

10 MAY 2008



## Home Office

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Mr John Young  
Cryptome.org  
251 West 89th Street  
New York  
NY 10024

Previous ref 689  
New ref 9276  
Date 01-05-08

Dear Mr Young,

Thank you for your request for a copy of the released information relating to case 689, following your visit to the Home Office Freedom of Information website.

Please find enclosed a copy of the released document with this letter.

If you have any further queries then please do not hesitate to contact me at the address below:

Information Rights Team  
Information Management Service  
Home Office  
4th Floor, Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

Yours sincerely,

John Gomes  
Information Rights Team

ER.

Nº/pus/16

11 MAY 1972

Sir William Nield

Miss Peters

I attach a copy of the Instruction on the Treatment of Prisoners under the RUC Code which deals with the general area of the brutality allegations. You will see [REDACTED] comment on it. The Secretary of State has asked that Sir William Nield should consider this and has commented that a fresh and clearer direction may be needed.

*[Handwritten signature]* J. C.

LEONARD DAVIES  
11 May 1972

THE ROYAL ULSTER CONSTABULARY

Instruction on the Treatment of Prisoners

Code Regulation

1380

Prisoners in police custody are to be treated with the most humane consideration which their situation and safety will allow, and no harshness or unnecessary restraint is to be used towards them. On the other hand, as the escape of a prisoner may result in very serious consequences for the persons in charge of him, the utmost vigilance should be exercised to ensure that a prisoner does not escape while in police custody.

Discipline Regulations

629

Any member commits an offence against discipline if he is guilty of:

- (8) unlawful or unnecessary exercise of authority, that is to say, if he:
- (c) uses any unnecessary violence or harshness to any prisoner or other person with whom he may be brought into contact in the execution of his duty or knowingly allows such violence or harshness to be used.

This subject is also dealt with in The Royal Ulster Constabulary Manual of Instruction, which is issued for the guidance of all members of the Force, in somewhat similar terms as follows:-

Prisoners in police custody are to be treated with the utmost humane consideration which their situation and safety will allow and no harshness or unnecessary restraint is to be used towards them. On the other hand, as the escape of a prisoner may result in very serious consequences for the persons in charge of him, the utmost vigilance should be exercised to ensure that a prisoner does not escape while in police custody.

A new edition of the Manual is in the process of distribution to the Force at the present time.

*I have been told that  
all this is being read*

*Sgs*

*The Deputy Chief Constable gave me this today. It does not, you will notice prohibit physical contact. The D.C.C. did not think it necessary to draw attention to these standing instructions.*

*And  
clear  
the*

SECRET



Permanent Secretary

NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

12 May 1972

*Van Philip*

TREATMENT OF PRISONERS

This is to confirm our telephone conversation this morning. I should be grateful if you would help us with an urgent task.

As you know, there is currently a flurry of accusations about brutal treatment of detainees and internees between the point of arrest and their release, charging, or internment - ie the period of interrogation.

Last week the Secretary of State asked the Chief Constable of the RUC to let him have a copy of the RUC Instructions on Treatment of Prisoners, which I attach to this letter. The Secretary of State has commented that we may need a fresh and clearer directive, and has asked me to consider this.

As you pointed out this morning, there may well be a problem here as between the treatment of persons on criminal charges and the treatment of persons arrested on suspicion of subversive or terrorist activities. I think therefore I am bound to bring into consideration the interest in this matter of the Home Office, of the Ministry of Defence, of the Foreign Office, and also of the Law Officers' Department. I assume that the Home Office's interest will cover that of Scotland Yard.

I suggested, therefore, and you very kindly agreed, that the best way to deal with the Secretary of State's instruction would be for Mr Waddell to take quickly a small group of representatives of the above Departments, and, of course, one from this Department who Mr Cairncross will nominate, perhaps assisted, if you agree, by Sir John McKay and someone from Scotland Yard, to consider whether the RUC's instructions as given to us on the attached sheet do need to be clarified and amplified in any way, taking into account any differences which may be appropriate between the treatment of the two classes of prisoners I have mentioned, and bearing in mind the need for Northern Ireland Instructions to be reasonably compatible with those of the United Kingdom, making due allowance for differences in the circumstances in the two countries, now that we are in a period of direct rule by the Westminster Government.

I should be most grateful if you could put this in hand immediately: the urgency arises from the current flurry of accusations, and the danger that at any moment these may be raised to a new pitch either by developments in Northern Ireland or by Parliamentary or public enquiries. I am sending copies of this letter and enclosure to Ned Dunnett, Denis Greenhill and Tony Hetherington, and, of course, to Neil Cairncross and to the Private Offices of the Secretary of State and Lord Windlesham in this Department.

*Waddell*

*Bill*

SECRET

WILLIAM NIELD

Sir Philip Allen GCB  
Home Office

*ps. I apologise for the one-sentence paragraph*

CONFIDENTIAL

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MR WADDELL

TREATMENT OF PRISONERS - RUC

Following our meeting on 16 May, the Northern Ireland Office contacted Mr Shillington and as a result I received an invitation to visit that force on Thursday 1 June 1972.

I accepted and I was received very cordially. I was conscious of an attitude of the RUC having no need to be ashamed of their tactics with regard to interrogation and consequently nothing to hide.

I visited the police holding centre at Holywood, Co Down, and had very useful conversations with the Chief Constable, his Assistant (Inspections) who has special responsibility for general crime, Mr W Meharg, his Assistant (Special Branch Mr D Johnston) and a number of other officers.

I will of course submit a more detailed account later, but I thought it would be helpful to have this note of my impressions now.

PROCEDURES OF INTERROGATION EMPLOYED BY RUC.

As HMCIC said at the conference, the RUC work to the earlier Judges Rules. The 1964 Rules employed in England and Wales were not adopted by the courts in Northern Ireland. Both sets of rules are based upon the legal concept of the statement being voluntary.

The instructions broadly accord with those issued in England and Wales bearing in mind the different sets of Judges Rules.

METHODS OF INTERROGATION AND PROCEDURES EMPLOYED BY RUC AT POLICE HOLDING CENTRES.

A detainee will normally be kept at a police holding centre less than 48 hours. The local authority under the Special Powers Act permit detention for interrogation for up to 48 hours from the time of arrest.

Northern Ireland courts in recent cases have tended to hold that detention at a police holding centre is so oppressive that any subsequent statement even though taken in accordance with Judges Rules is invalidated. Clearly it is tedious to be obliged to sit facing the wall in an area of a room roughly 3' x 6' partitioned from his neighbour by a mobile screen 4'6" high. The detainee is not permitted to talk other than to request various services from the police officers escorting him nor is he allowed to smoke. Perhaps the most unfortunate part is that he has nothing with which to occupy his time. I think a lot of the difficulty would be removed if it could be demonstrated that the holding of detainees in this way is solely for the purposes of security and not for purposes of psychological stress being imposed upon the mind of the detainee. Mr Johnston, ACC Special Branch, did not think that he would object to certain facilities being afforded the detainees to occupy their time - magazines and papers etc. He will give consideration to this.



The menus that I saw appeared very good indeed. The staff have the same food as the detainees. The detainees sleep in the same area they occupy during the day by the use of folding camp beds. I was told that normally they settle for the night at about midnight, with breakfast the following morning at 8 am. I was assured that if a detainee wished to go to bed earlier he would be permitted to do so.

The documentation is good but one needs to refer to at least two books and the interrogation folder to get the full picture of what is happening. I have suggested to the Chief Constable that there might be merit in having a record sheet for administrative purposes dealing with each detainee which would be a diary of events of everything appertaining to that individual at the moment of entry to the moment of discharge.

At present the interrogation folder indicates the times a detainee is interviewed and by whom. I saw some folders: generally they appear to have been seen two or perhaps three times for about an hour or an hour and a half.

Interrogation takes place in a separate soundproof room, simply furnished and by no means oppressive.

I was assured by the officers at the centre and by the senior officers that ill treatment does not occur, and I believe them. Nevertheless inducements are made such as affording protection, against victimisation by terrorist organisations, money, and occasionally references are made to the necessity to interview close members of the family. I was assured that no threats of personal violence were made.

Judges Rules are not invoked at the police holding unit. Nevertheless I was assured that nothing occurs outside the civil or criminal law.

The task of interrogating a detainee must be an unpleasant and dangerous occupation. Mr Johnston, the ACC Special Branch, spoke of the need to maintain the morale of his officers. I am persuaded of the necessity of maintaining the secrecy of identity of personnel on this task.

#### ADMISSIBILITY OF STATEMENTS OF ACCUSED PERSONS WHO WERE EARLIER INTERVIEWED AT POLICE HOLDING CENTRES

I have a feeling that if a comprehensive description of the procedures that occur at police holding centres could be given to the courts there would be less tendency to refuse to admit a subsequent statement (taken according to Judges Rules). I understand in the Gargan case (you have a copy of the judgment) an attempt was made to provide the prosecuting counsel with details, but for some reason this evidence was not actually tendered to the court.

I suggest there be a senior uniformed officer in overall charge of each unit not personally involved in the interrogations and with the assistance of the individual diary of events affecting each detainee would be able to give a full account to the court if necessary. I discussed this with the Chief Constable who is favourably disposed to accept it.



## CONCLUSIONS

At the end of the day because of the urgency of these matters I discussed my impressions with the Chief Constable and his ACC, Mr Johnston. The following is a summary of the points we thought should merit consideration at an early stage.

- 1 A document to be introduced for a diary of events affecting each individual detainee.
- 2 Some means to be found of easing the boredom of prisoners awaiting interrogation.
- 3 A senior officer to be appointed in charge of the unit, and probably available to give evidence to the court of the procedures employed etc.
- 4 For persons of local influence to be invited to visit the police holding units, eg the Lord Chief Justice, Northern Ireland.
- 5 Photographs of the police holding unit to be prepared to be available for the use of the court if necessary.
- 6 A study to be made of the evidence that can be presented of the procedures employed in the police holding units in conjunction with the RUC legal advisers with a view to fully presenting the facts to a court with one of the cases likely to be contested on the lines of the Gargan case.
- 7 Where a detainee is suspected of a criminal offence he is not to be taken to the police holding centre but to be taken to a police station and dealt with there as an ordinary criminal suspect and interviewed in accordance with Judges Rules.

There are clearly other matters to be gone into and I will report as soon as I can. I am due to have further conversations with the Chief Constable next week when I shall be visiting him for most of the week in connection with an invitation to advise on the Criminal Investigation Department. I propose to give a copy of this note to the Chief Constable. May I suggest a copy be sent to the Northern Ireland Office.

Don  
JTE  
46

J T Ellis  
Assistant (Crime) to HM  
Chief Inspector of  
Constabulary.

2 June 1972.

MR. ELLIS

You may like to see the endorsement by the S. of S. on my minute of 2nd June which accompanied a copy of your preliminary report.

I understand that the S. of S. had formed the impression, from speaking to Mr. Whitelaw, that RUC practice might be open to criticism in a number of respects. His reference<sup>to</sup> finding what you had said a bit odd, means that he would have expected (on the basis of his talk with Mr. Whitelaw) more and possibly sharper criticism.

It is possible that when your reports have been studied in the Northern Ireland Office some of what is said will reflect Mr. Whitelaw's expectations. But maybe your main report will throw some further light? It strikes me as possible that the RUC<sup>may</sup> have been at special pains to modify their practices in recent times.

*JW*

12th June, 1972.

CONFIDENTIAL



Mr. Whittaker (12)

CONFIDENTIAL

① Mr. Ellis to see J.E. 4/7/72  
② Mr. Ratley

19th June, 1972.

Dear Neil,

Many thanks for your letter of 28th June about RUC interrogation. I am perfectly happy with the procedure you suggest and will warn Ellis that he may in due time expect to hear from [REDACTED]

Yours sincerely,

(SIGNED) J. E. WADDELL

N.F. Cairncross, Esq., C.B.,  
Northern Ireland Office,  
Government Offices,  
Great George Street,  
S.W.1.

CONFIDENTIAL1. SIR JOHN MCKAY

*Mr Ellis 15-22*  
*See from 20/6/72*

You may be interested to see Mr. Ellis' second report about RUC treatment of prisoners and the covering note I sent to the S. of S.

I have not yet heard from the Northern Ireland Office whether they want any further discussion with us: I imagine they will have to do quite a bit of sorting out of their own before they can clear their minds on instructions (if that is the right word) to the RUC.

2. MR. WHITTICK

*Mr. Pringle*

*See 24/6*

You may think that the attached material should find a place on an F.2 file: and perhaps Mr. Pratley ought some time soon to enquire of [REDACTED] whether his office want us to do any more for the time being. (I am assuming that the Con. 79 group did meet this morning and that we shall hear the outcome on Monday.)

*I get the Ministers  
 at next week  
 day: so the  
 info will be needed  
 again soon)*

*9/6/72*

16th June, 1972.



NORTHERN IRELAND OFFICE  
GREAT GEORGE STREET,  
LONDON SW1P 3AJ

28 June 1972

*Dear Sir,*

Thank you for sending me with your letter of 14 June the further report from Ellis on his visits to Northern Ireland. We are most grateful for the help which this and his earlier report afford us.

It may well be desirable if you were in due course to hold another meeting. But I think there is a little ground to be cleared first which might be done between those concerned. I have in mind that the effect of recent court decisions in Northern Ireland is not altogether clear, and needs to be before any fresh guidance can be issued to the police. We are also still in the process of adjusting to the Provisionals' ceasefire. If you agree, I suggest that when the time is right, [REDACTED] should discuss this further with Hetherington and Ellis before making proposals which you might then wish to consider at another meeting. I hope you will regard this as a convenient way of proceeding.

*Yours sincerely*  
*N F Cairncross*

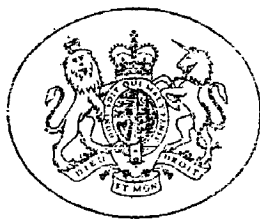
(N. F. CAIRNCROSS)

J. H. Waddell Esq., C.B.,  
Home Office.

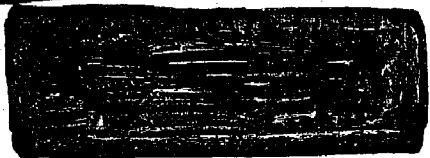
*M. W. Hick*

*Will you make sure  
Mr Ellis is warned?*

*WFW  
29/6*



Note

 tells me that we may expect a letter later this week or next proposing an A.S. level meeting with Tony Ketherington and Jack Ellis to sort out the detail. In the light of that should become clear whether there is any need for Mr Waddell to hold a further meeting.

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Much will depend of course on the extent to which the Special Powers Act is operated in the next month or so and whether the force work.

\* Now to begin to prepare an F2 file and back to me on 3/7 if not sooner meanwhile.

AP

INDEX TITLE:- Criminal Investigation - Interviewing Suspects and  
Others

Index under Letters  
"C", "I" and "S"

Inspector General's Office,  
Royal Ulster Constabulary,  
Belfast, 1.

16th March, 1961.

