence and which the police will accept as fair criticism when it is justified. Someone who has been convicted of an offence punishable with imprisonment or detention may not be suitable for this reason. The police authority should therefore ask prospective lay visitors to sign a declaration listing any such convictions, (other than those which are spent by reason of the Rehabilitation of Offenders Act 1974).



### Accreditation and training

6. The chief constable will provide passes for all accredited visitors which will entitle them to visit any police station in the force area. He may also in agreement with the police authority arrange training for visitors so that they may be fully aware of the relevant requirements of the law and local force orders.

### Visiting programmes

7. The police authority will wish to consider how often each police station in its area should be visited, having regard to its size, location and importance. The authority will no doubt wish to pay particular attention to sub-divisional headquarters and to any other police stations in urban areas at which persons suspected of crime are regularly detained for any length of time. Such a police station might merit a visit every one to four weeks; but smaller stations, which are not continuously manned, may not require a visit more than annually, if that.

8. The police authority will no doubt wish to take account of such factors as its assessment of the state of relations between the police and particular sections of the local community, and its scrutiny of the register of complaints against the police; the authority will also, of course, wish to take account of any views expressed by consultative groups.

9. In deciding on its visiting programme the authority will wish to consult the chief constable. Care will need to be taken that visits, while sufficiently frequent to meet the objectives set out above, do not take place so frequently that they impair the efficiency of the administration of the police station concerned or the operational work of the officers attached to it. However, it should be possible for the officer in charge of a police station to arrange for a special visit to take place at short notice if there were serious local concern about the treatment or well-being of a particular person detained there. For the same reasons, no more than 2 visitors should visit at a time: larger parties are likely both to over-burden the police and to disrupt the station routine to an extent that produces a false picture of it.

10. The authority will also wish to bear in mind the additional burden on station officers and their staff, particularly at busy times of the day or week, such as Saturday nights, when they are likely to have to deal with a number of arrests. It may also be necessary to withdraw an officer from patrol to accompany visitors round the designated areas of the station. Lay visitors will understand that on such occasions they may have to wait until an officer is available before the visit can commence.

### Conduct of visits

11. Visits should cover the area of stations in which persons are detained pending interview, release or production in court, including the cells, charge areas, detention rooms and medical rooms. Visitors may visit interview rooms (subject to what is said in paragraph 15 below about the interruption of interviews in progress); they may not, however, visit CID offices or other operational areas. Obviously visitors will wish to pay particular attention to the conditions of cells and detention rooms, and the facilities for persons detained in them.

12. In the interests of security and the safety of visitors, a police officer will accompany them during visits. It is also recommended that visitors visit in pairs, so that they can check and discuss their findings.

13. In order to obtain a proper picture of what is taking place at the time of the visit, visitors will be entitled, subject to what is said in paragraphs 14 to 20, to speak to detained persons and to examine the documentation, as authorised by paragraph 20, relating to their detention and treatment while detained.

14. In general visitors may see anyone detained at the police station at the time, including remand prisoners who are temporarily being held there, subject to the following qualifications. First, no detained person is of course obliged to see a visitor or answer any questions; and some persons may not wish anyone outside the police service to know of their arrest. Accordingly the officer in charge of the station will be responsible for establishing in each case whether the detained person concerned wishes the visitors to see him or have access to his documentation, and to sign an undertaking to that effect. If the person is under the influence of drink or drugs or is for some reason unable to indicate his willingness or otherwise to be seen then the officer in charge may allow visitors access to him. If the person is asleep at the time, the visitors will have to decide whether he should be woken to establish whether or not he wishes to be seen.

15. Second, if a person is being interviewed the interview may not be interrupted, and visitors will not be admitted to an interview in progress.

16. Third, in exceptional circumstances the police may judge that it is necessary for a detained person not be seen by visitors in order to avoid any possible risk of prejudicing an important investigation. Such a situation might, for example, arise where two persons had been arrested in connection with a major robbery, the proceeds of which had not yet been recovered, and when for the time being it was essential to avoid any risk that each might become aware that the other was also in custody. Any decision to deny visitors access to a detained person can be taken only by the officer in charge of the station who should explain and record his reasons on each occasion.

17. Remand prisoners temporarily held at a police station may want to complain about the conditions in prison and the treatment they have received there. Lay visitors must not involve themselves in such matters - there are already recognised and established procedures for dealing with such complaints.

