

2 JUL 79



Deputy Under Secretary  
of State

C.M.O. ✓

*Secretary. Thank you. I have a copy on  
the file. RFW 3/7.*  
A tribute richly deserved.  
(If you already have a copy,  
for your file, I should like  
to retain this for future  
reference among my own papers).

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*N.D. 3/7*

DUS/17/1/1/0776

2 July 1979

Mr Dugdale  
Department of Health and Social Services  
Dundonald House

BENNETT REPORT

1. As you know we have now completed our discussions on the implementation of the recommendations in the Bennett Report. Nearly all the recommendations have been accepted by the various parties concerned, albeit with minor modification in some cases, and the Secretary of State intends to announce this during the opening of the debate on the renewal of the Emergency Provisions Act today.
2. As there will not be time during the debate to deal with every recommendation a summary of the action to be taken in each case will be laid in the libraries of both Houses. I thought that you would like to have a copy for the record, and I am also sending a copy to John Stewart, the Chairman of the Association of Forensic Medical Officers.
3. You will see from this summary that we managed to get the doctors and the Chief Constable to agree on all the recommendations relating to medical matters. This remarkable achievement was due in no small part to the efforts of Bob Weir, to whom I am sending a copy of this letter with my thanks.

*J.E.H.*  
J/E HANNIGAN

E. R.

ACTION TO BE TAKEN  
ON THE RECOMMENDATIONS OF  
THE COMMITTEE OF INQUIRY  
INTO  
POLICE INTERROGATION PROCEDURES  
IN NORTHERN IRELAND

NORTHERN IRELAND OFFICE

ACTION ON THE RECOMMENDATIONS OF THE BENNETT COMMITTEE

The following summarises the action being taken by the several parties involved to implement the Committee's recommendations. The numbers shown relate to Chapter 19 of the Committee's Report which lists both conclusions and recommendations. The numbering is not completely consecutive simply because this response is concerned solely with the Committee's recommendations.

INTERROGATION PROCEDURES

2. Recommendation 17: It is desirable to ensure where possible that the number of persons arrested is not too great for the available resources of accommodation and manpower.

The Chief Constable accepts this recommendation completely though operational necessity might, in some circumstances, make it impossible to limit the numbers arrested.

3. Recommendations 18 & 19: All accommodation in police stations used for interrogation should be reviewed. Similarly the siting of accommodation for supervising officers should be reviewed.

The Chief Constable accepts these recommendations and is instituting a review of the siting of accommodation in police stations used for interrogation; similarly the siting of accommodation used by supervising officers is being reviewed. It is hoped that these reviews will be completed in the near future.

Recommendation 20: It is hoped that in due course more experienced and senior officers will be able to interview prisoners.

The Chief Constable agrees that it is desirable to use experienced officers on interrogation duties. Many of the relatively young RUC officers presently being employed on interrogation duties in Northern Ireland are much more experienced in the role than some of their older counterparts in the rest of the United Kingdom.

5. Recommendation 21: A training programme for interrogation should be devised for detectives.

The Chief Constable has accepted this recommendation and has set up a Working Party of experienced CID officers to make recommendations on how this should be implemented. The Working Party has not yet made recommendations and so it is not possible, as yet, to predict what resources will be required to implement this recommendation.

6. Recommendation 22: Detective officers should rotate between interrogation and more general detective duties.

The Chief Constable accepts the principle that detective officers should rotate between interrogation and other, more general, detective duties, although there are difficulties in achieving this where there is heavy pressure on the limited number of skilled interrogators.

7. Recommendation 23: Female suspects should be interviewed by or in the presence of women police officers.

The present procedures for interviewing women in Northern Ireland do not differ from those used in Great Britain, but the Chief Constable agrees that female suspects should, in future, be interviewed only by or in the presence of women police officers. The additional resources required to implement this recommendation will be examined during the forthcoming review of RUC Force establishment.

8. Recommendation 24(a): Interviews should not last longer than the interval between normal meal times or extend over meal-breaks, or continue after midnight except for urgent operational reasons.

On the question of the length of interviews the Chief Constable agrees that no interviews should take place between midnight and 8.00 am except for the most urgent operational reasons, and that there should be a break in interviewing of at least one hour at some time during the normal meal-times (that is between 12 noon and 2.30 pm and between 5.00 pm and 7.30 pm). If a statement is in the process of being recorded the taking of the statement will normally be completed before a meal-break is taken, but, if the taking of the statement is likely to continue over the whole of the meal period, a meal will be served to the suspect in the interview room.