Commissioner, Belfast.  
All County Inspectors.  
Commandant, The Depot.

File Box:- Crime  
Sub-Head:- Criminal Investigation  
Ref. No.:- C.150/1

It happens that from time to time public attention is focussed on the methods employed by the police in the investigation of crime and particularly in regard to how suspects and others are interviewed. The liberty of the subject is involved and it becomes, therefore, most essential that even the appearance of irregularities in method and procedure should be avoided on every occasion.

The Royal Ulster Constabulary Code and Manual contain specific directions on the subject and it is vitally important that they are strictly adhered to at all times. The Judges' Rules, which are to be found in Chapter 9 of the Manual, provide standard authoritative guidance to the police on their powers and duties, and they set out clearly what police are entitled to do and what they must not do.

Next to the prevention of crime its detection is the most important duty devolving on the police, and they are bound to use their utmost endeavours to achieve it. In carrying out this duty they can always be sure of having full support and backing provided legitimate means only are employed for the purpose.

To ensure that members of the Force never exceed their powers they must first have a thorough knowledge of the various regulations and directions issued on the subject, and it is the bounden duty of Head Constables and Sergeants, as well as of Officers, to see that those for whose work they are responsible know and understand fully their powers and duties before allowing them to embark by themselves on the investigation of crimes which involve the detection and/or questioning of suspects or others who may eventually have charges preferred against them.

Young men must not be left entirely to themselves to read and study the relevant passages in the Code, the Manual, and circulars, however useful this exercise may be. Instruction must also be imparted to them verbally and the position carefully explained so as to make sure they understand it. Special emphasis should also be placed on the pitfalls to be guarded against, such as unwarranted or unduly long detentions. Normally, there never can be any justification for looking up in a cell a person invited to the Station merely for interview, and against whom there is insufficient evidence to base a criminal charge. Again, it should be pointed out that the interviewing of workers at their places of employment, or of children at schools, is invariably regarded as undesirable and should be avoided.

Children should be interviewed where at all possible in the presence of a parent, guardian, or other adult friend, and the venue selected for the interview should not be one which could be calculated to intimidate, unduly embarrass, or frighten the person interviewed.

Supervision, too, is a highly important factor. It is the responsibility of every member of the Force holding superior rank to see that those working under them are not allowed to exceed their powers, and they must take active steps at all relevant times to ensure that this instruction is observed in spirit as well as in letter. Every irregularity proved against a member of the Force is an unfavourable reflection also against those responsible for supervising his work.

When persons arrive at a Station for interview the Station Orderly will record the time of arrival and departure in the Diary. The person in charge should be notified of the arrival and he will make such arrangements as is necessary to ensure that the interview is carried out in conformity with approved custom. There may be times when he considers it desirable that a second person be present during the interview to protect the interviewing member from allegations of irregular treatment of the person interviewed.

Every possible effort must be made to correct the tendency on the part of some police to allow the success of a prosecution to depend almost entirely on the confession of the person accused. The investigation, the collection of clues, and the seeking of evidence generally must never be dropped or even relaxed merely because a suspect has confessed. The modern means of assistance now available to the police must be fully and properly employed to enable the production of all useful evidence in every case whether a confession has been made or not.

The high reputation which the Force has always enjoyed for fairness and straight dealing in every aspect of police work must be maintained above all else, and no member can ever be allowed to impair it because of over-zeal or for any other reason.

I wish to impress on all ranks the importance attaching to this subject in the interests of justice and the effective performance of their work. The success of every Police Force depends very largely on the measure of support received from the public and this support, in turn, depends on the reliance and the confidence that members of the public feel they can place in the integrity, fairness, and impartiality exercised by the police in carrying out their duties.

*A.H. Kennedy*  
Inspector General.

Distribution/

Officer i/c., Reserve Force.  
All Stations (including Detective Offices).  
Superintendent, Central Stores, Sprucefield.

N O T E:- This Circular should not be displayed in Dayrooms.

Constable should not, at the time, take a statement from him, as such a negative statement would be of little value as evidence. The person should be left alone until a policeman at the Station who is well acquainted with him has a favourable opportunity to broach the subject to him with the object of eliciting the truth. Negative statements should, however, be taken from persons who are likely to be produced to give false evidence for the defence, e.g., to prove a false alibi.

6. *Statements from suspects.* When a crime has been committed it is the duty of the police to discover the author. To assist in doing so there is no objection to making enquiries from and in putting questions to any person whether suspected or not from whom useful information might be obtained. A suspect's statement made to a policeman freely and voluntarily without the use of threats or any inducement will, as a general rule, be admissible in evidence though no caution may have been given. When, however, the suspect's answers appear incriminating he should be cautioned. Should the statement be in writing the procedure laid down in para. 7(5) below should be followed.

7. *Statements under caution.* When a person under arrest desires to make a written statement he should be cautioned and the Constable taking such statement should be guided by the instructions given below. This procedure will apply also in cases of offences where no question of arrest arises when it may sometimes be desirable to caution the offender or person suspected of having committed such offences before any questions are asked or statement taken from him. A Lord Chief Justice of England has said, "The fair thing to do would be to administer some warning that persons were not bound to answer such questions." There is, therefore, a definite judicial expression of opinion that the police ought not to question a person who may later be charged with the crime without first giving him the caution.

The prescribed form of caution is, "You are not obliged to say anything, but anything you say will be taken down in writing and may be given in evidence."

It is important that statements taken by the police from persons under caution should be taken in such a way as to give no ground for challenge, either as to their contents or as to the manner in which they were taken, in the event of their use in evidence. The following procedure should, therefore, be followed:

(1) The caution should not be printed at the top of the sheet on which the statement is taken down, but should be written out as given in each case and the person making the statement invited to write his signature immediately underneath. See also (5) below.

(2) The statement should be written down in the actual words used, provided that they are intelligible. They should not be translated into "official" vocabulary, a course which may create a misleading impression as to the genuineness of the statement.

(3) When a statement has been written down, the person making the statement should be invited to read it over and alter it if he wishes. The statement should in all cases be read over to him and he should be asked to sign it, and to initial each page and any alterations. The policeman taking the statement should, immediately below the statement and the signature of the person making it, write and sign a note that the statement was taken by him, that he

Appendix 12

EXTRACT - R.U.C.  
MANUAL. CHAPTER 5.

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3. Statements. When an offence has been committed it is very essential to have statements taken from all persons who can give any information in respect thereof.

The taking of statements is a very important duty and should be carried out with great care so that an accurate official record may be available for use at any future time.

Each witness, suspect or prisoner should be interviewed separately and given an opportunity of making his own statement. He should not be requested to confirm the statement of another person after it has been read over to him. No two persons will relate in identical language their impression of an occurrence.

The police, as a general rule, have no power to compel persons to answer their questions or make statements, but a Constable who knows his business will rarely experience much difficulty in getting assistance in this respect from law-abiding citizens.

Statements might usefully be divided into five classes:

- (1) Witnesses' statements.
- (2) Negative statements.
- (3) Statements from suspects.
- (4) Statements under caution.
- (5) Statements in motoring cases.

Every copy of a statement taken by a member of the Force, whether under caution or otherwise, and produced as an exhibit in court or supplied to interested parties in connection with road accidents or other incidents must be certified as a true copy of the original. The form of certificate will be "certified a true copy of the original" and will be signed by a member of the Force who has compared it with the original and found it to be correct. The member of the Force certifying a copy of a statement



has read it over to the person making it and (if it be the fact) that it has been read over by that person. This note should also be signed by any other person who was present at the taking of the statement.

(4) If the person making the statement would prefer to write it out himself, and his degree of education is enough to enable him to do so, he should be encouraged to do so and should be supplied with writing materials. The policeman should first write out the caution, as described in (1) above, and invite the person who is to make the statement to write his signature immediately underneath. The procedure set out in (3) above should then be followed as far as it is applicable; in particular, the policeman should append a note to the effect that the statement was written out in his presence and that he has read it over to the person who wrote the statement. However, where a person states that he prefers to prepare his statement later, rather than to make it to the police, the member of the Force concerned should then and there administer the same caution which he would have given had he been taking the statement. The same will apply if the person concerned hands in a written statement at the police station before the police have had an opportunity of interviewing him about the matter. A record of the caution should be kept in the policeman's notebook and the person to whom it was administered should be asked to sign the entry. This action should avoid any difficulty arising in court should the admissibility of such statements be questioned.

(5) It may occasionally happen that a caution is administered during the taking of a statement. In such cases the caution should be written in as part of the statement at the point at which it was administered, and the person making the statement should be invited to sign it before the statement is continued.

(6) When possible, statements of persons under caution should be written on half-sheets, so that the original statements can be handed in as exhibits if depositions are being taken. Police notebooks should be used for taking such statements only when no half-sheets are available.

(7) A record should be kept by the policeman concerned in his notebook of the times at which the taking of the statement started and finished, and of any intervals and refreshments. It is unnecessary to include these times as part of the statement.

(8) When a person has been given an opportunity to make a statement after caution and has declined, no further approach should be made unless it becomes necessary to interview him again in connection with facts or information subsequently received by the police. In such circumstances the purpose of the further interview should be explained to the person and he should be cautioned and asked does he now wish to make a statement.

(9) Cases arise in which it is necessary to take statements for production as evidence against foreigners who wish to make them in their native language. In such cases the following procedure should be followed:

(a) The interpreter should take down the statement in the language in which it is made in accordance with the foregoing instructions.

(b) An official English translation should be made in due course and be proved as an exhibit with the original statement by the interpreter. See *Chap. 9, para. 6.*

Apart from the question of apparent unfairness, to obtain the signature of a suspect to an English translation of what he said in a foreign language can have little or no value as evidence if the suspect disputes the accuracy of this record of his statement.

(10) Attention is particularly drawn to the following points:

- (a) Care should be taken to confine the written statement to the actual words used by the person making it, and no question should be put to him about it except for the purpose of removing ambiguity in what he has already stated. Such statements should not be paragraphed, as otherwise gaps would be left in which it might be suggested words have been inserted after the signature of the maker had been appended. No obliteration should be made of any part of the statement, but if a deletion of words is necessary this should be done by drawing a single line through the words concerned and requesting the person making the statement to append his initials at the commencement and termination of the words deleted.
- (b) It is important to note that the person making the statement should be invited to read it over and alter it if he wishes. In any case, whether he agrees or declines to read the statement, it should be read over to him and he should be asked to sign it. Any alterations, and each page of the statement, should be initialled by him. If he refuses to append his signature that fact should be recorded by adding to the note in (3) above the words, "He refused to sign this statement."
- (c) When copies of statements taken under caution are included in official files they should invariably contain every word that appears in the original, including the caution and the note referred to in (3) above, i.e., they must be exact copies.
- (d) The police should refrain from including such words as, "I have read this statement and it is truthful and accurate," above the signature of the person making the statement. The note referred to in (3) above is quite sufficient and ensures that nothing appears in the actual statement except what the person concerned has said. A specimen form of statement is given below.

(11) When two or more persons are charged with the same offence and statements are taken separately from the persons charged, the police should not read these statements to the other persons charged, but each of such persons should be furnished by the police with a copy of such statements and nothing should be said or done to invite a reply. If the person charged desires to make a statement in reply the usual caution should be administered.

In this connection statements taken separately from persons charged when being furnished to other persons charged should be handed to such persons in a closed envelope, and the police should immediately retire from the presence of the accused.

Whenever possible the original statement should be handed in as an exhibit when depositions are being taken. Should it not be possible to hand in the original statement, the greatest possible care must be taken to ensure that the copy handed to the court is an exact copy.

The following is an example of how a statement under caution should be taken:

Statement of John Smith, 25 years, farm labourer, Rose Cottage, Ballybeg, Kesh, taken by Constable Joseph Black at Kesh R.U.C. Station on the 19th October, 1965.

I have been told by Constable Joseph Black that I am not obliged to say anything and I understand that anything I say will be taken down in writing and may be given in evidence. I clearly understand this caution and wish to make a statement.

John Smith.

On Saturday night, the 16th October, 1965, I was going to the Chip Shop in Green Street shortly after half-past ten. I went along Park Road. I heard my mother's voice and saw her standing with Mrs. Jones and Thomas Reynolds at the corner of the Bluebird Bar. My mother appeared to be arguing with Reynolds and I went over to see what was wrong. I then saw that the three of them had drink taken and when I went forward Reynolds turned sharply and looked at me but did not say anything. I know that Reynolds did not like me because I had objected to him keeping company with my sister Helen. When Reynolds turned I thought he was going to strike me as he lurched towards me. I pushed him away with my left arm and my forearm struck him on the face. He fell back on the pavement and his head struck the stone step at the entrance to the Bluebird Bar. I just walked away as I did not want to have any more trouble with Reynolds. Mrs. Jones and my mother were still standing at the corner of the Bar when I left. Yesterday I saw by the local paper that Reynolds had been removed to Barn Hill Hospital where he died but I did not think that I had been responsible for his death.

John Smith.

This statement was taken by me and signed by John Smith in my presence. Before it was signed I read it over to John Smith and he also read over the statement. I invited him to make any alterations he desired.

Joseph Black, Const. 1234.

Witness: Robert Young, Const. 1111.

8. *Statements in motoring cases.* Very many motorists and others who report accidents and the like are quite innocent and it is unnecessary to put them to the indignity of having to sign a formal caution as if they were accused, or were strongly suspected, of a serious crime. If there is a doubt a verbal caution should suffice. This can be recorded, if a written statement is being taken, as follows:

Statement of John Smith, 25 years, farm labourer, Rose Cottage, Ballybeg, Kesh, taken by Constable Joseph Black, after caution, at Kesh R.U.C. Station on 15th October, 1965.

After the statement has been taken, the procedure laid down in para. 7 (3) of this Chapter should be followed. If the person concerned declines to make a written statement, or if he states that he prefers to prepare it later, rather than make it to the police, a record that such a verbal caution was given should be made by the policeman in his notebook for future reference. The same procedure will apply if the person hands in a written statement at the police station before the police have had an opportunity of interviewing him about the matter.

9. *Statements from Juveniles.* When it is necessary to take a statement from a juvenile it is desirable to have his parent or guardian present.

10. *Preserving statements.* Only copies of statements should be attached to files. Where originals are not handed into court as exhibits they will be carefully retained by the member who took them for production at subsequent court proceedings, if necessary. Unless the member has knowledge that court proceedings are pending, original statements need not be preserved longer than three years from the date of the occurrence to which they relate. When a member leaves the Force he should preserve original statements in his possession for a period of three years in case he should be subpoenaed to produce them in court after his date of retirement.

11. *Preparation of a case.* A case may be said to have been properly prepared when the facts are detailed accurately and in order, accompanied by all available statements of evidence, the whole being in such form that the case is clear and understandable to those responsible for decision as to prosecution.

The foundation of the case will be the statements of the witnesses, taken from them by the Constable. If he himself is a witness in the case he should make out a statement of what he can prove, and this statement should be confined to the facts of which he can speak of his own knowledge. The Constable should attach his report to copies of the statements in the case. The combined report and statements is called a file. It is usually from a file that the various witnesses in the case are examined in court by the District Inspector.