18. As a general rule, all visits will be made in the sight and hearing of the escorting police officer. However if the physical conditions of the station permit a conversation out of the hearing of the escorting officer and there are no objections on the part of the police then this may take place. Visitors will need to bear in mind that some detained persons may be violent or under the influence of drink or drugs; and that the presence of a police officer may deter or frustrate assaults on the visitor.

19. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability.

20. As to documentation, visitors may, with the consent of the person in custody and subject to paragraph 13, scrutinise the custody record relating to a person's detention, treatment and welfare and will wish to satisfy themselves about the extent to which they properly record the action

taken in his case. The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the process of supervision. Visitors may not, however, see police documents concerning the conduct of inquiries into the alleged offences in connection with which persons are detained.

21. Visitors have no responsibility for investigating or dealing with individual complaints of misconduct or maltreatment made by or on behalf of detained persons. Visitors will clearly need to form a view not only about whether in general terms the facilities provided for detained persons are adequate, but also about the extent to which the treatment accorded to those in custody at the time of their visit meets the desired standards. In the interests of maintaining their impartiality visitors should not take up individual cases or make representations on behalf of detained persons.

22. Visitors should also not involve themselves in individual cases to the extent of offering advice about whether or not they should make a statement or otherwise co-operate with police enquiries. Such advice would be inconsistent with visitors' independence from the processes of investigation, and might also prejudice any subsequent proceedings against the person concerned. Visitors should therefore decline to discuss more than the conditions in which persons are detained and their treatment, even though some persons may wish to ask for advice about their possible defence, particularly if they have not already received legal advice. Visitors should declare an interest at the outset should they recognise a particular person who is in police custody at the time, or know beforehand that such a person is being detained there.

23. Visitors should not convey messages from detained persons, however innocuous they may seem at first sight. They may have a pre-arranged meaning.

24. Visitors should be aware that they may be called upon to give evidence in any proceedings relating to events which they may have witnessed.

25. Where a lay visitor is in breach of these rules of guidance or acts in a way which is thought by the escorting officer to exceed the rules then the matter should be brought to the attention of the police authority. If the police authority are satisfied that a lay visitor has consistently so acted, then that person should be struck off the list of lay visitors.

### Confidentiality

26. Visitors will acquire considerable personal information about persons in police custody. The great majority will not yet have appeared before a court, and many never will. It goes without saying that personal information relating to them must be protected against improper or unnecessary disclosure. Visitors should therefore be asked to sign an undertaking (as in the form of report attached to these guidelines) not to release the identity or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged, as indicated in paragraph 9 above, in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that visitors do not name or otherwise identify persons in custody even in reports to or in discussion with fellow visitors or the police authority.

27. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Visitors will also need to be aware that the unauthorised disclosure of facts

concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1911.

#### Reports and follow-up action

28. The authority will wish to make arrangements for visitors to make a record of their findings. It is suggested that at the end of each visit the visitors should complete in triplicate a standard form of report (an example is attached to these guidelines), one copy of which should remain at the police station for the officer in charge, one sent to the chief constable and the other copy sent to the clerk to the authority.

29. If a visit discloses any aspects of the treatment of persons detained at the station or the conditions there which is unsatisfactory, it should be included in the report. If a matter appears to require urgent attention the officer in charge of the station should be informed at once. This action should be taken if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on his custody record.

30. The police authority will be responsible for informing the public about the results of its programme of visits. Regular summaries might be made available to consultative committees and the local media and if the police authority publishes an annual report then visits could be covered at the same time.

#### HM Inspectors of Constabulary

31. In addition to the training arrangements mentioned in paragraph 6 above, HM Inspectors of Constabulary will also be able to provide any additional briefing that the police authority considers desirable, and will be available to offer advice to the police authority about visitors' findings.

#### Expenses

32. Travelling expenses will be payable to all visitors (including visitors who are not members of the police authority) on the same basis as to members of police authorities when travelling on authority business, and should be met from the police fund.

# REPORT OF A VISIT TO \_\_\_\_\_ POLICE STATION

- 1. Date of visit \_\_\_\_\_
- 2. Time visit began \_\_\_\_\_
- 3. Time visit ended \_\_\_\_\_
- 4. Number of persons in custody \_\_\_\_\_
- 5. Number of persons visited \_\_\_\_\_
- 6. Reasons why other persons not visited \_\_\_\_\_
- 7. Matters brought to the immediate attention of the officer in charge (delete if not applicable) \_\_\_\_\_
- 8. General comments \_\_\_\_\_
- 9. Name of (a) officer in charge \_\_\_\_\_  
(b) escorting officer \_\_\_\_\_

I undertake not to reveal any of the personal information I have obtained during my visit, to an unauthorised person.

