



Northern Ireland Office

Press Notice

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BENNETT COMMITTEE REPORT

Measures to control the movements of prisoners and supervise interviews "go further in the RUC than in any other police force in the United Kingdom" says the Bennett Committee, whose Report* is published to-day. Nevertheless, the Committee finds that there is still some scope for improvement in such supervision, and control. The aim of the Committee's recommendations is to improve the system so as to ensure as far as possible that ill-treatment cannot take place during questioning without the offence being detected.

The Committee were not concerned with individual allegations of ill-treatment, but in the course of their enquiries they obtained and examined certain medical evidence. The Report makes it clear that this evidence has not been tested and elucidated by critical cross-examination; nor did the Committee hear evidence from the officers who interrogated the prisoners or from those responsible for their custody. The Committee have concluded that there is a class of cases where, whatever the precise explanation, the injuries recorded in the medical evidence were not self-inflicted and were sustained during the period of detention at a police office. They observe that circumstances may arise in which prisoners may lawfully have to be physically restrained or in which officers may have to defend themselves.

*Report of a Committee into Police Interrogation Procedures in Northern Ireland (Cmnd 7497)

CLOSED CIRCUIT TELEVISION

The Committee recommends that closed circuit television should be installed in, and viewing lenses placed in the doors of, all interview rooms in the police offices and police stations used for the interrogation of suspected terrorists. The television monitor screens should be sited in the room usually used by the supervising chief inspector or inspector, and either he (or a member of his staff) should continuously monitor the screens during interrogations when he is unable to observe the interrogation directly through the viewing lenses. The Committee also recommends that, as an additional safeguard, a monitor screen should be installed in the senior uniformed officer's room to enable him to observe selectively the progress of interrogations taking place in his station.

CONDUCT OF INTERVIEWS

The Committee also recommends that a code of conduct should be drawn up to cover interviewing. If the monitoring officer observes conduct in breach of the code or the law he should intervene immediately to terminate the questioning.

Among the Committee's other recommendations on control and supervision are that:

After each interview a member of the uniformed staff should ask the prisoner whether he has any complaints and offer him the opportunity to see a medical officer. The practice in some stations of offering suspects the opportunity of a medical examination once a day should be made universal.

Interviews should not continue over normal meal times and should not start or continue after midnight or start before 8.00 am unless immediate operational requirements dictate otherwise.

There should be a limited number of officers engaged in the questioning of each suspect (not more than 2 at any one time and 6 in total) and these should be readily identifiable by either name or number.

A woman detective should always be present when a woman suspect is being interviewed.

The Committee rejects the idea of an "independent observer", such as a solicitor or doctor, being present at the interview on the grounds that the observers would be responsible for the actions of the police, but would be powerless to issue orders about or regulate what the police ought to be doing. The Committee also rejects the idea that a video or taped record should be taken of every interview on the grounds that those records would unduly inhibit the information gathering process. The Committee's conclusion is that only senior police officers can ensure that any ill-treatment is detected immediately and dealt with without delay, and its recommendations are intended to improve these procedures.

MEDICAL EXAMINATIONS

The Committee also points out the importance of the medical officers' role in detecting, and corroborating complaints of, ill-treatment. While concluding that the present code and procedures relating to medical examinations appear to operate satisfactorily, the Committee considered whether there was any scope for improving these procedures: for example by increasing the frequency of medical examinations or by making them compulsory. The Committee concluded that compulsory examinations would be an undue burden on medical staff and prisoner alike, but recommends that the prisoner should be offered an examination after each interview. The Committee rejects suggestions that prisoners should have the right to be examined by a medical officer of their choice but agrees that they should continue to be allowed, as they already are, to request examination by their own general practitioner, or his partner.

ACCESS TO SOLICITORS

The Committee also recommends that every prisoner should have an absolute right of access to a solicitor after 48 hours in custody and every 48 hours thereafter, and that whenever a child or young person under 17 years of age is interviewed, steps should be

taken to secure the attendance of the child's parents or guardians.