A bare collection of facts embodied in statements is not sufficient. When the statements are accompanied by a report giving a careful summary of evidence together with intelligent comments and a clear recommendation then a case may be regarded as properly prepared. If a case is thus properly prepared it is ready to be properly presented in court.

The Constable in charge of the case should consider the following points:

- (1) He should put himself in the position of the persons who are to decide whether or not there should be a prosecution and who may be called on to conduct the prosecution. They should know all about the case, not only what is admissible in evidence but also any matter bearing on the case which might account for the conduct of the accused or of any of the witnesses, and they must necessarily rely on him to supply them with the necessary information. The evidence should be in writing, and clear reports with nothing omitted are absolutely necessary.
- (2) He should make it perfectly clear what he can prove himself and what he has ascertained from others. This is elementary, but it is often neglected. The man who writes a report must remember that another may take action based on what is in that report, relying on what is stated therein.
- (3) Anything in the nature of what is termed real evidence, that is, articles used in or connected with the circumstances of the offence, will always prove useful in a prosecution. In a murder case, the weapon used (if any) ought to be produced. In addition to taking possession of articles which may have some connection with the crime a Constable should take charge of anything

## Chapter 9

## Prisoners

1. Judges' Rules. In 1918 the Judges of the King's Bench Division approved a memorandum on statements by persons suspected of crime, or prisoners, containing rules for the guidance of the police, as follows:

(1) *Questioning persons whether suspected or not.* When a police officer is endeavouring to discover the author of a crime, there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.

(2) *Caution—when to be administered.* When a police officer has made up his mind to charge a person with a crime, he should first caution such person before asking any questions or any further questions, as the case may be.

(3) *Person in custody.* Persons in custody should not be questioned without the usual caution being first administered.

(4) *Prisoner wishing to volunteer a statement.* If the prisoner wishes to volunteer any statement the usual caution should be administered.

(5) *Form of caution.* The caution to be administered to a prisoner when he is formally charged, should be in the following words, "Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence". Care should be taken to avoid any suggestion that his answers can only be used in evidence against him, as this may prevent an innocent person making a statement which might assist to clear him of the charge.

(6) *Statements prior to caution.* A statement made by a prisoner before there is time to caution him is not rendered inadmissible in evidence merely by reason of no caution having been given, but in such a case he should be cautioned as soon as possible.

(7) *Cross-examination forbidden.* A prisoner making a voluntary statement must not be cross-examined, and no questions should be put to him about it except for the purpose of removing ambiguity in what he has actually said. For instance, if he has mentioned an hour without saying whether it was morning or evening, or has given a day of the week and day of the month which do not agree, or has not made it clear to what individual or what place he intended to refer in some part of his statement he may be questioned sufficiently to clear up the point.

(8) *Statement of fellow prisoners.* When two or more persons are charged with the same offence and statements are taken separately from the persons charged, the police should not read these statements to the other person charged, but each of such persons should be furnished by the police with a copy of such statements, and nothing should be said or done by the police to invite a reply. If the person charged desires to make a statement in reply the usual caution should be administered.

(9) *Signing of statements.* Any statement made in accordance with the above rules should, whenever possible, be taken down in writing and signed by the person making it, after it has been read to him and he has been invited to make any correction he may wish.

2. Notes on Judges' Rules. The Judges' Rules were formulated for the purpose of explaining to police officers engaged in the investigation of crime the conditions under which the Courts would be likely to admit in evidence statements made by persons suspected of or charged with crime, and to ensure that any statement tendered in evidence should be a purely voluntary statement and therefore admissible.

In carrying out their duties in connection with the questioning of suspects and others, police officers must, above all things, be scrupulously fair to those whom they are questioning, and in giving evidence as to the circumstances in which any statement was made or taken down in writing, they must be absolutely frank in describing to the Court exactly what occurred, and it will then be for the Court to decide whether or not the statement tendered should be admitted in evidence.

Rule (3) is not intended to encourage or authorise the questioning or cross-examination of a person in custody, after he has been cautioned, on the subject of the crime for which he is in custody; and long before this Rule was formulated, and since, it has been the practice for the Court not to allow any answer to a question so improperly put to be given in evidence; but in some cases it may be proper or necessary to put questions to a person in custody after the caution has been administered. For instance, a person arrested for a burglary may, before he is formally charged, say, "I have thrown the property away", and after caution he would properly be asked, "Where have you thrown it?" Rule (3) is intended to apply to such cases and, so understood, is not in conflict with or does not qualify Rule (7) which prohibits any question upon a voluntary statement except such as is necessary to clear up ambiguity.

With regard to the form of caution, it is obvious that the words in Rule (5) are only applicable when the formal charge is made and can have no application when a violent or resisting prisoner is being taken to a police station. In any case before the formal charge is made, the usual caution is, or should be, "You are not obliged to say anything, but anything you say may be given in evidence". This caution may be properly used at any time during the investigation of a crime in which it is necessary or right to administer a caution. For example, where a person is being interrogated by a police officer under Rule (1), whether at a police station or elsewhere, and a point is reached when the officer would not allow that person to depart until further enquiry has been made and any suspicion that may have been aroused has been cleared up, it is desirable that such a caution should be administered before further questions are asked. When any form of restraint is actually imposed, such a caution should certainly be administered before any questions or any further questions, as the case may be, are asked. When it comes to cautioning a prisoner immediately he is formally charged, the form prescribed in Rule (5) should be used.

Some of the circumstances in which a Constable will be guided by the Judges' Rules are to be found in the following subjects:

- (1) "Suspects". Chap. 4, para. 2(3).
- (2) "Statements under caution". Chap. 5, paras. 7 and 8.
- (3) "Arrest". Chap. 8, para. 6.
- (4) "Admissions and confessions". Chap. 12, para. 14.

3. Prisoners. The police take charge of all prisoners arrested by them in the execution of their duties and hold such prisoners in custody until properly discharged or lodged in prison. There is at least one lock-up in every station, in which prisoners arrested by, or in legal custody of, the police, are to be confined.

Children and young persons in custody shall be kept separate from adults (not being relatives) charged with any offence unless jointly charged. As far as practicable a girl shall be under the care of a woman. (C. and Y.P. Act (N.I.), 1950, S.33). See Chap. 18, para. 21.

When a female prisoner is in custody an assistant should be appointed to remain with the Station Orderly so long as she is in custody.

Where practicable, two drunken prisoners shall not be confined in the same lock-up. Whenever there is a drunken prisoner in a lock-up he shall be visited by the Station Orderly, or his assistant, not less than once every fifteen minutes until he is perfectly sober.

No person, save the person in charge for the time being, the Station Orderly or assistant Station Orderly, where one is appointed, is to open or enter the lock-up when prisoners are confined in it. The door is to be kept locked and the key retained in the charge of the Station Orderly.

4. *Searching Prisoners.* After arrest any prisoner may be searched for the following general reasons:

- (1) to take from him any weapon with which he may injure himself or others;
- (2) to discover anything that may be evidence of the present and other offences;
- (3) for the safe custody of his property.

A Constable making an arrest must decide whether or not to search the prisoner at the place of arrest. Discretion and commonsense should be used in this respect. Where a search is not made, precautions should be taken to ensure that the prisoner is given no opportunity to harm himself or to get rid of any evidence of guilt on the way to the station.

Where it is decided to search a prisoner at the police station for anything which may be evidence of a crime, he should be asked to hand over all property which he has in his personal possession. He should then be searched most carefully and possession taken of everything, no matter how insignificant, which might possibly be connected with the crime. Two members of the Force should be present during the search. If necessary, his room (and house) should be thoroughly and systematically searched for any incriminating evidence. If any article or weapon with which the crime is believed to have been committed, or which is or may be connected with the crime, is found in the possession of the prisoner, the person who finds it should retain it for production at subsequent court proceedings. Money found on a prisoner and connected with the charge should be marked for identification purposes by the policeman finding it. It should then be sent to the District Inspector.

\*Prisoners insensible from illness, drunkenness, or any other cause, or who are drunk and incapable of taking care of themselves, are to be searched for the safe custody of their property and its return to them. In taking possession of property for safe custody regard should be had not merely to the value of the articles but to their capability of occasioning mischief or injury to the prisoners themselves or to others, e.g., serious results have followed from drunken persons being left in possession of knives and matches. Prisoners should on no account be allowed to drink intoxicating liquor while in police custody. If it is known that a prisoner has intoxicating liquor on his person it should be taken from him.

Before any prisoner is confined in a lock-up, the person for the time being in charge

should not be the member who prepared the copy and where practicable should be of higher rank than that member. *See Code Reg. 1827.*

4. *Witnesses' statements.* Having obtained the name and address of the witness he should be interviewed by the police at a suitable time and place. The occurrence should then be talked over with the witness, and having ascertained from him what he knows about it the Constable should set about putting the details in writing in the form of a statement. In the case of a mere witness no caution should be administered.

The statement should be headed as in the following example:

Statement of John Smith, 25 years, farm labourer, Rose Cottage, Ballybeg, Kesh, taken by Constable Joseph Black at Kesh R.U.C. Station on 15. 10. '65.

On Thursday, 14th October, 1965, . . . . . (continue with statement and end up as follows):

I have heard the above statement read over to me and it is correct/I have read over the above statement and it is correct (whichever is applicable).

John Smith.

All facts which are within the knowledge of the witness should be put down as far as possible in his own words. The facts should be detailed in their order of occurrence as clearly as possible.

The statement should be a complete and correct recital of the matter—to ensure this the person taking the statement may put questions to the witness. The statement should be in the first person.

When taken, the statement should be read over to the witness or given to him to read. After this has been done any amendments or additions suggested by the witness should be made and initialled by him. He should then be asked to sign it immediately below the last line. If more than one sheet of paper be used each sheet should be signed.

After an independent witness<sup>2</sup> has made and signed a full statement relating to a road accident, the policeman taking it should ask him if he agrees to a copy of the statement being made available to interested parties should they seek a police report in contemplation of a civil action arising out of the accident. The witness will be required to sign a note at the foot of his statement in some such form as:

I agree/do not agree to a copy of this statement being made available with a police report to interested parties.

John Smith.

5. *Negative statements.* A negative statement is one which denies knowledge of the material facts or the matter under enquiry. If, during an investigation, a policeman meets with a person he believes capable of giving important evidence but who professes entire ignorance of the matter (and such person is unlikely to be called to give evidence for the defence at any subsequent court proceedings) the

<sup>2</sup> "Independent witness" means all persons other than the drivers of the vehicles involved in the accident. *Code Reg. 1728.*



of the station will ensure that he has been searched and any article by which danger to life or property may be caused is taken from him.

Female prisoners should always be searched by another female, no males being present.

An accurate record of all articles surrendered or found during the course of a search of a prisoner should be made at once in the Guard's Diary by the Station Orderly. At stations where a Guard's Diary is not kept, particulars should be entered by the Station Orderly or senior member of the patrol in the Patrol Book. The amounts of notes, silver and copper are to be entered separately. If the search takes place before arriving at the station, particulars of every article taken from the prisoner should be recorded immediately on arrival there. In all cases a line will be left immediately below the entry in the Guard's Diary or Patrol Book for obtaining the prisoner's receipt on return of any property not required by the police as evidence. The receipt should be on the following lines:

Received the above articles, my property \_\_\_\_\_  
Signature and date.

If the prisoner is being committed to prison such property should be handed over to the prison authorities. See para. 12 below.

It will not be necessary to give a receipt to the prisoner unless he demands one.

5. *Treatment of Prisoners.* Prisoners in police custody are to be treated with the most humane consideration which their situation and safety will allow, and no harshness or unnecessary restraint is to be used towards them, but the utmost care must be taken to prevent a prisoner's escape, as this would entail severe consequences for the policeman concerned.

All reasonable comfort should be afforded to prisoners in the custody of the police and any request of a reasonable or personal nature should be granted if possible. Bedding is supplied for use in the lock-up and prisoners should be given sufficient to keep them warm. The lock-up should be kept clean and disinfected at all times.

If a prisoner is to be released on bail he should be afforded every possible facility to enable him to make all necessary arrangements. A prisoner may communicate with his solicitor or friends and he should be informed that he will be permitted to do this.

Writing materials should be provided and their letters forwarded by post or otherwise with the least possible delay. There is no objection to telegrams or messages being transmitted on behalf of prisoners by police telephones where such a course is practicable.

The person in charge of the station should ensure that any letter or message sent or received by the prisoner or transmitted by the police contains nothing in the nature of a warning to accomplices or prejudicial to the interests of justice. Should a letter or message from a prisoner contain anything which, in the opinion of the police, would tend to defeat the ends of justice, the prisoner should be informed that it cannot be transmitted and he should be given an opportunity of re-writing it.

Prisoners should be informed that their solicitors will be permitted to have an interview with them out of the hearing of police and a suitable room in the station

should be made available. The police should, however, take precautions to have the room closely guarded outside to prevent escape. Conversations with friends must be in the presence and hearing of the police.

When prisoners in wet clothes are brought to a station, inquiry should be made as to whether they wish their clothing dried. If they do so, it should be done as far as practicable.

Where, as the result of an arrest, juveniles are left without a parent or guardian, the police should immediately notify the local Welfare Officer so that he may arrange for their care.

Prisoners should not be allowed to remain for long periods without food. Necessary refreshments for them may be purchased out of the money taken from them on arrest, provided the charges against them do not relate to the money. Prisoners who are unable to buy food should be supplied with a plain meal the cost of which may be recovered from public funds. *See also para. 12 below.*

If a prisoner in the custody of the police requires medical treatment immediately, e.g., on account of illness, his own doctor (or his deputy) should be summoned without delay. If the doctor or his deputy is not available, then any doctor in the National Health Scheme may be called upon to give any treatment necessary. (Health Services Regns., 1948, Art. 8, as amended). *See also para. 13 below.*

6. *Foreigners, etc.* When foreigners are in custody great consideration should be shown them and pains taken to explain to them the nature of any proceedings against them. Every facility should be afforded them to communicate with the Embassy, Legation or Consul of their respective countries.

Interpreters<sup>1</sup> should be obtained for prisoners who are foreigners, or who are deaf and dumb,<sup>2</sup> so that such persons may understand fully any charges brought against them.

7. *Conversations with Prisoners.* The police should not converse with prisoners in custody or question them respecting offences with which they are charged. Should a prisoner desire to make a written statement the instructions contained in Chap. 5, para. 7 should be complied with. Such a statement should be taken by the policeman who has charge of the case against the prisoner whenever this is possible. Otherwise it should be taken by a member who is conversant with the facts of the case.

\* When two or more persons are charged with the same offence and statements are taken separately from the persons charged, the procedure laid down in Rule (8) of the Judges' Rules should be followed. *See Chap. 5, para. 7(11).*

*For "Admissions and Confessions" see Chap. 12, para. 14.*

<sup>1</sup> Care must be taken to ensure that the interpreter is available to give evidence as to oral statements made by foreigners, as is already done in the case of written statements. *See chap. 5, para. 7(9)(b).* The interpreter should make his own notes of the interview for use in the event of his being called to give evidence. (R. v. Attard, 1958).