9. Recommendation 24(b): Not more than 2 officers at a time should interview one prisoner.

The Chief Constable agrees that not more than 2 officers should interview a prisoner at any one time, though there may sometimes need to be other officers in the interview room who are not taking part in the interview. For example, it is essential that a supervisory officer should be able to enter the room at any time, and it may be

ecessary for a local officer to be present to provide local information, or for a woman officer to be present during the interviewing of women suspects.

10. Recommendation 24(c): Not more than 3 teams of 2 officers should interview any one prisoner.

Duties in court, leave and sickness make this recommendation impracticable. Nevertheless, the Chief Constable accepts the need to keep the number of interviewing officers to a minimum and intends that not more than 4 teams of 2 officers should normally be involved in the interviewing of any one suspect.

11. Recommendation 24(d): Officers should identify themselves by name or number before commencing interviews.

The Chief Constable has instructed that each interviewing officer is to give his name and rank at the commencement of each interview.

12. Recommendation 25: A code of conduct should be drawn up for interviewing officers to form a separate section of the RUC Code.

The Chief Constable accepts this recommendation and is drawing together the various provisions related to the interrogation of prisoners presently contained in the Code and those recommended by the Committee to form a separate section of the RUC Code. On a point of detail the Chief Constable and other interested parties agree that it would be unwise to attempt to define conduct which would constitute "degrading, physical or mental ill-treatment" in the Code. Clearly there can be no objective standard of what constitutes ill-treatment; for example, treatment which would be

perfectly acceptable to a normal healthy adult could cause distress to someone who was sick. Nor would it be profitable to attempt to draw up an exhaustive list of conduct which constitutes such ill-treatment since this might seem to condone any form of ill-treatment not specifically identified in the list. It has been agreed that the Code should prohibit such conduct in general but in clear terms, and it would then be for a disciplinary body to decide whether the spirit of the prohibition had been infringed in a particular case.

13. Recommendation 32: Senior detective officers should allot part of each working day to supervision.

Supervision forms an integral part of any senior officer's duties; during all his contacts with, and observations of, subordinates a senior officer exercises his supervisory responsibilities. Nevertheless, the Chief Constable accepts that heavy administrative duties may reduce the opportunities for working contacts with subordinates, hence reducing the opportunities for adequate supervision. He proposes to create more posts at these levels. The resource implications of this proposal will be considered during the forthcoming review of the RUC establishment.

14. Recommendation 33: The number of uniformed supervisory inspectors on duty throughout the day at Castlereagh should be increased and supervisory strength at inspector level elsewhere should be reviewed.

The Chief Constable accepts completely that the number of uniformed supervisory inspectors on duty throughout the day at Castlereagh should be increased. He is also undertaking a review of supervisory strength at inspector level elsewhere, and the proposals arising out of this will be considered during the forthcoming review of the RUC establishment.

15. Recommendation 34: The responsibility of the inspectors for the welfare of prisoners should plainly extend to periods in an interview room, and they should if necessary enter the room and stop the interview.

The Chief Constable accepts that the responsibility of uniformed inspectors for the welfare of prisoners should plainly extend to periods in the interview room, and that they should if necessary enter the room and stop an interview. The RUC Code and Standing Orders will be amended accordingly.

16. Recommendation 35: Viewing lenses should immediately be installed in all remaining rooms where interviews take place.

The great majority of interviewing rooms, including all those at Castlereagh and Gough, already have viewing lenses in the door. The Chief Constable accepts that viewing lenses should be installed in all rooms where the interrogation of persons suspected of scheduled offences takes place, and this work is being carried out as a matter of urgency. Supervisory officers will be instructed to ensure that there are no impediments to the field of view of these spy-holes.

17. Recommendation 36: Close-circuit television cameras should be installed in all interview rooms used for interrogation. The monitor screens should be used by the uniformed supervisory staff on duty, and further monitors should be provided for use by senior uniformed officers. The RUC Code should be amended to make it an offence to interfere with the CCTV equipment. Provision should be made in the RUC Code to the effect that interviews must take place in an interview room and nowhere else, and that prisoners should be accompanied by uniformed officers at all times except when in the interview room.

The Chief Constable has accepted that closed-circuit television cameras be installed in all interview rooms used for interrogation, and that monitor screens should be used by the uniformed supervisory staff on duty. Monitors will also be provided for



use by senior uniformed officers and the RUC Code will be amended to make it an offence to interfere with the CCTV equipment. The installation of 78 cameras and 98 monitors will begin at Castlereagh, Gough, Omagh and Londonderry as soon as possible. The total cost is estimated to be in the region of £50,000 exclusive of cabling and labour. The Chief Constable is also instructing that interviews of persons suspected of scheduled offences will take place in an interview room and nowhere else, and that prisoners should be accompanied by uniformed officers at all times except when in the interview room. Appropriate emendments are being made to the RUC Code.

