

How to guide:

Suspect's Rights
and Custody Management

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

The problem

- Suspects under arrest at the police station are not always 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 will 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 will have a damaging effect on police and community relations and restrain 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 where to go if you need assistance.

What you can do

The ultimate aim is to ensure that all suspects detained and brought to a police station are treated in accordance with their legal rights and not subjected to excessive force. Once they are at the station and before any further action is taken, full details of the suspect is recorded, a notice of their rights explained and provided to them and their subsequent movements fully documented.

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.

An excessive use of force, a lack of accountability and breaches of suspects' legal rights can only serve to undermine public confidence in the police. 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 citizens legal rights and treatment while in police custody which, after all, is a fundamental human right

Suspect's Rights and Custody Management: Steps for Implementation

1. The DPO must accept the vital importance of the new procedures and processes to be introduced. This is to ensure that there is an unambiguous understanding of the law and the rights of a detained person.
2. Current practice in Nigeria is that a detained person is only documented at the police station after the offence has been 'admitted' and a Detention Order authorised. This practice must stop. Detention begins with arrest.
3. DMT to review the guidance 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.
4. 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.
5. An area/office away from the public reception area is identified where suspect documentation can be carried out.
6. The DPO identifies a member of the DMT to have specific responsibility for the Charge Room Office and the supervision and monitoring of procedures.
7. The introduction of a revised Suspect Lock Up Register and the Rights of a Detained Suspect introduced and monitored. A copy of the Lock Up Register is available for reference. It is crucial that the suspect signs the Lock Up Register acknowledging that suspects both received their rights and had then explained.
8. Notices and leaflets provided to inform citizens of these new procedures.
9. Introduction of a Lay Visitor Scheme to provide independent monitoring of suspects treatment with the police station while being detained. This is the subject of a separate document – *How to Guide: Lay Visitors Scheme*.
10. Immediately upon arrival at the police station, and before an IPO is appointed, the reasons for a suspect's presence should be recorded in the Suspect Lock Up Register.
11. The suspect should be informed (and given a written copy) or, alternatively, shown a prominently displayed notice in the custody area that states their rights while in police detention. *An example copy is available for reference.*
12. They should be searched in the presence of the CRO and all property must be recorded and kept secure. This takes place before a Detention Order is authorised by the DPO.
13. All movements and actions that concern the suspect must be recorded in the Suspect Lock Up Register by the CRO. If detained in a cell, all visits to the suspect shall be strictly controlled under the directions of the CRO. Visits by police officers or other persons to a suspect detained must be recorded including the purpose for the visit.
14. If a suspect is taken from the cells for any reason, such as for interview or a search, this must be recorded in the Suspect Lock Up register together with the officer responsible. The time the suspect is returned to the cells will also be recorded.
15. 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 suspect be taken to hospital or other centre for treatment, informing the DPO accordingly.
16. The CRO should ensure there is sufficient security for the suspect. Suspects must not to be detained for more than 24 hours before a case is charged or bail is granted, unless it is a capital case or under order from a court.
17. Bail is free.
18. Each CRO coming on duty must take responsibility for all suspects held within the police station and must make an entry in the Register accepting this responsibility. The DPO will ensure the Register is reviewed on a daily basis to ensure compliance with legal requirements, police instructions and the proper completion of the records.

Cost Implications

Content: The staff is already in place in the Charge Room so the only cost is the purchase of registers.



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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:

If printed copies of the Register are not available then a blank register can be used ruled out as suggested in the template provided in the reference tools.

Lesson 4:

A sample template with explanation for the most problematic area is available for reference. It is recommended that the sample template is printed, laminated and placed inside each Register to assist officers.

Lesson 5:

Completion of the new Suspect Registers requires guidance, supervision and mentoring to officers. *An example is available for reference.*

Lesson 6:

You may have to provide secure storage for suspects' property if none is available at the station.

Lesson 7:

When producing any information leaflets for use in the Charge Room Office and specifically any to inform citizens of their rights, ensure that that are translated into the main local languages other than English.

Improvements

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

The introduction of the interventions 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 interventions have been successfully implemented, it means that police station is human rights compliant in the treatment of detained suspects. It operates in an open and transparent, manner often monitored by an external visitor.

It is important for officers to recognise that the interventions being introduced are also there to protect them from allegations of mistreatment or other misconduct that may be false. A fully written record of a citizen's time at the police station from detention to release may protect them from such allegations.

Evaluation

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

The very physical existence, presence and proper usage of the revised Suspect Lock Up Register and the notice of a suspects rights is a not a means of evaluation in itself. However, used in conjunction with the monitoring capabilities of the Lay Visitor it ensures effective supervision of suspects and their rights and welfare.

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.

“Of all the interventions implemented in my Division, the Suspect Lock Up Register and associated documents have proved to be highly successful.”

DPO Gomwalk, from Gwarinpa Division

Contact

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