<sup>2</sup> When an interpreter is required for persons who are deaf and dumb, the services of the Superintendent of the Kinghan Mission for the Deaf and Dumb, 7a Botanic Avenue, Belfast, 7, should be sought. If he is unable to act as interpreter, he may suggest a suitable substitute.

8. *Prisoners from H.M. Forces.* When soldiers or members of any other of H.M. Services are arrested in uniform they should be brought to the station through the less frequented streets to prevent them being exposed more than is absolutely necessary. If such prisoners have to be handcuffed they should not be marched to the station, but should be brought in a closed car.

When a military detachment halts for the night only, the police are bound to receive into their custody military prisoners, provided the lock-up is not required for civil prisoners at the time and the accommodation is sufficient. Military prisoners are not to be confined with civilian prisoners.

9. *Other Prisoners.* Certain Acts of Parliament provide for the arrest of offenders by private persons and the handing over of them to the police. In such cases the police are responsible for the holding of the offenders and the disposing of them with due regard to the procedure laid down in the particular Act of Parliament.

10. *Customs Offenders.* By law the police have authority to hold persons who have been detained by Customs Officers under the Customs Laws and handed over to them for safe keeping. An accurate record of all persons handed over to the police by Customs Officers should be made of the transaction by the Station Orderly, both at the time of taking and later when they are returned to the charge of the Customs Authorities. See Chap. 37, para. 32.

11. *Fingerprinting of Prisoners.* See Chap. 4, paras. 4-7.

12. *Escort of Prisoners.* When prisoners are being escorted every precaution must be taken to prevent their escape. Every rational allowance should be made for the feelings of a prisoner by his escort, but the latter, being responsible for his safe custody, must take all steps to ensure that end. He should be handcuffed if charged with the commission of a serious offence, or if he is a person of bad character, or if there be other reasonable grounds to apprehend an escape or attempted rescue or violence. In the absence of such reasonable grounds prisoners charged with drunkenness and other trivial offences are not to be handcuffed. Female, old, or infirm prisoners are not to be handcuffed.

On all occasions the police should use sufficient force to prevent a prisoner's escape, and the amount of force justifiable will depend on the prisoner and the particular circumstances under which he is being escorted and the offence with which he is charged, but unnecessary force should never be used against a prisoner.

Two policemen should normally be employed on escort duty and the number should be increased in proportion to the number and class of prisoners being escorted. Where a single prisoner is to be escorted, the District Inspector may, if he considers the circumstances justify it, authorise the escort to consist of one member of the Force. Prisoners should be exposed to public view as little as possible when under escort.

When a prisoner is delivered at the prison on committal after conviction, the senior man of the escort should hand over to the gaoler any of the prisoner's property in the hands of the police and obtain his receipt for same. A receipt should also be obtained from the Governor to show that the prisoner had been delivered at the prison and showing his condition on arrival.

Prisoners should not be conveyed by omnibus, but full advantage must be taken of available rail transport. The most economical mode of conveyance should be used, taking into consideration the nature of the case, the cost of travelling and subsistence and other police commitments.

Where it is apparent that it would be in the public interest for a member of the Force performing escort duty to travel by air, i.e., to save public money or time, this means of travel may be used if approved by the Inspector General. The wishes of the prisoner should be taken into account and his consent obtained in writing before a journey by air is undertaken.

In cases where children or young persons are being taken to or from remand homes or training schools by the police, a police van must not be used, but public transport should be utilised where possible. If this is not suitable, a police car may be used. Should a police car not be available a hired car must be used. Police forming these escorts should wear plain clothes.

Girls must be escorted by women police where at all possible, failing which policemen in plain clothes should be used. In the case of a committal to Belfast from a country district where it is not possible for a policewoman to undertake the complete escort, the girl must be taken over by a policewoman in Belfast.

As far as practicable police escorting prisoners should ensure that the prisoners are provided with meals at normal mealtimes. If the prisoner is handed over to the local police it will be their responsibility to provide any meal or meals necessary.

When police convey untried prisoners from prison to Courts of Summary Jurisdiction, they should be handed form 24 A.D. by the Prison Authorities. Should the prisoner be not re-committed the form should be completed and returned to the Governor of the prison.

It will be the duty of the police responsible for the presentation of a case in a Court of Summary Jurisdiction to make arrangements to have any prisoners concerned in the case escorted to and from gaol.

When prisoners in custody are brought for trial to a County Court or Assizes in charge of prison warders it may be necessary to have a police escort. The number of warders may be regarded as part of the escort.

*See also Chap. 10, para. 16, and para. 19 below.*

**13. Medical Examination of Prisoners. *Drunk in charge of motor vehicles.*** Where a prisoner is charged with being drunk in charge<sup>a</sup> of a motor vehicle the person for the time being in charge of the station must be informed at once so that he may decide whether or not he will accept the charge. If he accepts the charge he should send for a doctor immediately asking him to come and examine the prisoner on behalf of the police. As a general rule if the services of a doctor cannot be obtained

<sup>a</sup> A "drunk-in-charge" motorist may not actually be drunk but his driving ability is impaired. He should not ordinarily be searched or placed in the cell.

It should not be assumed that because a person smells of drink and is physically incapacitated that his condition is due solely to the consumption of liquor without considering the possibility of injury or other physical defect.

It should be borne in mind that evidence relating to peculiarities of speech, gait, appearance, etc., carries more weight if it can be shown that when sober such peculiarities are not apparent.

after three attempts no further effort will be necessary unless for special reasons it is considered advisable to continue to seek the attendance of a doctor.

At the same time the prisoner should be told of his right to be examined by a doctor on his own behalf, at his own expense. If he so requests, the person in charge should send for the particular doctor asked for, or, if the prisoner does not name a doctor, the nearest available medical practitioner acceptable to the prisoner. In such cases it is usual to allow the prisoner to select a doctor from a list of medical practitioners kept at the station. Every reasonable facility for obtaining the services of a doctor should be afforded to accused persons. The doctor should be told clearly that he is being brought at the prisoner's request, and that the police will not accept any liability for his fee, but the police are not to express themselves as to the prisoner's likelihood of paying him or in any other way which might prejudice the prisoner's interests. If a prisoner asks for permission to speak to his own doctor on the telephone with a view to persuading him to come and examine him, the police should agree unless there are good grounds for denying him this privilege. Should a friend or relative of the prisoner desire to call in a doctor to examine him, he should be allowed to do so at his own expense.

In every case in which a doctor is called to a police station to examine a prisoner, the person in charge of the station will make a record of the minute, hour, day and date of the visit, and the result of the examination, if known. He will also note whether samples were obtained by the doctor. He will give a signed copy of this record to the member of the Force in charge of the case for inclusion in the prosecution file.

Equipment and containers for the taking of urine and blood samples are available at all stations and this fact should be brought to the notice of doctors attending to examine such persons. It must be left to the doctor to decide whether he requires a sample, and the obtaining and labelling of samples should be done by him. The bottles should be properly sealed with adhesive tape and sealing-wax and impressed with the R.U.C. seal. The doctor, at the time of requesting specimens, must offer to supply a specimen to the accused. The person in charge should, where necessary, remind the doctor of his responsibilities in this respect.

Where specimens are taken and the doctor on behalf of the police does not certify the motorist as being incapable of having proper control of the vehicle, or defers giving a certificate pending the result of analysis of the specimen, the person who accepted the charge shall ask the doctor, in the presence of the motorist, if specimens have been obtained and if at the time of requesting such specimens the doctor had offered to supply part thereof to the motorist. The doctor shall then be asked, again in the motorist's presence, to hand over the specimens and identify them. The motorist should be told that they will be analysed and that the result may be given in evidence.

Specimens must be analysed within five days of being obtained. A certificate showing the result of such analysis may be tendered in evidence in accordance with the Road Traffic Act (N.I.), 1964, S.40(2).

Similar facilities for the taking of urine and/or blood samples should be afforded to a doctor attending on behalf of the offender. A request should be made to such doctor that the doctor called on behalf of the police (or, if he is not available, the senior member of the Force present at the time) be permitted to be present during the medical examination or, if this is refused, at the taking of any urine or blood sample. If a sample of urine or blood is taken a request should be made to the offender's doctor to hand over a part thereof for analysis by the police. All such requests should

be made in the presence and hearing of the offender and it is desirable that any sample of urine or blood handed over by the private doctor for analysis by the police should be done, if possible, in the presence of the motorist. Evidence of such refusals or the composition and identity of the sample handed over can then be given in subsequent court proceedings. If the accused's doctor so requests, samples taken by him should be sent by the police on his behalf to the Forensic Science Laboratory for analysis in the usual way.

Without prejudice to the foregoing the police should not be present during the medical examination of a person accused of this offence unless he is disorderly or violent or is likely to escape, or unless the doctor or the accused person desires their presence.

The necessary certificate should be obtained from the doctor acting on behalf of the police, but he may wish to await the result of the analysis of any samples taken by him before issuing the certificate.

*See also para. 5 above.*

14. *Other types of Drunkenness.* When prisoners are brought to the station charged with simple drunkenness; drunk and disorderly; drunk in charge of a vehicle other than a motor vehicle; or drunk in possession of loaded firearms, it is not necessary for the police to call in medical evidence. Should the prisoner, however, ask for a doctor his request should be complied with. The police will, if necessary, obtain the services of a doctor on their behalf.

*See also para. 5 above.*

15. *Prisoners in Hospital.* When a prisoner who is serving a sentence is sent to a hospital outside the prison, borstal or training school, there is no necessity for a police guard to be provided at the hospital, except in exceptional circumstances when special instructions will be issued to the police concerned. Prisoners in hospital remain in the charge of the Governor or Manager of the institution where the sentence is being served, and responsibility for their safe keeping remains with such Governor or Manager. The police should, in the ordinary course of their duty in the area, give attention to the hospital with a view to preventing an escape or rescue.

16. *Identification Parades.* (1) When it becomes necessary to parade a prisoner or a suspect for identification the District Inspector, or in his absence the Head Constable, will direct a Head Constable or a Sergeant, other than the member in charge of the case under investigation, to conduct the identification parade. Such member must strictly observe the following instructions:

(a) He will inform the prisoner or suspect that he is about to be paraded for identification and will give him a notice to read on which is clearly printed or typewritten:

"You are about to be paraded with other persons for identification purposes. You may place yourself in any position you wish with reference to the other persons on the parade. If you so desire your solicitor or a friend may be present at the parade. Any reasonable request you may make will, if possible, be granted."

If he is unable to read or understand the notice its purport must be fully explained to him.

- (b) This notice must be given to the prisoner or suspect as early as possible so as to afford him an opportunity of arranging for the attendance of a solicitor or a friend, if he so desires, or of having any other reasonable request complied with. Steps shall be taken to comply with any such request made.
- (c) A number of local residents (about eight in number) as nearly as possible of the same age, height, general appearance and class in life as the person to be paraded should be asked to attend the parade. They should be persons unknown to the witnesses attending the parade, and they should be formed up in single line in a suitable place that is reasonably well lighted.
- (d) If two suspects are being paraded at the same time at least 12 persons should form the parade. Generally speaking, however, it is more desirable to have two separate parades in such cases. When more than two suspects are to be paraded a separate parade should invariably be held for each. On all such parades different persons should be used on each occasion.
- (e) The member in charge of the parade shall request the prisoner or suspect to take up any position he wishes in the line of persons on the parade; and he shall inform him after each witness has seen the parade that he may change his position in the line before the next witness has been brought to the parade. He shall also ask him whether he is satisfied with how the parade is being conducted and note his replies.
- (f) All witnesses must be kept under proper police supervision in a room or other suitable place so that they cannot see the person to be identified, or any other person forming the parade, until brought out to view the parade as a whole; nor are they to be assisted by the use of photographs, or by descriptions, written or oral, or in any other manner, to identify any person on the parade.
- (g) Witnesses must be brought out individually to view the parade. Each witness shall be requested by the member in charge of the parade to view the persons assembled and if he can identify any of them to go forward and touch with his hand the person whom he identifies. Whether he fails or succeeds he shall be taken away and must not be allowed access to any of the other witnesses who may still have to view the parade. Anything said by the prisoner or suspect, or by anyone else in his presence, shall be noted by the member in charge of the parade.
- (h) In arranging and conducting the parade the member in charge must ensure that every precaution is taken to make it perfectly fair to the person being paraded and to eliminate any grounds for criticism afterwards.
- (i) Every circumstance pertaining to the parade shall be carefully noted, in writing and in sequence, by the member in charge of the parade, including any statement made by the person being paraded.
- (j) A full account of the parade, including the names and addresses of the persons constituting it and the names of all policemen present, shall be recorded as soon as possible in the Station Notebook by the member in charge of the parade.
- (2) The card referred to at paragraph (1) (a) and (b) of this Regulation will normally be kept in the office of the Sergeant-in-Charge at every police station.
- (3) The presence of any person (including police) whose attendance is not essential is prohibited at all such parades.

17. *Identification by Photographs.* It is not improper for the police when in doubt as to the person who committed a particular crime to show a number of photographs of different individuals to persons who may thereafter become witnesses at the trial of one of those individuals in order that they may be assisted in their efforts to find out who the culprit was; but when this has been properly done and an arrest made in consequence, care must be taken throughout the subsequent prosecution that the prisoner should not be prejudiced at the trial by the evidence being given in such a way as to lead the jury to suppose that he must have been previously convicted. The use of photographs after an arrest and before an identification in the flesh is improper.

There are two main objections to the use of police photographs for identification purposes, viz.:

- (1) identification of the accused in the flesh by a witness who has already seen a photograph of him, will not carry as much weight nor be as cogent as it would appear to be; and
- (2) if it becomes known to the jury that the witness had seen a police photograph of the accused this is tantamount to telling them that the accused had been convicted before.

A wise prosecutor will always inform the defending advocate of the full facts in cases where photographs have been used for identification purposes.

18. *Interviewing of Prisoners in Prison or Borstal.* Police may interview any prisoner or Borstal inmate who is willing to see them. An Order signed by a District Inspector (or Head Constable acting for him) is required.

It is open to the prisoner to refuse to see them or to refuse to make any statement. Visits should take place during recognised visiting hours on week-days only.

When interviewing Borstal inmates police should wear plain clothes.

*See Code Regns. 1421-1425.*

19. *Offences in Connection with Prisoners.* The Prison Act (N.I.), 1953, creates the following offences in connection with prisoners:

(1) *Escapes, etc.* Every person who:

- (a) having been convicted of an offence, escapes from lawful custody, whether in prison<sup>4</sup> or not, in which he may be; or
- (b) whether convicted or not, escapes from prison or lock-up in which he is lawfully confined; or
- (c) being in lawful custody, other than above, escapes from such custody; or
- (d) being on bail, whether prior to or during his trial, or while his appeal is pending, does not, without lawful excuse (proof whereof lies on him) present himself at the time and place of his trial, the hearing of the appeal, or to receive sentence,

shall be guilty of an offence. I. (S.26).