18. Unnumbered Recommendation (paragraph 235 refers): In all police stations where interrogations are carried out a room should be set aside for medical examinations alone.

Twenty-nine stations are already so equipped and the Police Authority are currently engaged in equipping five other stations. This should meet the Committee's aim of ensuring that as far as possible all interrogations of persons suspected of scheduled offences are carried out in a police station which is so equipped.

19. Recommendation 38: Medical officers must have the means to satisfy themselves that prisoners are not being ill-treated and, without assuming responsibility for monitoring the length of interviews, should have access to CCTV and should have power to question the length of interviews on medical grounds alone.

The Chief Constable accepts that not only should medical officers have the means to satisfy themselves that prisoners are not being ill-treated but that they must be given this opportunity if they are to comply with their ethical obligations as set out in the Tokyo Declaration. Present procedures will be suitably adapted as recommended by the Bennett Committee. If there should be any outstanding areas of doubt, the existing channel of communication between the medical officers and senior police officers will be used to the full.

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19. Recommendation 39: Medical examination should not necessarily take place after each interview, but the uniformed staff should ask each prisoner after each interview whether he has any complaint and whether he wishes a medical officer to see him.

If on admission the prisoner has seen, read and understood his rights to seek a medical examination at any time, including after every interview, it would be otiose to remind the prisoner of this right after every interview. But, if a prisoner does make a complaint to a uniformed officer after an interview, that officer will be required to make a written record of the complaint for inclusion in the prisoner's medical records, and to summon a doctor immediately in order to allow the prisoner to be offered a medical examination.

21. Recommendation 40: Medical officers should see all terrorist suspects and persons suspected of scheduled offences during each period of 24 hours and offer them an examination.

The present procedures at Gough and Castlereagh ensure that each prisoner there receives a visit from a medical officer every 24 hours. The Chief Constable agrees that this practice should be extended to all other police stations in the Province where extended interrogations are carried out. Although a doctor's duties when "seeing" a prisoner extend only to concern for his physical and mental health and well-being, any complaints made by the prisoner to the doctor will be treated as a formal complaint and dealt with accordingly.

22. Recommendation 41: Medical officers should be aware in every case of each other's findings and opinions.

In order to ensure that medical officers are made aware in every case of each other's findings and opinions, a new medical record form is being devised. This form will accompany a prisoner throughout his period of police custody and every medical officer

officer responsible for the prisoner's health will be required to keep this record up to date.

23. Recommendation 42: The importance of medical examinations should be impressed upon prisoners both by Medical Officers and in printed notices.

In order to ensure that the importance of medical examinations is impressed upon prisoners, the notice of prisoner's rights, which each prisoner will see and sign as having understood before being interviewed, will contain a reference to the importance of medical examinations.

24. Recommendation 43: Prisoners wishing to have private medical examinations should continue to be obliged to call first on their registered practitioner or his partner. However, if neither is able to attend further arrangements should be made which could include either allowing the GP to nominate a substitute or setting up a "panel" of GPs from the area around the police station.

The medical responsibility for the care of a prisoner rests with the senior medical officer of the police office or police station in which the prisoner is in custody.

The present practice of allowing each prisoner to request his GP or partner to examine him whilst in custody will be continued. However, in the event of that GP, or his partner, being unable or unwilling to attend the suspect, it will be for the Senior Medical Officer with responsibility for the prisoner to agree with the prisoner's GP on a suitable and acceptable substitute doctor. The prisoner may, of course, refuse an examination by this substitute doctor, but will not be given the right to demand an examination by another GP of his own choice.

25. Recommendation 44: Larger notices giving details of rights available to prisoners should be displayed in police offices and police stations, and each prisoner should be given a printed notice to keep for himself. The uniformed staff should have a duty to convey a request for access to a solicitor where authorised.

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The Chief Constable agrees that the present notices setting out a prisoner's rights should be enlarged and this is being done. These notices will be prominently displayed in areas where the prisoner will have easy access to them, such as reception rooms, and the prisoner's attention will be specifically drawn to a copy of the notice on admission and before any interviews take place. He will be allowed sufficient time to read and to digest the information and will then be required to certify in writing that he has read and understood it.