(signed) Visitors \_\_\_\_\_

\_\_\_\_\_

## Appendix B

# LAY VISITORS TO POLICE STATIONS: METROPOLITAN POLICE DISTRICT:

### Objectives

1. The purpose of these visiting arrangements is to enable members of the local community to observe, comment and report upon the conditions under which persons are detained at police stations and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding of and confidence in these matters.

### Appointments of visitors

2. The Home Secretary, as police authority, will appoint members of the local community to act as his visitors. He will consider nominations made by the local consultative group (including nominations from within its own membership) and by other bodies or individuals with an interest in the policing of the borough. He would not, however, propose to appoint serving justices of the peace.

3. The Home Secretary will appoint for three years, visitors, who will, together with the chairman of the consultative group ex officio, constitute a panel of visitors for the Borough. In the event of misconduct the Home Secretary may withdraw a person's accreditation as a lay visitor.

4. Visitors must be independent persons of good character. They will be expected to make informed judgments in which the community can have confidence and which the police will accept as fair criticism when it is justified. Anyone who has been convicted of an offence punishable with imprisonment within the last five years or who has ever served a term of imprisonment or detention may not be suitable for this reason; those who have agreed to be considered for appointment will accordingly be asked to sign a declaration listing any convictions (other than those which are spent by reason of the Rehabilitation of Offenders Act 1974). The Home Secretary will take this information into account when making the appointments, together with such other factors as their connections with their area.

### Panel of visitors

5. The panel will meet monthly to consider visitors' reports and matters arising from them.

6. The panel will elect from amongst its members a Chairman.

7. The panel will have a secretary who will be a member of the secretariat to the local consultative group.

8. The panel will make a report of its findings, and any recommendations, to the Home Secretary at least twice a year. It will make additional reports as necessary. It will make a similar report at least four times a year to the consultative group.

9. The panel will initiate whatever measures it considers likely to promote its objectives.

10. The Chief Superintendent of the Divisions within the area of the scheme or his representatives may attend meetings of the panel at the request of the panel.

#### Accreditation and training

11. The Metropolitan Police will provide passes for all accredited visitors which will entitle them to visit any police station in the Borough. They will also arrange training for visitors so that they may be fully aware of the relevant requirements of the law and force orders.

#### Visiting programme

12. The panel will draw up a rota for visits to take place, leaving it open, however, to visitors to select their own times and places for visits. The panel will wish to ensure that each police station should be visited at least monthly but in normal circumstances the Home Secretary would not expect any station to be visited more than, on average 50 to 60 times a year. Experience may require the Home Office to discuss with the panel possible variations to its programme if it appears that visits are imposing too great a burden on the police; and the Home Secretary, as police authority, retains the discretion to give the panel directions as to its visits.

13. Additional special visits may be made if there is a particular tension which a visit might help to diminish; and the panel should ensure that such a visit may be arranged at short notice if there were serious local concern about the treatment or well-being of a person detained at a police station in the Borough. Nothing in these arrangements is, however, intended to preclude such informal arrangements for visits as may be made between the police and members of the community.

14. Visits will by definition impose an unexpected additional burden on station officers and their staff, particularly at busy times of the day or week, such as Saturday nights, when they are likely to have to deal with a number of arrests. It may also be necessary to withdraw an officer from patrol to accompany visitors around the station. The panel will be responsible for ensuring that visits, while sufficiently distributed to meet the objectives set out above, do not take place so often at busy times or at any particular station that they impair the efficiency of the administration of the police station concerned or the operational work of the officers attached to it.

15. Visitors should visit in pairs.

#### Conduct of visits

16. Visits should cover the area of stations in which persons are detained pending interview, release or production in court, including the cells, charge areas, detention rooms and medical rooms. Visitors may visit interview rooms (subject to what is said in paragraph 20 below about the interruption of interviews in progress); they may not, however, visit CID offices or other operational areas. Obviously visitors will wish to pay particular attention to the conditions of cells and detention rooms, and the facilities for persons detained in them.

17. In the interests of security and the safety of visitors, a police officer will accompany them during visits.

18. In order to obtain a proper picture of what is taking place at the time of the visit, visitors will be entitled, subject to what is said in paragraphs 19 to 24, to speak to detained persons and to examine the documentation relating to their detention and treatment while detained.