<sup>4</sup> "Prison" includes any prison or Borstal institution or other institution for the treatment of offenders, not being a remand home or training school under the C. and Y.P. Act (N.I.), 1950. (S.47).



Every person attempting to break prison, or forcibly breaking out of any place within the prison wherein he is lawfully detained, or makes any breach therein, with intent to escape. I.(A). (S.27).

(2) *Prison Breach.* Every person who, by force or violence, breaks any prison with intent to set at liberty himself or any person lawfully confined or awaiting execution therein. I.(A). (S.28).

(3) *Rescue, etc.* Every person who rescues any person, or assists any person in escaping or attempting to escape, from lawful custody, whether in prison or not, under sentence of death, imprisonment, corrective training, preventive detention, borstal training, or after conviction and before sentence for, or in custody upon, a charge so punishable, shall be guilty of an offence. I.(A). (Ss. 29 and 30).

Any Constable having any such person in his lawful custody voluntarily and intentionally permitting him to escape. I.(A). (Ss. 29 and 30).

(4) *Other offences connected with escape.* Every person who, by failing to perform any legal or official duty, permits any person in his lawful custody on a criminal charge or any prisoner in his lawful custody, to escape therefrom shall be guilty of an offence. O. (S.31).

Every person who knowingly and unlawfully, under colour of any pretended authority, directs or procures the discharge of any prisoner not entitled to be so discharged shall be guilty of an indictable offence. I.(A). Any prisoner so discharged shall be deemed to have escaped. (S.32).

Any person, with intent to facilitate the escape of any inmate, conveying or throwing anything into any prison or to a prisoner, or placing or throwing anything anywhere inside or outside a prison with a view to its coming into possession of a prisoner, shall be guilty of an offence. I.(A). (S.33).

(5) *Spirits, tobacco and other articles.* The conveyance of spirits or tobacco into prison or the introduction of other articles contrary to Prison Rules, or the placing anywhere outside the prison such things with intent that they shall come into possession of a prisoner. O. (Ss. 34 and 35).

20. *Power of arrest and procedure.* A Constable may arrest, without warrant, any person:

(a) whom he reasonably suspects of having committed, or attempted to commit, any offence against this Act; or

(b) whom he reasonably suspects of being unlawfully at large,

and convey him before a Justice of the Peace to be dealt with according to law, or take him to the place in which he is required by law to be detained. (S.38).

Any person charged with any offence may be remanded in custody or on bail, but no further proceedings shall be taken without the consent of the Attorney General. (S.37).

In any prosecution for escape, attempted escape, rescue or attempted rescue of any prisoner, either against the prisoner or other person, or aiding or abetting the prisoner, or for any other offence arising in relation to any prisoner, a certificate given by the clerk of the court in which the prisoner was sentenced or remanded shall, with proof of the identity of the prisoner, be sufficient evidence of the conviction or remand. (S.36).

*For escapes from remand homes and training schools, see Chap. 13, paras. 29 and 30.*

CR 1380-1385]

### Prisoners

1380. Treatment. Prisoners in police custody are to be treated with the most humane consideration which their situation and safety will allow, and no harshness or unnecessary restraint is to be used towards them. On the other hand, as the escape of a prisoner may result in very serious consequences for the persons in charge of him, the utmost vigilance should be exercised to ensure that a prisoner does not escape while in police custody.

1381. As it is the desire of the Government that persons of very advanced age or in feeble health of body or mind or women whose confinement is imminent should not be sent to prison, the police should keep themselves informed of the condition of such persons when in their custody, and bring the facts within their knowledge to the notice of the adjudicating magistrate.

1382. Communication with solicitors or friends. Every facility is to be given to unconvicted prisoners in police custody to send for bail (if the case is one in which bail would be accepted), or to communicate with their solicitors or friends. Prisoners are to be informed that they will be permitted to do this, and that they may telegraph if they are in possession of means to pay for a telegram. Writing materials are to be provided and their letters forwarded by post or otherwise with the least possible delay. There is no objection to messages being transmitted on behalf of prisoners by police on police telephones where such a course is practicable. A foreigner in police custody should be facilitated to communicate with the Consul or other representative of his country.

1383. All written communications from or to prisoners are to be read by the police before transmission. Should any communication from a prisoner contain anything which, in the opinion of the police, would tend to defeat the ends of justice, the prisoner should be informed that it cannot be transmitted and given an opportunity of re-writing it.

1384. Interview with solicitor. Prisoners are to be informed that their solicitors will be permitted to have an interview with them out of hearing of police officers, but care must be taken to ensure that the prisoner does not escape.

1385. Prisoners awaiting trial. The Governors of prisons have been instructed to ask all undefended prisoners at a reasonable interval before the trial, whether they wish to summon any witnesses for their defence, and to forward at once any letter for this purpose which the accused may wish to send. Every such prisoner will be informed that if he desires it, he may communicate with the police requesting them to ask such witnesses to attend.

1386. The police should facilitate the attendance of such persons by informing them of the prisoner's request, and of the time and place of trial, and by such other means as may be reasonable. Should it be found impossible to communicate with a person named as a witness, the Governor of the prison should be so informed as soon as possible. The police have no power to enforce the attendance of such witnesses or to pay expenses that may be incurred; nor ought they to be removed from their police duties for the purpose of tracing and bringing into Court witnesses who have disappeared, or who may be indifferent or unwilling to appear.

1387. Persons remanded. A prisoner is not to be remanded without being brought before a magistrate for that purpose. Such remand should not, under ordinary circumstances, take place in a prison but elsewhere, preferably in a Court House. As to release of prisoners on bail by the police—see Criminal Justice (Administration) Act, 1914, Section 21; Summary Jurisdiction and Criminal Justice Act (N.I.), 1935, Section 39, and the Children and Young Persons Act (N.I.), 1950, Sections 28 and 34.

(See also under Prosecutions, Regulations 1579 and 1580.)

1388. Custody prisoners against whom Attorney General directs "No Prosecution": Procedure. In all cases in which the Attorney General directs "no prosecution", the Chief Crown Solicitor will, on returning the depositions, direct the Crown Solicitor concerned to inform all parties, including the person who originated the proceedings, of the Attorney General's decision, and that after the expiration of a specified number of days the Chief Crown Solicitor will have an application made to the High Court to admit the prisoner on his own bail to appear at the time fixed for the trial.

1389. Should the person who instituted the proceedings not have signified his intention of conducting the prosecution himself nor have objected to the granting of bail within the time specified, the Chief Crown Solicitor will, on hearing from the Crown Solicitor to this effect, arrange for the steps outlined above to be taken in the High Court.

1390. SEARCHING PRISONERS. A prisoner should be searched if it is suspected that he has in his possession any dangerous or injurious article or substance or any article or thing which may be the subject of a criminal charge or which may afford evidence in support thereof. Precautions should be taken to prevent a prisoner getting rid of any such property if the search cannot be made immediately. (See also Station Regulation (45).)

1391. Where a bail prisoner surrenders in Court, and the police, from information in their possession, or from their knowledge of his character or antecedents, have grounds for suspecting that he may have some dangerous or injurious article or thing concealed on him, they should at once apply to the prison officer in charge at the Court to have the prisoner searched.

1392. Prisoners insensible from illness, drunkenness, or any other cause, or who are drunk and incapable of taking care of themselves, are to be searched and their property taken into safe custody and subsequently returned to them. In taking possession of property for safe custody, regard should be paid not merely to the value of the articles but to their capability of occasioning mischief or injury to the prisoners themselves or to others. Serious results have followed from drunken persons being left in possession of knives and matches.

A. 74/116 dated 29.2.66.

1393. ~~1393.~~

1393 - When a prisoner is searched particulars of every article taken from him will be entered by the Station Orderly in the Guard's Diary or, at stations where a Guard's Diary is not kept, in the Duty Book. Where no Station Orderly is on duty the entry will be made by the person in charge of the prisoner. The amount of notes, silver and coppers will be entered separately. Where possible the prisoner's signature will be obtained against the entry and a line will be left immediately below the entry for obtaining his receipt on return of the property. The receipt will be on the following lines:-

"Received the above articles, my property" (Signature and Date)

If a prisoner is searched before arriving at a station the entry will be made in the Guard's Diary or Duty Book immediately on his arrival at the station.

1394 - When a prisoner is not searched the person for the time being in charge of the station will advise him to leave in his hands any article of property in possession. A similar entry to that outlined in Regulation 1393 will be made and the prisoner's signature obtained both on receipt and return of the property. A receipt on separate paper need not be given to the prisoner unless he demands one.

1395 - The person for the time being in charge of the station will be responsible for the safe custody of the prisoner's property and for any loss that may happen through neglect or irregularity. If the prisoner is transferred to another station his property will be transferred with him and handed over to the person for the time being in charge of that station. A similar entry to that outlined in Regulation 1393 will be made in the appropriate book.

1396 - When a prisoner is searched the searching will be done so effectually that all instruments or other property which he ought not to retain are taken from him.

1397 - If it is suspected that valuable evidence may be obtained by a thorough examination of the clothing or person of an arrested person, he should be stripped with regard to decency (alternative wearing apparel being provided if necessary) and all articles of clothing, shoes, socks, and linings of garments should be thoroughly examined.

1398 - Should it be necessary to search a female prisoner this will be done only by another female, no males being present.

1400. Drying of prisoners' clothes. When prisoners in wet clothing are brought to a police station, it should be ascertained whether they wish their wet clothing dried, and if so, as far as practicable, this should be done.

1401. Children of prisoners. Where, as the result of an arrest, juveniles are left without a parent or guardian, the police should immediately notify the local officer of the Welfare Authority whose duty it is under the Children and Young Persons Act (N.I.), 1950, to receive such juveniles into his care.

1402. Female prisoners' children. The child of a female prisoner may be received into prison with its mother, provided it is at breast. In such cases an authority from the committing magistrate for the child's admission should accompany the prisoner on reception. Any child so admitted shall not be taken from its mother until the Medical Officer of the prison certifies that it is in a fit state to be removed. When the child has attained the age of 9 months the Medical Officer shall report whether it is desirable or necessary that it should be any longer retained, but except under special circumstances a child shall not be kept in prison after it has attained the age of 12 months. Any child so retained may be supplied with clothing at public expense.

1403. Diet. The diet to be provided for poor prisoners in police custody and the maximum cost which may be expended thereon shall be as laid down from time to time by the Inspector General with the approval of the Ministry. (See Regulation 1453.)

1404. Conversation with prisoners. Police are forbidden to converse with their prisoners or question them respecting the offences with which they may be charged.

1405. Prisoners in custody under remand. When it becomes necessary to bring a prisoner under remand to a Court before the remand expires, the police should demand the custody of the prisoner from the Governor on a written order of a magistrate, preferably the committing magistrate.

1406. Admission to prison late at night to be avoided. The police are directed to avoid, as much as possible, conveying prisoners long distances late at night to prisons for the following reasons:

- (1) That opening a prison at night involves both danger and extra duty on prison officers; (2) that it is harassing both to the prisoners and the police; and (3) that prisoners requiring medical attendance may have difficulty in obtaining it.

1407. Escorts arriving at prisons between lock-up and unlock. The prescribed hours during which prisons are open for the reception of prisoners are from 7.30 a.m. to 10 p.m.

1408. In cases where it is not possible to have female prisoners lodged in Armagh Prison prior to 10 p.m. the person in charge of the station from which the prisoner is being committed should telephone the officer in charge of the prison informing him of the probable hour of arrival and the number of persons under committal, and also direct the member of the Force in charge of the escort to report at Russell Street Police Station, Armagh, where a member of the local Force, who is known to the prison officials, should be detailed to accompany the escort to the prison for identification purposes.

1409. Where, through some unforeseen circumstances, a police escort having the custody of a prisoner committed to Belfast Prison is unable to arrive there before 10 p.m. he should be lodged overnight in the police cells in Belfast, a receipt having been obtained from the member of the Force in charge. The escort should collect the prisoner on the following morning and complete the execution of the warrant.

1410. No motor or other vehicle will be allowed inside the main gate of Belfast Prison after 5 p.m., unless by special instructions.

1411. Identification of escorts. All escorts conveying prisoners to Belfast Prison prior to 10 p.m. should report at Glenravel Street Police Station for identification. On being satisfied as to the identity of the escort, the Sergeant in charge should detail a Constable who is known to the prison officials to accompany the escort to the prison.

1412. Escort of female prisoners from Great Britain to Northern Ireland. When it is necessary to convey a female prisoner from Great Britain to Northern Ireland the escort should consist of two policewomen, unless the District Inspector concerned considers in any particular case that a policeman should form part of the escort.

1413. Where a female prisoner is being conveyed from Great Britain to districts outside Belfast, application should be made to the Commissioner, Belfast, for the services of such policewomen as may be necessary.

1414. Removal of prisoners to and from Courts. When prisoners in custody are brought for trial to Assizes or Quarter Sessions in charge of prison warders and a police escort, the number of prison officers engaged may be regarded as part of the escort and its normal strength reduced to such extent as may be advisable in the circumstances.

1415. The Governors of prisons have been instructed to give notice to the police of:

- (1) The number of prisoners for trial, both in custody and on bail.
- (2) The number of prison officers that will accompany the prisoners to the place of trial.

See 142  
c. 155  
L. 16564

1416. In cases of persons committed for trial on bail there is no objection to the police taking over the custody of any prisoners surrendering to bail for trial, provided that the Constable so engaged is duly authorised to do so by the Governor of the prison.

C.M.P. When there are no custody prisoners for trial at Quarter Sessions the Governor will, before the date of trial, ascertain from the District Inspector in whose district the Quarter Sessions are to be held the name of the Constable who is to take the prisoners into custody, and the Governor will send to the District Inspector an authority directing the Constable to take charge of the prisoners whilst in Court, and, if convicted, convey them to prison.

Clerks of the Crown and Peace and Crown Solicitors have been informed of the arrangement, and the former have been requested to issue a copy of the Rule of Court to the Constable in charge without delay.

1417. The instructions in the foregoing Regulation will not apply to arrangements at Courts of Assize as prison officers will attend all such Courts and take charge of any prisoner who may be present there. Occasions may arise, however, when police assistance is required by prison officers at the Courts and this should be readily given.

1418. The services of the police will, however, not be utilised for the purpose of taking charge of female prisoners surrendering to their bail. In such cases female prison officers will attend the Courts to take charge of the prisoners during the course of their trial and also, where the prisoners are sentenced to imprisonment, during their conveyance to the prison, accompanied by a police escort.

1419. Form 24/A.D., which is handed to the police by the prison authorities when conveying untried prisoners to Petty Sessions should, when the prisoner is not re-committed, be completed and returned to the Governor.

1420. When prisoners have to be conveyed from prisons to Courts the escort will as a rule be furnished by the police of the county in which the prison is situated. (See also Regulation 1435.)