COMPLAINTS PROCEDURE

The Committee accepts that whatever steps are taken to improve supervision in order to minimize the possibility of ill-treatment of suspects during questioning and ensure that, if it does occur, it will be detected, complaints are still likely to occur. It acknowledges that there has been a concerted propaganda campaign against the RUC and allegations of cruelty during custody are part of this campaign; that some suspects allege ill-treatment as an excuse for having given information to the police during questioning; and that suspects will make complaints as a necessary prelude to their defence at the court of trial. Hence the Report examined in detail the procedures for examining and investigating these complaints.

The Committee points out that the officer complained about must enjoy the same safeguards as regards the onus of guilt and standards of evidence as any other person suspected of an offence. The Report acknowledges that the RUC regulations governing the investigation of complaints are comprehensive and that the investigating officers carry out their duties promptly and painstakingly, and finds that there is no evidence that RUC witnesses deliberately withhold information or that investigating officers are less searching and persistent in their enquiries than they might be. The crux of the problem is that, in the absence of corroborative forensic evidence or evidence from medical officers or uniformed officers, the investigator is left with conflicting statements from the interrogator and the complainant, and no investigation process could resolve this problem; the only answer is effective supervision.

The Committee does consider the case for 'independent' investigation of complaints but concludes that the police are best fitted to carry out such investigations. However, the Committee does recommend that where a complaint causes public disquiet or where there is medical evidence to corroborate an allegation of serious assault, the Chief Constable should request the chief officer of another police force in the United Kingdom to provide a senior officer to investigate the complaint.

The Committee examines the problem of 'double jeopardy' (that is, the principle that a police officer who has been acquitted or convicted of a criminal offence should not be liable to a disciplinary charge which is substantially the same as the offence of which he has been acquitted or convicted) and recommends that, even in cases which involve a criminal offence and which have been referred to the Director of Public Prosecutions in Northern Ireland, the Senior Deputy Chief Constable should consider carefully whether there are also grounds for disciplinary charges. The Committee makes a number of detailed recommendations, touching particularly on the role of the Director of Public Prosecutions, to improve the present arrangements.

POLICE AUTHORITY AND POLICE COMPLAINTS BOARD

Finally the Committee considers the role of the Police Authority and the Police Complaints Board in ensuring that complaints are promptly and effectively investigated and properly dealt with. The Committee concludes that the Chief Constable should recognise the Authority's statutory duty to represent and satisfy the public interest, and should pay careful regard to any representations made by the Authority. In particular, he should ensure that when the investigation is complete and decisions have been taken about criminal or disciplinary proceedings, the Authority should be allowed access to sufficient information to satisfy itself as to the manner in which the complaint has been dealt with. Where appropriate the Authority should use its power to require the Chief Constable to refer a complaint to a tribunal. In the case of the Complaints Board too, the Committee concludes that any request for information should be met, and that in appropriate cases the Board should use its statutory power to direct that disciplinary charges be brought and heard by tribunal, particularly in exceptional circumstances such as the grave disobedience of orders in relation to the treatment of prisoners.

NOTES FOR EDITORS

The Committee was appointed by Mr Roy Mason, Secretary of State for Northern Ireland:

"to examine police procedures and practice in Northern Ireland relating to the interrogation of persons suspected of scheduled offences; to examine the operation of the present procedures for dealing with complaints relating to the conduct of police in the course of the process of interrogation; and to report and make recommendations".

The Committee specifically invited submissions from interested organisations and issued press notices on 11 July and 23 August 1978 inviting members of the public and other organisations to make representations. The Committee received memoranda from a number of individuals and organisations including the Chief Constable, the Police Authority for Northern Ireland, the Police Complaints Board for Northern Ireland, the Director of Public Prosecutions for Northern Ireland, the Superintendents' Association of the RUC, the Northern Ireland Office, the Alliance Party for Northern Ireland and other interested persons. The Committee also received oral evidence from 58 witnesses, including 19 members of the RUC and 10 medical practitioners retained by the Police Authority for Northern Ireland.

The names of the Chairman and Committee Members:

His Honour Judge H G Bennett QC (Chairman);
Sir James Haughton CBE QPM, formerly HM Chief Inspector of Constabulary;
Professor John Marshall MD FRCP DPM, Professor of Clinical Neurology at the University of London.