

How to guide:

Monitoring the Treatment
of Suspects in Police Stations

What is the J4A ‘How to’ series?

The guide is part of a series of products developed by J4A to communicate lessons learned from projects and pilots, to provide stakeholders with guidance on how to adapt and replicate the initiative in their own context.

Who is this ‘How to’ guide for?

Influencers and decision makers in the justice sector (police, prisons, judiciary and civil society).

Reference tools

Accompanying reference tools are available at www.j4a-nigeria.org or by request from info@j4a-nigeria.org

This Guide should be read in conjunction with the ‘How to Guide: Suspects Rights & Custody Management.’

The problem

- Suspects under arrest at the police station not being treated in accordance with their statutory and legal rights.
- Processing of suspects under arrest at the police station not properly documented.
- No provision to provide suspects under arrest at the police station with a notice of their rights.
- No processes in place that allows for external oversight for the care and treatment of suspects under arrest at the police station.
- Suspects exposed to the use of excessive force by the police.

Background

In common with many other countries, the public perception within sections of the Nigerian community is that once a suspect is taken to a police station they may be subjected to ill treatment by police and denied their legal rights.

Whilst there may be examples of such abuse, the simple fact that there is such a public perception has a damaging effect on police and community relations and restrains the development of partnership working with the community. In addition, the level of trust and confidence in the police will be damaged and a police station will not be looked upon as a place of safety or place to go if you need assistance.

What you can do

Ensure that all suspects detained and brought to a police station are treated in accordance with their legal rights, their Human Rights as enshrined in the Nigeria Constitution and with due regard for their welfare needs.

To complement any new processes or system brought about to achieve this aim, there must be a process in place that allows for external oversight of the care and treatment of suspects.

What you can achieve

Police have been granted extensive legal authority to arrest and detain suspects but these powers must be used lawfully. It is in the legal and professional interests of the Nigeria Police Force that suspects are treated with respect and without excessive force and given all their appropriate legal 'rights' in accordance with the law.

The challenge of raising public confidence and trust in policing remains a central goal of all police forces.

The introduction of procedures that serves to protect the legal rights of suspects and arrested persons, whilst allowing external scrutiny of the conditions and legality in which persons are detained, will help to improve and change public perceptions. It will also afford protection of a citizen's legal rights and treatment while in police custody.



Lay Visitors Scheme: Steps for Implementation

1. Introduction of a Lay Visitor Scheme to provide independent monitoring of suspect's treatment with the police station while being detained.
2. Obtain approval from the CP and the DPO for the scheme.
3. Work up a list of suitable members of the community to become Lay Visitors. Legal training is not a requirement. Visitors must be of good character and trustworthy. There are Civil Society Organisations with experience of Human Rights, which should be among those canvassed.
4. The DPO must oversee the new procedures and processes to be introduced.
5. A workshop with the Divisional Management Team (DMT) should be organised to ensure clear understanding of the new procedures so that those officers in turn can inform their staff. The new procedures should also be reinforced at weekly DPO lectures.
6. The Charge Room Officer (CRO) is accountable for the treatment and documentation of all suspects brought to the station and those subsequently detained. All officers performing CRO duties to be trained on the new procedures.
7. The Guidance to both the Lay Visitors and the NPF are to be placed in the front inside cover of the Suspect Lock Up Register.
8. *A list containing the details of approved Lay Visitors should be signed by the DPO and retained in the Charge Room Office. Templates are available for reference*
9. Each Lay Visitor should be given a photographic Identity card containing their details and signed by the DPO.
10. Suspects have the right to medical treatment whilst detained but can only take prescribed drugs while in custody. Where a suspect is in urgent need of medical care, every effort must be made to save life. If the CRO thinks a suspect requires medical treatment for injuries sustained or has otherwise become ill whilst in the police station, the CRO should direct that the person be taken to hospital or other centre for treatment, informing the DPO accordingly.

The implementation of a Lay Visitor Scheme is to provide independent monitoring of suspects treatment in the police station while being detained. The overriding principle when dealing with suspects and arrested persons is transparency and accountability, police should have nothing to hide from such scrutiny.

The scheme complements the new processes and procedures we are trying to introduce to safeguard citizens legal rights and treatment when in police detention.

The content of the Lay Visitors Guidance is as follows:

These visits must only be conducted under set and mutually agreed procedures.

Only those approved persons will comprise the Lay Visitors List and no other person may accompany them on a visit without the express approval of the DPO.

- The Lay Visitors List will be signed by the DPO and retained at the Counter so that the CRO can check it before a visit takes place.
- Each Lay Visitor will be obliged to bring photographic identification when they visit a police station.
- The Visitors can carry out their inspections unannounced and there is no need to seek DPO approval for a visit beforehand.
- The Visitors will not have access throughout the station but only to the public areas of the station, the cellblock and other places where a suspect may then be located. However if a suspect is, for instance, in an interview room and being interviewed the Visitors will not be able to demand access but it can be granted if the DPO so agrees.
- The Visitors will have access to the Suspects Lock Up Register but only in relation to suspects currently in the police station.

- The Lay Visitors role is to satisfy themselves that the Suspect's Human Rights are being observed and their welfare needs are being reasonably met.
- The Lay Visitors are not to get involved in the case or provide any legal advice to the detainee.
- If the Lay Visitors find anything that causes them concern they should, in the first instance, raise this with the DPO who should make a record of the issue and direct any follow up action as necessary.
- The fact of Lay Visitor attendance should be recorded in the Suspect Lock Up Register and include the following information – date, time, names and comments from the Visitors. A Lay Visitor should initial the entry.
- A refusal to allow access to a station must be reported to the DPO and include the details of the officer refusing access, the reason and this information should also be written into the Routine Diary.
- The Lay Visitor will also report the incident to their organisation.

Cost implications

There are no fees or allowances payable to Lay Visitors so this is a no cost intervention.

Picture

Lessons Learned

Lesson 1:

The management and treatment of suspects, the Suspect Lock Up Register and the Lay Visitor Scheme are interventions that are intertwined and should not be implemented in isolation.

Lesson 2:

The training of the CROs on the new processes and procedures is crucial to success. As and when new CROs are appointed, they will also have to be trained.

Lesson 3:

A copy of the details of the approved Lay Visitors should be retained by both the DPO and the CRO.

Lesson 4:

If a Community Safety Partnership (CSP) is established in the Division the Chairperson should be asked to identify potential Lay Visitors – associates of CSP members who would be willing to volunteer for this role.

Lesson 5:

It is important for NPF officers to understand that the interventions being introduced are also there to protect them from false allegations of mistreatment. A fully written record of a citizen's time at the police station from detention to release will help protect them from such allegations.

Lesson 6:

Lay Visitors should be able to attend at a Division when they wish to do so. There should not be a set or routine date for Visits.

Picture

Improvements

The excessive use of force, a lack of accountability and breaches of the suspects' legal rights can only serve to undermine public confidence and erode trust in the police.

The introduction of the Lay Visitor scheme serves to protect the legal rights of suspects and arrested persons, whilst allowing external scrutiny of the conditions and legality in which persons are detained.

In the police stations where the intervention has been successfully implemented, then that police station is human rights compliant in the treatment of detained suspects. It operates in an open and transparent, manner monitored by an external visitor.

Evaluation

A number of tools have been developed to assist the NPF to evaluate success, including household surveys to ascertain public satisfaction as well as exit surveys for those citizens who have cause to come to the police station.

The citizens who find themselves at a police station in detention are the ones who can truly authenticate the treatment they received whilst in custody.

Contact

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