1421. Visits to prisoners by members of the Royal Ulster Constabulary. On production of an order signed by the District Inspector (or Head Constable acting for him), a member of the Force may interview any prisoner or Borstal inmate who is willing to receive him. If one policeman attends, the visit will be within sight and hearing of a prison officer. If two policemen attend, the visit may, if they so request, be out of the hearing but within sight of a prison officer. It is open to a prisoner to refuse to see any policeman or make a statement.

1422. When a prisoner expresses a desire to see a member of the Force, the District Inspector concerned will be notified so that the necessary arrangements can be made.

CR 1423-1426]

*Prisoners*

1423. All visits should take place between 10 a.m. and 12 noon or between 2 p.m. and 4 p.m. on week days only.

1424. Visits to inmates in Borstal Institutions should be made in plain clothes.

1425. A formal authorisation in the following form should be signed by the District Inspector concerned (or Head Constable acting for him), and while this will be accepted as sufficient authority for interviewing a prisoner or Borstal inmate, prior notice should be given to the Governor of the Institution concerned in order that he may have the necessary arrangements made for the interview.

District Inspector's Office,  
Royal Ulster Constabulary,

Date.....

I hereby authorise.....

(Name(s), Rank and Reg. Number(s).

who is to interview.....

(Name of person to be interviewed)

at present confined in.....

(Name of Prison or Institution)

District Inspector.

1426. Prisoners on parole. Arrangements have been made under which certain well-conducted prisoners are granted short periods of parole during the currency of their sentences.

The prisoners concerned are given a docket in the following form:

H.M. Prison,  
(date and place)

The bearer....., is hereby  
authorised to be absent from.....Prison  
during the period from.....p.m. on the.....  
to.....a.m. on the.....

The Governor.

(This form is to be returned to the prison.)

It is not proposed to notify the police of the grant of this leave unless the prisoner fails to return, in which case the Governor or the Ministry may notify the local District Inspector and ask for enquiry to be made at the address to which the prisoner was going.

In general, therefore, the police should not take any action in regard to prisoners on leave.



1427. Money or other property found on prisoners. Whenever any money or other property belonging to a prisoner is in the hands of the police it should, on committal after conviction, be handed over to the prison officer who receives the prisoner, and a receipt, specifying accurately all the particulars of such money or other property, should be obtained. A form of receipt has been furnished to prison officers for this purpose. Where the police receive money or property from a prison officer with a prisoner they should in like manner give a receipt.

1428. Livestock, etc., in possession of prisoners. To avoid unnecessary expense for the keep of cattle, horses, fowl, etc., alleged to have been stolen, it is directed that livestock should be handed over by the police at once to the person identifying same as his property, and to whom such is reasonably supposed to belong. His receipt should be obtained with a written promise that he shall be accountable for the property. The police should be prepared to give accurate evidence as to the number and description of such livestock at the trial.

1429. Intoxication. A person found drunk in any public place, if incapable of taking care of himself, should be detained in the station until he can be discharged with safety to himself, when he should be summoned to the next Petty Sessions. In cases, however, where the offender is unknown to the police or is likely to abscond, he may be conveyed before a magistrate within a reasonable time to be dealt with summarily.

1430. Male and female prisoners in police cells. *See* Station Regulation 46.

1431. Escort of prisoners. The Officer, Head Constable or Sergeant in charge of parties on escort duty, should always march in the *rear* of such escort, and enforce a strict attention to the duty on the part of the men, who should not be allowed to straggle under any pretence, and when necessary, the escort should form a hollow square around the prisoners.

1432. Escorts may be armed with automatic weapons, where the Officer, Head Constable or Sergeant in charge deems such a precaution necessary, taking into consideration all the circumstances.

1433. Every rational allowance should be made for the feelings of a prisoner by his escort, but the latter being responsible for his safe custody, he is to be handcuffed, if charged with the commission of any serious offence, or if he be a person of bad character, or if there be other reasonable grounds to apprehend an escape, or attempted rescue, or violence. In the absence of such reasonable grounds, prisoners charged with drunkenness and other trivial offences are not to be handcuffed.

1434. Female, old, and infirm prisoners are not to be handcuffed.

1435. When prisoners are to be removed from one prison to another, or to and from the Assizes or Quarter Sessions, an escort proportionate to the number of prisoners to be so removed is to be granted by the County Inspector, or in his absence by the District Inspector, on the requisition of the Governor of the prison, or his deputy. Escorts for prisoners who are obliged to walk should always, if possible, be more numerous than their prisoners. (See Regulations 1442 to 1446.)

1436. The Officer, Head or other Constable in command of the escort should require from the Governor an accurate list of the prisoners to be escorted.

1437. Cars should be provided for all female prisoners, and for such male prisoners as are unequal, from age or infirmity, to the fatigue of marching. (See, however, Regulation 1451.)

1438. Prisoners should be exposed to public view as little as possible while being removed to or from prison.

1439. Notice of removal to be given. On receipt of orders for the removal of prisoners, early notification should be given to the Governor of the prison.

1440. When being conveyed by rail, prisoners should travel third class, unless there is some special reason to the contrary.

1441. If a prisoner, undergoing sentence of imprisonment, shall be required as a witness in any Court, he is to be escorted by the police.

1442. Strength of escort. In all cases, in regulating the strength of escorts, due regard must be paid to the state of the country, whether peaceable or otherwise, through which they are to pass, and the number of prisoners, or any other circumstance which may render it necessary or expedient to adopt more than usual precaution; and the County Inspector will be further guided on this head by the directions laid down in Regulations 1431 to 1438.

1443. In order to save expense, the strength of escorts should be kept to the minimum consistent with safety.

1444. Where a single prisoner is to be escorted, the District Inspector may, if he considers the circumstances to justify it, authorise the escort to consist of one member of the Force. Except in such cases, however, no escort shall consist of less than two men nor, as a general rule, shall the overall strength of any escort exceed the proportion of one policeman to every two prisoners.

1445. Where, owing to the strength of an escort, an N.C.O. is detailed to accompany it, it should be borne in mind in determining the overall strength, that he is responsible for the entire party and should not be hampered, if possible, by having the custody of any of the prisoners.

1446. In order that an escort may be strengthened when conducting prisoners from a railway or bus station to a prison or vice versa, or between railway and bus termini, the Head Constable or Sergeant in charge will communicate with the police of the area where the terminus is situated and acquaint him of all the relevant facts.

1447. ESCORT OF CHILDREN AND YOUNG PERSONS. Where children or young persons are being escorted by the police to or from Boarding Houses or Training Schools a police van must not be used for any part of the journey. Public transport should be used where possible, but if not suitable a police car may be used. If the latter is not available a hired car must be used and the expense accounted for in the normal manner. On such duty police are to wear plain clothes.

1448. Girls must be escorted by women police where at all possible, failing which policemen in plain clothes should be used. Where a girl is committed to Belfast from a country district and it is not possible to detail a policewoman to perform the complete escort, she must be taken over by a policewoman in Belfast, arrangements having been made previously with the Commissioner, Belfast.

1449. Command of escort. When the number of prisoners exceeds twelve, the escort is to be under the charge of a Head Constable. In the conveyance of prisoners by railway, omnibus or by sea, it is, as a rule, unnecessary to send an Officer in charge unless the number of prisoners exceeds twenty-five. County Inspectors are also at liberty to exercise a sound discretion, even when other modes of transit are employed, in dispensing with the presence of an Officer whenever they deem it safe to do so. Should the escort not be under the command of an Officer, the local District Inspector must be in attendance on the arrival of the prisoners to superintend their dispatch.

1450. When the prisoners are females, the member of the Force in charge should, in all practicable cases, be a married man.

A.74/49 dated 8.4.59.

1451. MODES OF CONVEYANCE. Prisoners will not be conveyed by omnibus but full advantage must be taken of available rail transport. The most economical and suitable mode of conveyance will be used, taking into consideration the nature of the case, the cost of travelling and subsistence and other police commitments.

1452. Receipts for prisoners. Officers, Head or other Constables in charge of escorts will require from and give to the Governors of prisons acknowledgments for the delivery and receipt of prisoners.

1453. Responsibility for provision of food for prisoners in police custody. Before taking over a prisoner from Belfast or Armagh Prisons the

police escort shall (if the prisoner is not to be accompanied by a prison warder or warders) ascertain from the prison authorities what meals the prisoner is to be supplied with during his or her absence from prison. It will be the responsibility of the police entrusted with the custody of the prisoner to ensure that the instructions are, as far as practicable, complied with. In exceptional circumstances, e.g., where the return of the prisoner to prison is delayed beyond the time covered by the instructions of the prison authorities or where it has not been possible to obtain instructions from the prison authorities or in the case of a poor person in the custody of the police in circumstances not covered by this Regulation, the police having custody of such person shall as far as is practicable ensure that meals are provided at normal meal-times.

**1454. Escape to be guarded against.** It is fully expected that, in the discharge of the important duty of escorting prisoners, the Officers, Head and other Constables employed thereon, will uphold the credit of the Force, which would materially suffer were a prisoner to escape, or any breach of discipline to occur. When the number of prisoners in charge exceeds the number of the escort, increased caution must be observed should it become necessary for any of the prisoners to separate from the rest.

**1455. Demeanour of escort.** The strictest propriety of conduct in every respect must be observed by the escorts towards the prisoners, and the slightest deviation therefrom must be reported.

**1456. Conveyance and escort of prisoners convicted of Customs and Revenue offences.** Where persons are convicted of Customs and Revenue offences the Court can direct the warrant of execution to either (1) the police, (2) a Customs officer (not being the complainant) or (3) any other person the Resident Magistrate sees fit.

**1457.** When the warrant is addressed to any person other than the police, the person named therein shall be responsible for the execution of the warrant by lodging the defendant in prison, but it shall be the duty of the police to supply such additional escort as may be necessary to ensure the safe conduct of the defendant to prison.

**1458.** All expenses incurred in the conveyance of the prisoner, including the expense of the person to whom the warrant is addressed for execution and of the police escort, shall be paid by the police and charged to Prisons Vote.

### Statements

**1813. Procedure in taking statements from persons under caution.** It is important that statements taken by the police from persons under caution should be taken in such a way as to give no ground for challenge, either as to their contents or the manner in which they were taken, in the event of their use in evidence. The procedure laid down in Regulations 1814 to 1828 should, therefore, be followed.

**1814. Caution.** The caution should not be printed at the top of the sheet on which the statement is taken down, but should be written out as given in each case and the person making the statement invited to write his signature immediately underneath. (See Regulation 1818.)

**1815. Actual words.** The statement should be *written* down as nearly as possible in the actual words used, provided they are intelligible. They should not be translated into "official" vocabulary, a course which may create a misleading impression as to the genuineness of the statement.

**1816. Person making should read statement.** When a statement has been written down, the person making the statement should be invited to read it over and alter it if he wishes. The statement should in all cases be read over to him, and he should be asked to sign it, and to initial each page and any alterations. The policeman taking the statement should, immediately below the statement and the signature of the person making it, write and sign a note that the statement was taken by him, that he has read it over to the person making it and (if it be the fact) that it has been read over by that person. This note should also be signed by any other person who was present at the taking of the statement.

**1817. Person may write out statement.** If the person making the statement would prefer to write it out himself and his degree of education is enough to enable him to do so, he should be encouraged to do so and should be supplied with writing materials. The policeman should first write out the caution, as described in Regulation 1814, and invite the person who is to make the statement to write his signature immediately underneath. The procedure set out in Regulation 1816 should then be followed as far as it is applicable; in particular, the policeman should append a note to the effect that the statement was written out in his presence and that he has read it over to the person who wrote it.

**1818. Caution administered while taking statement.** It may occasionally happen that a caution is administered during the taking of a statement. In such cases the caution should be written in as part of the statement at the point at which it was administered, and the person making the statement should be invited to sign it before the statement is proceeded with.

1819. Paper to be used. When possible, statements of persons under caution should be written on foolscap sheets. Police notebooks should only be used for taking such statements when sheets of this type are not available.

1820. Whenever possible, the original statement should be handed in as an exhibit when depositions are being taken. Should it not be possible to hand in the original statement, the greatest possible care must be taken to ensure that the copy handed to the Court is an exact copy.

1821. The policeman concerned should keep in his notebook a record of the times at which the taking of the statement started and finished, and of any intervals and refreshments. It is unnecessary to include these times as part of the statement.

1822. When person has declined to make statement. When a person has been invited to make a statement and has declined, no further invitation should be given to him unless the police have occasion to interview him with a view to informing him of other material which has come into their possession. In such circumstances there would be no objection to a policeman saying to him: "Do you now wish to make any statement?"

1823. Statements from foreigners. Cases may arise in which it is necessary to take statements for production as evidence against foreigners who wish to make them in their native language. In such cases the following procedure should be adopted:

- (a) The interpreter should take down the statement in the language in which it is made in accordance with the foregoing instructions.
- (b) An official English translation should be made in due course and be proved as an exhibit with the original statement.

Apart from the question of apparent unfairness, to obtain the signature of a suspect to an English translation of what he said in a foreign language can have little or no value as evidence if the suspect disputes the accuracy of this record of his statement.

1824. Important points. Attention is particularly drawn to the following:

- (a) Care should be taken to confine the written statement to the actual words used by the person concerned, and no question should be put to him about it except for the purpose of removing ambiguity in what he has already stated. Such statements should not be paragraphed, as otherwise gaps would be left in which it might be suggested that words have been inserted after the signature of the maker had been appended. No obliteration should be made of any part of the statement, but if a deletion of words is necessary this should be done by drawing a *single line* through the words concerned and requesting the person making the statement to append his initials at the commencement and termination of the words deleted.

(b) It is important to note that the person making the statement should be invited to read it over and alter it if he wishes. In any case, whether he agrees or declines to read the statement, it should be read over to him and he should be asked to sign it. Any alteration, and each page of the statement, should be initialled by him. If he refuses to append his signature, that fact should be recorded by adding to the note in question the words "He refused to sign this statement".

(c) When copies of statements taken under caution are included in official files they should invariably contain every word that appears in the original, including the caution and the note referred to in Regulation 1816, i.e., they must be exact copies.

(d) Police should refrain from including words such as "I have read this statement and it is truthful and accurate" above the signature of the person making the statement. The note referred to in Regulation 1816 is quite sufficient and ensures that nothing appears in the actual statement except what the person concerned has said.

(e) A specimen statement is given at Appendix 22. The wording of the caution and of the note at the end of this statement should be followed in the case of all statements taken after caution by members. (A slip, containing the wording of the caution and of the note to be appended at the end of such statements, has been issued to the Force for insertion in members' notebooks for reference—see Reg. 1285, para. 5.)

**1825. Statements taken from number of persons charged with same offence.** Where cases arise in which it becomes necessary to have statements taken from a number of persons charged with the same offence the following rule approved by H.M. Judges should be followed:

"When two or more persons are charged with the same offence and statements are taken separately from the persons charged, the police should not read these statements to the other persons charged, but each of such persons should be furnished by the police with a copy of such statements and nothing should be said or done to invite a reply. If the person charged desires to make a statement in reply the usual caution should be administered."