19. In general visitors may see anyone detained at the police station at the time, including remand prisoners who are temporarily being held there, subject to the following qualifications. First, no detained person is of course obliged to see a visitor or answer any questions; and some persons may not wish anyone outside the police service to know of their arrest. Accordingly the officer in charge of the station will be responsible for establishing in each case whether the detained person concerned wishes the visitors to see him or have access to his documentation, and to sign an undertaking to that effect. If the person is under the influence of drink or drugs or is for some other reason unable to indicate his willingness or otherwise to be seen then the officer in charge may allow visitors access to him. If the person is asleep at the time the visitors will have to decide whether he should be woken to establish whether or not he wishes to be seen. A juvenile detained at a police station may be visited in the absence of parental consent if a parent cannot practicably be contacted.

20. Second, if a person is being interviewed the interview may not be interrupted; and visitors will not be admitted to an interview in progress. If they wish to see him, later in the visit, after the interview has been completed, they may do so and may if necessary wait in the waiting room for this purpose.

21. Third, in exceptional circumstances the police may judge that it is necessary for a detained person not to be seen by visitors in order to avoid any possible risk of prejudicing an important investigation. Such a situation might, for example, arise where two persons had been arrested in connection with a major robbery, the proceeds of which had not yet been recovered, and when for the time being it was essential to avoid any risk that each might become aware that the other was also in custody. Any decision to deny visitors access to a detained person can be taken only by the officer in charge of the station who should explain why to the visitors and record his reasons on each occasion.

22. Remand prisoners temporarily held at a police station may want to complain about the conditions in prison and the treatment they have received there. Lay visitors must not involve themselves in such matters - there are already recognised and established procedure for dealing with such complaints.

23. In general conversations between a detained person and visitors will have to take place both in the sight and the hearing of the escorting officer; but if the physical conditions of the station permit a conversation in the sight and out of the hearing of the officer and there are no objections on the part of the police then this may take place. Visitors will no doubt, however, bear in mind that some detained persons may be violent or under the influence of drink or drugs; and that the presence of a police officer may deter or frustrate attempts to compromise their independence.

24. Visitors will wish to pay particular attention to detained persons who are suffering from any form of illness, injury or disability. Visitors may visit persons in hospital, whether or not under police guard, subject to the agreement of the hospital authorities.



25. As to documentation, visitors may, with his consent, scrutinise the custody record relating to a person's detention, and will wish to satisfy themselves about the extent to which they properly record the action taken in his case. The proper maintenance of contemporaneous records plays an important part in the application of the rules governing the treatment of detained persons and the processes of supervision. Visitors may not, however, see police documents concerning the conduct of inquiries into the alleged offences in connection with which persons are detained.

26. Visitors have no responsibility for investigating or dealing with individual complaints of misconduct or maltreatment made by or on behalf of detained persons. Visitors will clearly need to form a view not only about whether in general terms the facilities provided for detained persons are adequate, but also about the extent to which the treatment accorded to those in custody at the time of their visit meets the desired standards. In the interests of maintaining their impartiality visitors should avoid taking up individual cases or making representations on behalf of detained persons.

27. Visitors should also not involve themselves in individual cases to the extent of offering advice about whether or not they should make a statement or otherwise co-operate with police enquiries. Such advice would be inconsistent with visitors' independence from the processes of investigation, and might also prejudice any subsequent proceedings against the person concerned. Visitors should therefore decline to discuss more than the conditions in which persons are detained and their treatment, even though some persons will naturally wish to ask for advice about their possible defence, particularly if they have not already received legal advice. Visitors should declare an interest at the outset should they recognise a friend or relative who is in police custody at the time, or know beforehand that a particular person is being detained there.

28. Visitors should not convey messages from detained persons, however innocuous they may seem at first sight. They may have a pre-arranged meaning.

29. Visitors should be aware that they may be called upon to give evidence in any proceedings relating to events which they may have witnessed.

### Confidentiality

30. Visitors will acquire considerable personal information about persons in police custody. The great majority will not yet have appeared before a court, and many never will. It goes without saying that personal information relating to them must be protected against improper or unnecessary disclosure. Visitors will therefore be asked to sign an undertaking (as in the attached form of report) not to release the identity or information capable of identifying any person in police custody (except where a visit has exceptionally been arranged in connection with the treatment of a particular person). It is desirable, in the interests of the strict application of the principles of confidentiality, that visitors do not name or otherwise identify persons in custody even in reports to or in discussion with fellow visitors or the panel.