Given these safeguards, it is felt to be unnecessary to give the prisoner a copy of this notice. The Chief Constable also accepts that uniformed staff should have a duty to convey a prisoner's requests for access to a solicitor, and instructions are being issued to this effect. The written notice mentioned above will contain advice on obtaining legal aid to cover the attendance of a solicitor before any charges are made.

26. Recommendation 45: Without prejudice to the existing rights under Judges' Rules prisoners in Northern Ireland should be given an unconditional right of access to a solicitor after 48 hours and every 48 hours thereafter.

The Chief Constable accepts the desirability of allowing prisoners to have access to a solicitor. He has instructed that any prisoner who asks shall be allowed a visit from a solicitor (but not from an unqualified legal adviser) after 48 hours in custody, and a further such visit after each further complete period of 48 hours. Where a prisoner is in the course of making a statement, oral or written, to the police, the 48 hour period will be extended by such short period as is needed to complete the statement. The period of access by a solicitor will be up to 1 hour, and the uniformed officer in charge will have discretion to allow a longer period if there are good reasons for this.

A accepting this recommendation both the Government and the Chief Constable are aware that an important safeguard in the Judges' Rules (that such consultations should not hinder the investigation process or the administration of justice) is being dispensed with altogether. Lord Shackleton pointed out, in his review of the operation of the Prevention of Terrorism Act (CMND 7324), that it would be quite exceptional for there to be sufficient grounds to deny a person in custody the right of access to a solicitor throughout the 7 day period; nevertheless to grant him unconditional right of access to a solicitor after 48 hours would be out of keeping with the philosophy underlying the present Judges' Rules and Administrative Directions that the police should have a limited discretion to withhold access. In reaching this conclusion he recognised that a solicitor who had access to a terrorist could, either by accident or design, convey important information to others in the terrorist organisation who are still at large, which could seriously prejudice not only the investigation but also public safety. It is equally necessary in the present context to enable the police to prevent consultations being used to hinder the investigations or hamper the administration of justice. For this reason, in cases where it is considered to be necessary, the consultation will be conducted in the presence of a senior uniformed officer. This should in no way inhibit the solicitor from making clear to the prisoner his rights, and from seeking to discover whether the prisoner has any complaints.

27. Recommendation 46: Attention should be given to how best families can get information about prisoners.

The Chief Constable agrees that every effort should be made to ensure that families can get information about prisoners, and instructions are being issued to that effect.

28. Recommendation 47: Provision should be made for the attendance of parents at interviews with children and young persons.

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The Chief Constable accepts that every effort should be made to ensure that parents or guardians are present at interviews with children and young persons, on the clear understanding that, if every reasonable effort is made to secure attendance but without success, the interview may proceed in their absence. Instructions to the Force are being printed and will be issued shortly.

#### COMPLAINTS PROCEDURE

29. Recommendation 52(a): Much more use should be made of officers from police forces other than the RUC in cases where a complaint has caused public disquiet, or where there is an allegation of serious assault and medical evidence consistent with the complaint, or where the Chief Constable has any other grounds for special disquiet or concern.

Recommendation 52(b): Reports by disciplinary investigating officers should be objective and not incorporate any assumptions about the validity of the complaint.

- (a) The Chief Constable accepts this recommendation, and expects to make use of such assistance in the circumstances outlined by the Committee.
- (b) The Chief Constable agrees that some further instructions to guide investigating officers appear to be necessary, and these will be issued.

30. Recommendation 53: The requirement that complaints should be investigated before the trial of the complainants involves repeated interviews and delay in the investigation, and should be further examined.

This question has been re-examined. The Director of Public Prosecutions considers that, if he is to decide whether or not it would be proper to initiate or continue criminal proceedings against a suspect, he must have at the outset a report from



the Chief Constable into any complaint which might bear upon the case. The present procedures will therefore be maintained.

31. Recommendation 55: Complainants should be notified every 3 months of the progress of their complaint by the authority with whom it rests.

The Chief Constable accepts the principle of this recommendation, in so far as it lies with him to implement it, but takes the view that the interval should be 4 rather than 3 months so as to conform with the intervals at which the information is given to the Police Complaints Board under the Police (Northern Ireland) Order 1977. While it would not be appropriate for the Director, as a matter of routine, to communicate directly with complainants (who may also be persons against whom he has directed a prosecution to be brought) the Director has no objection to the complainant being notified by the police that an investigation file is before the Director for his consideration. Nor is a complainant entitled to be given, as a matter of course, reasons why a direction has not been issued; if a complainant questions why consideration of his complaint has not yet been completed by the Director, the query will be dealt with by the Attorney General's Office.