In this connection statements taken separately from persons charged, when being furnished to other persons charged should be handed to such persons in a closed envelope, and the police should immediately retire from the presence of the accused.

**1826.** When a person who has been involved in an incident, e.g., a motor accident, states that he prefers to prepare his statement later, rather than to make it to the police, the member of the Force concerned should then and there administer the same caution which he would have given had he been taking the statement. A record of the caution

should be kept in the policeman's notebook and the person to whom it was administered should be asked to sign the entry. This action should avoid any difficulty arising in Court should the admissibility of such statements be questioned.

#### 1827 - Checking and Certification

Every copy of a statement taken by a member of the Force, whether under caution or otherwise, and produced as an exhibit in Court or supplied to interested parties in connection with road accidents or other incidents must be certified as a true copy of the original.

The form of certificate will be "certified a true copy of the original" and will be signed by a member of the Force who has compared it with the original and found it to be correct. The member of the Force certifying a copy of a statement should not be the member who prepared the copy and where practicable should be of higher rank than that member.

#### 1828 - Preservation of Statements

The original statement, where not made an exhibit in criminal proceedings, will be retained by the member who took it and should be available at any time if required in connection with criminal or civil proceedings arising in connection with the incident to which it relates. However, the original of an statement need not be preserved longer than three years from the date it was taken unless the member having it in his possession is aware that proceedings in connection with the incident to which it relates are pending or have not been terminated.

A member leaving the Force should be reminded of the provisions of this Regulation and instructed to preserve original statements in his possession in accordance therewith.

A.74/111 d. 31.3.67.

1831. Sergeants in charge of stations will keep a book to be designated, the "Station Note Book" in which they will enter a record of all matters affecting discipline at the station not recorded elsewhere; all cases of violent, sudden or accidental death, with copy of the result where an inquest has been held; the expenditure of ammunition, the number of rounds, the person by whom and the occasion upon which expended; records of transfers to or from the station; decisions affecting personnel therein; and inspections of cinematograph theatres (except where the keeping of a special book is authorised).



ROYAL ULSTER CONSTABULARY

POLICE HOLDING CENTRE

DOCUMENTATION

Property Certificate 'F'(1)

Initial Medical Examination Form 'F'(2)

Final Medical Examination Form 'F'(3)

Interrogation Folder Form 'F'(4)

Interrogation Folder Aide Memoire 'F'(5)

Serial No. \_\_\_\_\_

To centre \_\_\_\_\_ hrs.

Date \_\_\_\_\_

N.C.O.i/o \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

1. The undermentioned items of property were taken from the above-named person.

2.

From centre \_\_\_\_\_ hrs.

Date \_\_\_\_\_

Complaints \_\_\_\_\_

Sig. \_\_\_\_\_

N.C.O.i/o \_\_\_\_\_

3. This is to certify that the items listed above are the items which were taken from me.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Receipt for property received from R.U.C.

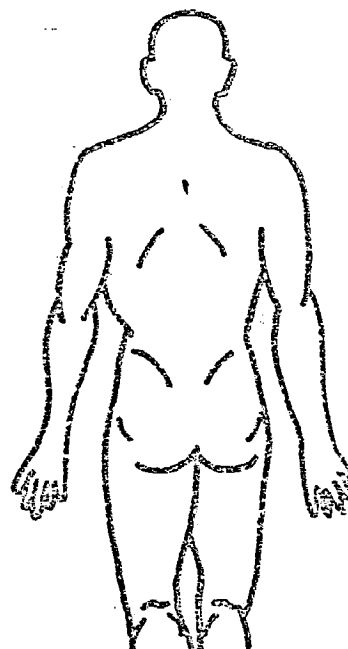
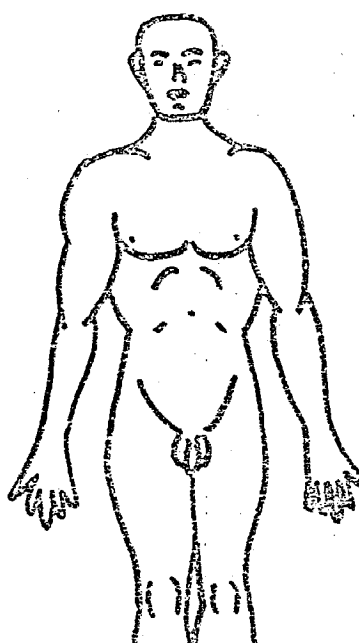
Date \_\_\_\_\_

INITIAL MEDICAL EXAMINATION

FIRST

To be completed by a Medical Officer

1. Full Name: \_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_
3. Age: \_\_\_\_\_
4. Date/Time seen: \_\_\_\_\_
5. Clinical Notes (to include history and examination of any complaint):



To be completed by person examined

1. The above is a correct statement of my condition and I am / am not\* satisfied that I have received a proper medical examination.

2. I \_\_\_\_\_: have had the nature of any treatment explained to me by the doctor and hereby give / refuse\* my consent to the treatment being carried out.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_  
(not Medical Officer)

Date: \_\_\_\_\_

Occupation: \_\_\_\_\_

Additional remarks by Medical Officer:

Signature of  
Medical Officer: \_\_\_\_\_

Name in Blocks: \_\_\_\_\_

Date: \_\_\_\_\_

Rank/Appointment: \_\_\_\_\_

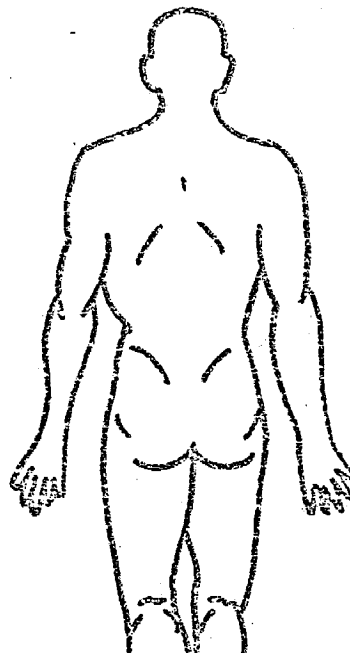
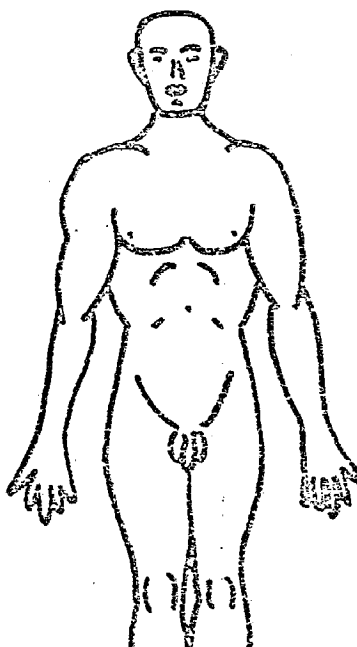
\* delete where inapplicable

FINAL MEDICAL EXAMINATION

SECOND

To be completed by a Medical Officer

1. Full Name: \_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_
3. Age: \_\_\_\_\_
4. Date/Time seen: \_\_\_\_\_
5. Clinical Notes (to include history and examination of any complaint):



To be completed by person examined

1. The above is a correct statement of my condition and I am / am not\* satisfied that I have received a proper medical examination.

2. I \_\_\_\_\_ have had the nature of any treatment explained to me by the doctor and hereby give / refuse\* my consent to the treatment being carried out.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_  
(not Medical Officer)

Date: \_\_\_\_\_

Occupation: \_\_\_\_\_

Additional remarks by Medical Officer:

Signature of  
Medical Officer: \_\_\_\_\_

Name in Blocks: \_\_\_\_\_

Date: \_\_\_\_\_

Rank/Appointment: \_\_\_\_\_

\* delete where inapplicable

INTERROGATION

DIVISION: \_\_\_\_\_

Arrested by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Place: \_\_\_\_\_

To Centre on: \_\_\_\_\_ (Date) \_\_\_\_\_ (Time).

DESCRIPTIVE PARTICULARS OF:

SURNAME (BLOCK LETTERS). \_\_\_\_\_

FULL CHRISTIAN NAMES: \_\_\_\_\_  
(Baptismal only)

ADDRESS: \_\_\_\_\_

PREVIOUS ADDRESSES \_\_\_\_\_

Date & Place of Birth \_\_\_\_\_

Occupation: \_\_\_\_\_

Place of employment \_\_\_\_\_

Description: Height: Build: Face: Comp:

Hair: Eyes: Accent:

Scars/Distinguishing Marks:

Married/Single/Divorced (Ring as appropriate)

If married - name of Spouse: \_\_\_\_\_

Children:

Other Relatives:

Can subject drive car \_\_\_\_\_ No. of car owned or driven: \_\_\_\_\_

ASSESSMENT: IMPORTANT MEMBER/LESSER MEMBER/FRINGE INVOLVEMENT.  
(Ring as appropriate) CO-OPERATIVE/PART CO-OPERATIVE/UNCO-OPERATIVE.

FURTHER INTERROGATION likely to be -  
(a) PRODUCTIVE. (b) NON-PRODUCTIVE.

PERSONAL RECORD:

KNOCK	NO/YES. ATTACHED.
CASTLEREAGH	NO/YES. ATTACHED.
LISBURN INT.	NO/YES. ATTACHED.
LOCAL I.O.	NO/YES. ATTACHED.

FORM COMPLETED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

N.B. If subject is prepared to give, or can be induced to give specimen of handwriting, same should be taken on back of form.

AIDE MEMOIR.

EXPLOSIVES AND ARMS:

(a) ROUTES - DISTRIBUTION - LOCATIONS, etc.

---

(b) NAMES, etc. of persons involved at (a)

---

I.R.A. UNITS

BATTALION & COMPANY - STRUCTURE, e.g. O/C, I/O, VOL. etc.

---

PERSONS WANTED

NAMES, etc. plus safe houses or billets.

---

COMMAND

Personalities involved in preparation of documents - passage of orders - couriers - vehicles used - telephones.

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POLICY

Present and future plans or intentions.

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ACTIVE SERVICE UNITS

Names, addresses, descriptions, particular attention to female members and those engaged in recce - shootings - bombings.



# Royal Ulster Constabulary

For Police Use Only

H.Q. Ref. C.94

Force Order No. 134/71

Date 15th  
December  
1971

Div. Ref. 23

Part I

## WELFARE OF CHILDREN AND YOUNG PERSONS

Recently there has been considerable criticism and damaging propaganda regarding the arrest and treatment of juveniles by Army and Police under the Special Powers Acts and the ordinary criminal law.

It is fully realised that members of Píanna na h'Eireann and other young criminals are responsible for many bombing attacks, shootings and political crimes, and it is the bounden duty of every member of the Force to energetically make such criminals amenable to the law, whether they be juveniles or adults, males or females. Nevertheless the treatment of juveniles on arrest and in custody is governed by law and by existing instructions to the Force. In this connection the attention of the Force is directed to:-

1. Force Order No. 83/71 dated 15th June 1971 which governs notifications to parents or guardians under the Children and Young Persons Act (U.I.) 1968 when juveniles are arrested or charged. Under the Act it is incumbent on the Police to take such steps as are practicable to inform the parent or guardian when a juvenile is arrested or taken to a place of safety - and further, it must normally be the practice when informing them of the arrest, when and where the juvenile is to be brought before a Court.
2. Inspector General's Circular C.150/1 dated 16th March 1961 Paragraph 6 - Children should be interviewed where at all possible in the presence of a parent, guardian or other adult friend, and the venue selected for the interview should not be one which could be calculated to intimidate, unduly embarrass, or frighten the person interviewed.

It is appreciated that in operating under the Special Powers Acts in present conditions and in particular areas the foregoing, or every detail of it, may not be practicable in all cases. But every endeavour must be made to comply with the law and Force instructions to the fullest extent possible. In particular juveniles should not be detained late at night or in the very early morning except in the most compelling circumstances. They must not be taken to Police Holding Centres, but to an R.U.C. Station. Proper arrangements should also be made to feed them.

In general all prisoners in Police custody are to be treated with the most humane consideration which their situation and safety will allow; and no harshness or unnecessary restraint is to be used towards them -  
Code Regulation 1380.

/The

The Army have issued separate instructions to their Units about the arrest and detention of juveniles which should ensure that they will not be arrested at night or taken to Police Holding Centres.

It is important that this Order is interpreted as being in the best interests of the Force in the face of allegations and propaganda which by reason of their weight and expertise are counter productive to the good Police work being done in the field of subversion. There can be no let up in our efforts to remove all terrorists and subversives who are a threat to the very existence of the State and community.

Distribution/

All Chief Superintendents, Superintendents,  
Offices, Stations and Departments.

Index Entries/

- 'A' - Arrests of Children and Young Persons
- 'C' - Children and Young Persons, Arrests of
- 'Y' - Young Persons and Children, Arrests of

# Royal Ulster Constabulary

For Police Use Only

HQ Ref

Memorandum No.  
Restricted

Date

SD.16/1/1

15/72

1/72

Div. Ref.

19

122

## Civil Authorities (Special Powers) Acts (N.I.) 1922 and 1943

- A. Law relating to Arrests under Regulations 10 and 11
- B. Procedure on Arrests under Regulations 10 and 11
- C. Inquiries about persons detained under Regulations 10 and 11

The following information and instructions, in three parts, relating to the arrest and detention of persons under the Regulations made under the Civil Authorities (Special Powers) Acts (N.I.) 1922 and 1943 consolidate, amend and replace existing restricted Force memoranda on the subject:

### A. LAW RELATING TO ARRESTS UNDER REGULATIONS 10 AND 11

1. Hereunder for information and guidance is the advice of the Attorney-General on the method and circumstances of arrests under Regulations 10 and 11 of the Civil Authorities (Special Powers) Acts (N.I.) 1922 and 1943:

#### 2. Arrests under Regulation 10 (for interrogation)

- (i) Any policeman or soldier who arrests under Regulation 10 for the purpose of interrogation must be authorised to do so by an officer of the R.U.C. (e.g. not below the rank of Superintendent).
- (ii) The authorisation need not be in writing but it is preferable for the purposes of proof that it should be
- (iii) The policeman or soldier making the arrest should say to the person when doing so:  
"I am arresting you under Regulation 10 of the Civil Authorities (Special Powers) Act for the purpose of interrogation."

#### 3. Arrests under Regulation 11 (leading to detention)

- (i) Any policeman or soldier on duty may make an arrest under Regulation 11 without any authorisation.
- (ii) But such policeman or soldier must either:-
  - (a) suspect the person of acting or having acted or being about to act in a manner prejudicial to the preservation of the peace or maintenance of order

- (b) find on the person an article, book, letter or any other document which makes him suspect that the person has acted or is about to act in a manner prejudicial to the preservation of the peace or maintenance of order, or
- (c) suspect him of having committed an offence against the Regulation (e.g. suspect him of being a member of an unlawful association i.e. the I.R.A., Sinn Fein or the U.V.F.).
- (iii) It would be preferable if all arrests under Regulation 11 were made by a member of the R.U.C. rather than a soldier - on the ground that a policeman is more likely to have the knowledge on which to base the suspicion necessary for the arrest. In any event the policeman or soldier should have some grounds for the necessary suspicion e.g. he may recognise or identify a suspect from an R.U.C. or Army "Wanted" or "Suspect" notice or list which itself indicates that the suspect is a member of the I.R.A. etc. or is suspected of having acted or being about to act in a manner prejudicial to the preservation of the peace.
- (iv) The policeman or soldier making the arrest under Regulation 11 should say to the person who is being so:

"I am arresting you under Regulation 11 of the Civil Authorities (Special Powers) Act on the ground that (where appropriate):

I suspect you of having acted in a manner prejudicial to the preservation of the peace.