31. Breach of this undertaking may make a visitor liable to civil proceedings by the detained person concerned. Visitors will also need to be aware that the unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1911.

### Reports and follow-up action

32. At the end of each visit the visitors should complete a standard form of report (an example is attached to these guidelines), one copy of which should remain at the police station for transmission to the Chief Superintendent and the other copy of which should be sent to the secretary of the panel.

33. If a visit disclosed any aspect of the treatment of persons detained at the station or the conditions there which is unsatisfactory, it should be included in the report. If a matter appears to require urgent attention the officer in charge of the station should be informed at once. This action should be taken if a detained person makes a complaint of assault or ill-treatment, or appears to have sustained an injury which is not recorded on his custody record.

### Expenses

34. Travelling expenses will be payable to all visitors on the same basis as to justices of the peace, and will be met from the Metropolitan police fund.

# LAY VISITORS TO LAMBETH POLICE STATIONS

Do you live and or work in Lambeth and want to be considered for appointment to spot check the way arrested people are treated at Brixton, Clapham, Gipsy Hill, Kennington and Streatham Police stations? If selected, your duties would include visiting 2/3 stations per month and attending regular monthly meetings to discuss findings and question senior police on matters arising.

If so, please ask for information from Maria King on:  
(01) 733 0878 or by writing to: Community/Police Consultative Group for Lambeth, 413A Brixton Road, SW9 7DG.

Interviews will be held on Tuesday 12 April and Monday 18 April 1988 from 6.30pm.

## APPENDIX C

PLEASE NOTIFY YOUR MEMBERS AND DISPLAY

**APPENDIX D**  
**STATISTICS OF LAY VISITS AND SPECIAL LAY VISITS**  
**FOR THE PERIOD 1 AUGUST TO 31 DECEMBER 1987**

No. of visits per station	Stations visited	Total No. of Prisoners	Prisoner Consent per station	Prisoner Decline	Police refusal	Reason if unavailable	Total no. of prisoners per station at time of visit	SPECIAL VISITS		
								No. of visits Station	Hospital	Det. Prisoners Seen
28	Brixton	2651	73	24	0	1 Asleep 4 Interview 1 Unavailable 1 Solicitor 1 Drunk	104			
19	Clapham	1876	26	8	0	2 Asleep 1 Drunk 1 Interview 1 Unavailable 1 Hospital	41			
18	Gipsy Hill & Streatham	1944	31	4	0	1 Asleep 1 Interview 3 Released	40			
18	Kennington	1842	48	6	0	2 Interview 1 Drunk	57	1	15	14
<b>83</b>	<b>TOTAL</b>	<b>8313</b>	<b>178</b>	<b>42</b>	<b>0</b>	<b>22</b>	<b>242</b>		<b>15</b>	<b>14</b>

## APPENDIX E

### List of CAJ publications

**No 1**

The Administration of Justice in Northern Ireland: the proceedings of a conference held in Belfast on June 13, 1981 (No longer in print)

**No 2**

Emergency Laws in Northern Ireland: a conference report, 1982. (No longer in print)

**No 3**

Complaints Against the Police in Northern Ireland, 1982. (£0.50)

**No 4**

Procedures for handling complaints against the Police, 1983. (Shortly to be updated)

**No 5**

Emergency Laws; suggestions for reform in Northern Ireland, 1983. (Photocopy available)

**No 6**

Consultation between the Police and Public, 1985. (Shortly to be updated)

**No 7**

Ways of Protecting Minority Rights in Northern Ireland, 1985. (Price £1.00)

**No 8**

Plastic Bullets and the Law, 1985 (Shortly to be updated)

**No 9**

"The Blessings of Liberty": An American Perspective on a Bill of Rights for Northern Ireland, 1986 (Price £1.50)

**No 10**

The Stalker Affair: More questions than Answers, 1988 (Price £1.50)

**No 11**

Police Accountability in Northern Ireland, 1988 (Price £2.00)

**No 12**

Life sentence and S.O.S.P. Prisoners in Northern Ireland, 1989 (Price £1.50)

**No 13**

Debt - An Emergency Situation? A history of the Payments for Debt Act in Northern Ireland and effects on public employees and people on state benefits. 1989. (Price £2.00)