Chapter 4. Methods to Secure Good Practice –
Supervision, Monitoring and Training

(A) CODES OF PRACTICE

Good behaviour in the investigative process, and specifically in the conduct of interviews, is one element that is essential to the delivery of a high quality, effective service to the community. The other element is the application of a high degree of expertise and skill in the craft of policing. It is important to reinforce the point made in previous chapters of this book that in the practice of this craft, no operation or activity can be judged independently of the means by which it is effected.

In order to provide guidance for police officials, and to promote good behaviour and best practice, codes of practice for the detention, treatment and questioning of people in detention have been developed in some countries.

These codes seek to ensure that all people in detention are dealt with expeditiously, lawfully, and humanely, and released as soon as the reasons for detention have ceased to apply. The codes of practice are usually made available for consultation by police officials, detained persons and members of the public, and are a means of providing reassurance that human rights are being respected.

The codes usually embody specific provisions to secure lawful and humane treatment of detainees who are vulnerable, such as juveniles, those who are suffering from mental illness or mental impairment, and detainees who need an interpreter. They differ from country to country to the extent that they reflect the requirements of national law and practice, but it is possible to identify basic elements of good practice – most of which are included in of codes of this nature.

(a) Basic Elements of Best Practice

(i) Records of Arrest and Detention

As soon as practicable after a person is brought to a police station on arrest or detention, a record should be opened. This record should show the personal details of the detainee together with the reasons and the authority for detention, and it should be signed by a supervisory police official responsible for authorising detention. That official should be independent from those officials who have made
the arrest or who are conducting the investigation. The supervision of detention should be separate from the management of the investigation because problems can arise when these two roles are combined, where the guards in effect became subordinate to the intelligence function.

The record of detention should be a complete and accurate account of what has happened to the person being detained since the initial moments of arrest or detention, and should accompany the detained person if he or she is removed to another place of detention. The record should show the time and reason for any transfer, and the time the person is released from detention.

(ii) Explanation of Rights, Vulnerable Detainees, Physical Needs

The supervisory police official authorising detention should explain to the detainee the reason for detention, and the rights to which detained people are entitled. These should include the right to have a relative or friend informed of the arrest or detention; the right to legal advice; and the right to consult the codes of practice. All of this information should be readily available in all languages commonly in use in the locality.

In the case of a detainee who is a juvenile, or mentally handicapped, or suffering from a mental disorder a person with the authority and the ability to advise and assist the detainee should be called to the place of detention. Where the detainee is a juvenile such a person would be a parent or guardian, and where the detainee is mentally disordered or handicapped it should be someone who has experience in dealing with such people.

Detainees are, of course, entitled to reasonable standards of physical comfort which include the provision of adequate food and drink, access to toilets and washing facilities, clothing, writing and reading materials, and exercise. These entitlements are also set out in international human rights instruments.

(iii) Incommunicado Detention

A detained person has the right, subject to certain qualifications, not to be held incommunicado. For example there may be a temporary suspension of the right to have another person notified of the detention if there is a genuine belief that notification may cause interference with witnesses to crimes, or the loss of material evidence. If the right to notify another person of arrest and detention is suspended, the reasons should be noted in the record of detention. Any temporary suspension of the right to legal advice, usually on similar grounds, should also be recorded. An