I suspect you of being about to act in a manner prejudicial to the preservation of the peace.

I suspect you of being a member of the I.R.A. (or Sinn Fein or the U.V.F.).

I suspect that this article (document)(letter) (book) which I have found in your possession is intended to be used for a purpose prejudicial to the preservation of the peace."

4. In connection with the references to R.U.C. or Army "Wanted" or "Suspect" notices or lists, these are in the possession of all Divisional Commanders; all Special Branch Officers; and all Army Commands down to Battalion H.Q. level. They can be produced and shown to policemen or soldiers when detailed for arrest operations in order that their suspicions may be well founded for arrests under Regulation 11. On such occasions they might care to write out the above formulae of words for arrest.

5. When a person has been arrested under Regulation 10 he should be re-arrested under Regulation 11 as already indicated, when a decision based on knowledge and interrogation is made to detain with a view to internment.

### B. PROCEDURE ON ARRESTS UNDER REGULATIONS 10 AND 11

1. When a person has been arrested under Regulation 10 of the Civil Authorities (Special Powers) Acts (N.I.) 1922 and 1943 by members of the Royal Ulster Constabulary or Her Majesty's Forces on the authority of an officer of the former Force, that person may be detained for a period not exceeding;

48 hours from the time of his arrest, for the purpose of interrogation.

2. Before the Civil Authority can give an Order for the detention of a person, that person must have been arrested under Regulation 11(1) of the Act of 1922, even though he had already been arrested under Regulation 10 of that Act.

3. To eliminate misunderstanding as to the manner in which and the member by whom an arrest should actually be carried out under Regulation 11(1) of the Act of 1922 after he has been brought to a police station or police holding centre, the following instructions shall be complied with when it has been decided that such person should be detained by Order of the Civil Authority under Regulation 11(2) of the Act:-

- (a) Not later than 48 hours after the arrest of the suspect by outside Military or Police under Regulation 10 of the Act of 1922, the policeman in charge of the interrogation will either arrest the suspect or arrange for his arrest by a member of the Uniformed Branch, under Regulation 11(1) of that Act, on one or other of the grounds given in Regulation 11(1).
- (b) If the policeman in charge of the interrogation arranges for another member to arrest the suspect under Regulation 11(1) he will impart the grounds of suspicion to that member (see paragraph 3 (iv) of part 2 of this memorandum).
- (c) The arresting member will first of all write in the particulars of the suspect as required at (1) and (2) of Form C12 (specimen attached). He will then complete the arrest by adding after the words, "I suspect you", the relevant ground or grounds upon which his suspicion for the arrest is based in accordance with paragraph 3 (iv) of part 2 of this memorandum.
- (d) Having added the ground or grounds of suspicion to paragraph (3) of Form C12, the arresting member will carry out the arrest by reciting or reading clearly to the suspect the complete paragraph (3).
- (e) The date and time of the arrest will then be entered at query (4) of Form C12 after which the arresting member will sign his name and give his permanent station or office.

The completed Form C12 will be carefully preserved.

4. If the police have reason to arrest a person under Regulation 11(1) of the Act of 1922 away from a police station or police holding centre, the arrest will be carried out in accordance with the instructions contained in part 2 of this memorandum. The actual words used in effecting the arrest will be recorded by the arresting member in his notebook or if expedient on Form C12 either of which should be preserved for future reference.

5. It is important to ascertain from the officer or H.C.O. in charge of the escort lodging suspects at police stations or other centres for interrogation or interview, whether the suspects have been arrested under Regulations 10 or 11 of the Act of 1922, but uniform and interrogation staffs at such stations and centres should, irrespective of what they have been told, formally arrest under Regulation 11(1) and comply with paragraph 3 (a) to (e) of this part.

6. It should be remembered that fingerprints and photographs cannot be taken until an arrest has been made under Regulation 11.

1. Relatives present at the time of an arrest under Regulation 18 should be informed that the subject is being taken into custody and that within 48 hours he will either be (i) released, (ii) charged with an offence, (iii) further detained under an Order made by the Minister of Home Affairs, (iv) that during that period he will not be able to see visitors, (v) that if charged he will be brought before a Court, (vi) or if not charged but further detained, he will be given a copy of the detention order and his next of kin notified, (vii) that any inquiries after 48 hours should be addressed to The Secretary, Ministry of Home Affairs, Room 212, Dundonald House, Belfast, BT4 3SU, Telephone No. Belfast 650111, extension 537 or 239.
2. Where a relative is not present and the person arrested requests that a relative be informed, the police should comply with the request, if practicable. The information given to the relative should be as at paragraph 1.
3. Other enquirers should be told no more than that the subject has been so detained and is assisting the Security Forces with their enquiries.
4. For security reasons in the present climate it is undesirable that the place of detention in the initial period should be disclosed.
5. For the same reasons the identity of members of the security forces including the police, who may be associated with the arrest or detention operations should not be given.
6. It has now been arranged to provide a telephone answering service at this Headquarters to deal with enquiries such as the foregoing during the initial period - the telephone number being 650222. The telephone operator, on learning the nature of the call, will put it through during office hours and in most evenings, to the desk Special Branch Inspectors. Outside these hours the calls should be put through to the Duty Inspector.
7. There may be cases where police at stations desire to be personally helpful to relatives. In such cases there is no objection to them ascertaining the facts and passing them on.
8. The information to be given from this Headquarters or by local police, however, will be confined to the information outlined at paragraph 1.
9. To give effect to the answering service, Special Branch Inspectors at the police holding centres will notify the Special Branch office at this Headquarters of particulars of all persons detained and released each day at 9.30 a.m. and again at 4 p.m. A copy of the list compiled will be given to the Duty Inspector for reference purposes in respect of calls outside Special Branch hours.
10. After the initial period has elapsed enquirers should be referred to the Secretary, Ministry of Home Affairs, Room 212, Dundonald House, Belfast, Telephone Belfast 650111, extension 537 or 239.
11. For information, permits for visits to detainees/internees, by relatives are issued at the Internment Camp/Detention Centre where the subject is being held. Permits for visits by any other persons such as Members of Parliament, Legal or Spiritual advisors, doctors, etc., are issued by the Ministry of

These details are at paragraph 10. These are required in respect of each file.

GENERAL

It is imperative that these instructions are precisely followed.  
The following Restricted Access Memoranda are now cancelled:-

No. 23/71 27/71 28/71 and 3/72

Distribution/

    All Divisional Commanders

    All Special Branch Offices

Arrest under Regulation 11 of the Regulations made under  
the Civil Authorities (Special Powers) Act (Northern Ireland), 1922

- (1) Name of person to be arrested .....
- (2) Address .....
- (3) I arrest you under Regulation 11 of the Regulations made under the  
Civil Authorities (Special Powers) Act (Northern Ireland), 1922, on  
the ground that:

I suspect you

(4) Date of Arrest ..... Time of Arrest .....

Station or Office of Arresting Member

Signature and Rank of Arresting Member



# Royal Ulster Constabulary

For Police Use Only

H.Q. Ref. OPS.3/18

Force Order No. 64/72

Date 26th  
April  
1972

Div. Ref. 122

Part I

## POLICY ON SECURITY ARRESTS

The general lines of policy to be adopted in connection with planned security arrests will be as follows:-

1. While the IRA campaign of violence continues, no changes in arrest procedures and methods will be introduced which would either put police or soldiers effecting the arrests at undue risk or reduce the proportion of successful arrests and the information which flows from them.
2. The Secretary of State has requested that, ideally, all arrests should be made by police without military involvement as is the practice in most parts of the Province but he fully appreciates that in difficult areas this may not be possible.
3. Every effort will be made to carry out arrests quietly, during normal working hours if practicable, and with minimum disturbance. It is realised, however, that in present circumstances daylight arrests in difficult areas will seldom be practicable.
4. Where joint arrest teams, or military arrest teams, are necessary, the same instructions will apply.
5. All wanted men arrested by the army will be handed over to the police as soon as practicable.
6. Arrest squads should be of the minimum strength to achieve the successful arrest and removal of the wanted man.
7. It is emphasised that current instructions regarding the treatment of prisoners must always be complied with. Excessive force should not be used nor unnecessary injury inflicted.
8. Cards containing clear information as to whereabouts etc., are now on issue and should be left with the arrested person's relatives. The wording of the card is as follows:-  
  
"Any enquiry about a person who has been arrested should be made initially to RUC Headquarters, Brooklyn, Belfast (650222). If the person is not released within 48 hours of arrest this will usually mean either that he has been remanded in custody by a court or that he is being held under a Detention Order. The next-of-kin will be informed, but in case of doubt any enquiry should be addressed to The Secretary, Ministry of Home Affairs, Room 306, Dundonald House (650111 ext. 537)."

Distribution/ All Chief Superintendents, Superintendents, Offices, Stations and Departments.

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'P' - Policy on security arrests

1. In the execution of their duties at Police Holding Centres, particular attention must be paid to security and welfare of persons detained. The current Regulations and Instructions of the Force relating to unconvicted prisoners, and Restricted Force Memorandum No. 15/72 of 15th March, 1972 will be complied with so far as it is applicable to persons arrested and brought to a Holding Centre under the Civil Authorities (Special Powers) Acts.

2. Duties of the Divisional Commander

The Divisional Commander of the Division in which a Holding Centre is situated will be responsible for the adequate supervision of police on duty at that Centre. In particular he will satisfy himself that security arrangements are adequate and being complied with; that detainees are being dealt with in a proper manner and that the records specified in paragraph 3 are being properly maintained and preserved.

3. Duties of the Inspector in charge of the Uniform Branch

- (i) He will ensure that the following records are maintained and preserved:-
  - (a) Detainee's Reception Book
  - (b) List of Detainees' Property
  - (c) Form C.A.2
  - (d) Details of complaints
  - (e) Attendance Book for Uniform members of R.U.C.
- (ii) He will ensure that members of the Force under his command at the Centre perform their duties properly and that they inform him immediately of any complaints made by or relating to detainees or anything about their condition or appearance indicative of assault, ill-treatment or injury. He will report to the Divisional Commander of the area in which the Centre is situated, any complaint made or other matter which might require investigation.

- (iii) He will make arrangements for the duties, relief and leave of those under his command at the Centre. He will occasionally visit the Centre outside his normal hours of duty there to ensure that duties are being properly performed.

4. Duties of the Sergeant of the Infantry Branch

- (i) He will receive all detained persons arrested and brought to the Holding Centre and complete the relevant records as at paragraph 3 (i).
- (ii) He will be responsible, during his period of duty at the Holding Centre, for the security, feeding and general welfare (including arrangements for sleep where necessary) of detainees held there. In particular, detainees in his custody should be guarded in such a manner that they are afforded no opportunity of escaping.
- (iii) He will arrange for the medical examination of detainees on their arrival at the Centre and again immediately before their departure and also at any other time when medical attention may be necessary.
- (iv) During his temporary absence the Sergeant will detail a suitable Constable to carry out his functions.

5. General

- (i) The Police Holding Centre will be regarded as part of the Royal Ulster Constabulary establishment, therefore existing instructions governing its control, security and administration will apply, subject to variations given in these Standing Orders.
- (ii) An arrested detainee is the responsibility of the Army until after his initial medical examination when he will become a Police responsibility. Other than obtaining reception particulars, a detainee will not be interviewed until after his initial medical examination.

- (iii) Any property found in the possession of a detainee on his arrival at the Centre, other than clothing, will be removed from him and placed in a suitable sealed container. He will be requested to sign the property list referred to at Paragraph 3 (b). If he fails to do this fact will be recorded on the list and signed by two members of the Royal Ulster Constabulary.
- (iv) Police should not gossip with detainees, nor should detainees be permitted to converse with each other. Radio or television sets should not be permitted to function in the presence or hearing of detainees.
- (v) Detainees are to be provided with three meals per day unless there are medical reasons to the contrary. The meals will be provided by the Army and served by the Police at the Centre.
- (vi) When required for fingerprinting the detainee will be escorted to and from the fingerprint room by members of the Uniform Branch.
- (vii) All members of the Uniform Branch will be armed with authorised pistols which should not be openly displayed.
- (viii) The possibility of the Centre being attacked or rescues or escapes planned or attempted must be constantly borne in mind by all Police on duty there.
- (ix) In the event of an escape, or an attempted rescue or escape, or a disturbance among detainees, the alarm will be raised by the means provided and the local R.U.C. Communications Centre and Army Unit notified immediately. On being alarmed all members present will act under the instructions of the Senior Police Officer on duty. In the event of an escape a description of the escapee will be circulated and an immediate search of the compound undertaken in co-operation with the Army Unit present.

(x) The disposition of detainees will be recorded at 7.45 a.m., 3.45 p.m. and 11.45 p.m. each day by the Sergeant of the Uniform Branch. This record will include new arrivals and releases against the previous disposition. Special Branch Inspector or member acting for him will communicate personal particulars of all arrivals and releases to Headquarters (Special Branch) at 9.30 a.m. and 4 p.m. each day.

(xi) A detainee will be released or removed from the Centre only on the authority of Special Branch Inspector or member acting on his behalf.

(xii) On discharge, the property of a detainee will be returned to him with the exception of any article or document which it has been decided to retain. The detainee will be requested to sign a receipt for the property returned to him and will be given a receipt for any article or document retained by the Police. If the detainee fails to give a receipt for property returned to him it will be checked again and the fact recorded and signed by two members of the Force.

(xiii) Prior to discharge a detainee will be asked if he has any complaints to make and requested to sign a brief statement to this effect in the appropriate part of the property list.

(xiv) If the Uniform or Special Branch member in charge at the Holding Centre considers that improvements in the arrangements can be made he will report to the Divisional Commander or Special Branch Officer responsible for the Centre. He in turn will report to Headquarters.

(xv) Special Branch Records and Duties

The Chief Inspector/Inspector in charge will ensure that the following records are maintained and preserved:-

(a) Interrogation/Descriptive pro-forma

- (b) Particulars of all interviews of detainees by Detectives.
- (c) Desk diary.
- (d) Book record of all relevant details of arrest and disposal of detainees.
- (e) Card index system.
- (f) Medical pro-forma - one copy to dossier and one copy to Military.
- (g) Interrogation dossiers. (Complete and submit to Headquarters)
- (h) Apply for and arrange service of Detention Orders.
- (i) Apply for and arrange service of Removal Orders.
- (j) Send security assessment to Governor of place of detention.
- (k) Any other details not covered above.