32. Recommendation 57: The Director of Public Prosecutions should specify to complainants the possible criminal offences for which prosecution is being considered and indicate whether his decision has been reached on evidential or other grounds and any reasons for delay.

The Director agrees that the Chief Constable may inform a complainant of the terms of his direction, and the latter is content to do so. Any enquiries will be dealt with by the Attorney General's Office.

Recommendation 58: The Director should inform the Chief Constable of cases which he considers especially suitable for the consideration of disciplinary proceedings.

The Director's directions are normally couched in terms which make it clear what matters have been considered for the purposes of prosecution and thus what matters are left open for possible disciplinary action. If papers are sent to the Director which do not appear to him to amount to a report of the investigation of an allegation of crime, these will be returned without any direction. As to advising on the possibility of disciplinary proceedings, the Director's view is that the responsibility for such proceedings lies with the Senior Deputy Chief Constable and the Police Complaints Board.

34. Recommendation 59(a): The Director should on enquiry give the Police Authority and Police Complaints Board an explanation of the delay in his consideration of a complaint and of his reasons for deciding against prosecution.

Recommendation 59(b): The Police Authority should be told at regular intervals by the Senior Deputy Chief Constable of the reasons for any delay in the investigation or processing of complaints and should incorporate in this any explanation given by the Director.

(a) The Director is responsible only to the Attorney General and therefore is not free to communicate to the Police Authority or the Police Complaints Board his reasons for any decisions which he might make. If either of these bodies wishes to question any decision then they are free to communicate with the Attorney General's Office.

(b) The Chief Constable considers that the present arrangements for informing the Police Authority of any delays in the investigation of complaints are adequate, and indeed go further than the equivalent arrangements in Great Britain. However, he has no objection on enquiry to providing the Authority or the Police Complaints

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Board with any additional information which may have been provided for him by the Director of Public Prosecutions regarding his reasons for not having completed his consideration of the complaint.

35. Recommendation 60: After the investigation of a complaint is complete (including decisions about criminal and disciplinary proceedings), the Police Authority should be able to obtain sufficient information to ensure that all relevant sources of information have been tapped. If the Chief Constable refers a request for information by the Authority to the Secretary of State, he should decline to confirm it only for the most compelling and specific reasons.

The Chief Constable for his part fully accepts the principle of this recommendation which is fundamental to the role of the Police Authority in the complaints procedure. Further discussion between both parties and the Secretary of State will be required and how to achieve it to determine its precise practical implications.

36. Recommendation 61: The Police Authority should make appropriate use of its power to require a complaint to be referred to a tribunal. Provision should if necessary be made to afford further powers to such a tribunal.

The Authority accepts that for its part it should make use of the power to require a complainant to be referred to a tribunal if any appropriate cases arise. The Secretary of State will give further consideration to the powers of such a tribunal in forthcoming discussions with the parties concerned.

37. Recommendation 62: The Chief Constable should recognise the Police Authority's commitment to allaying public anxiety, and pay careful regard to representation made to him by the Police Authority.

The Chief Constable accepts this recommendation; he recognises the Police Authority's commitment to allaying public anxiety and fully accepts the need to assist the Authority in the discharge of its statutory responsibilities.

38. Recommendation 63: The Police Complaints Board have expressed the view that the "double jeopardy" rule seriously curtails their effectiveness, but the final

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Decision on how the rule should be applied in a particular case normally rests with them. If they cannot reach agreement with the Senior Deputy Chief Constable they should require him to prefer disciplinary charges.

The Chief Constable is prepared to give assurances that each case will continue to receive careful and independent consideration by the Senior Deputy Chief Constable, and that no assumptions will be made about disciplinary proceedings even when cases have been referred to the Director of Public Prosecutions.

39. Recommendation 64: The Police Complaints Board should be informed of all disciplinary actions arising from the investigation of complaints, and their requests for information should be met.

The Chief Constable accepts that if the Police Complaints Board can show that a complaint which appears to the Chief Constable to be wholly concerned with criminal matters could nevertheless also involve a separate and distinct disciplinary offence, he would be prepared to provide the Board with such information as is considered necessary to enable them to examine this possibility. He also agrees that if during the course of investigating a complaint which was wholly concerned with criminal matters breaches of discipline were discovered which were not directly related to the complaint, he would be prepared to notify the Police Complaints Board of these occurrences and indicate that action was being, or had been, taken through the normal disciplinary channels. This notification will possibly take the form of a footnote to the file on the complaint and would contain a brief reference to the appropriate paragraph of the Discipline Code.