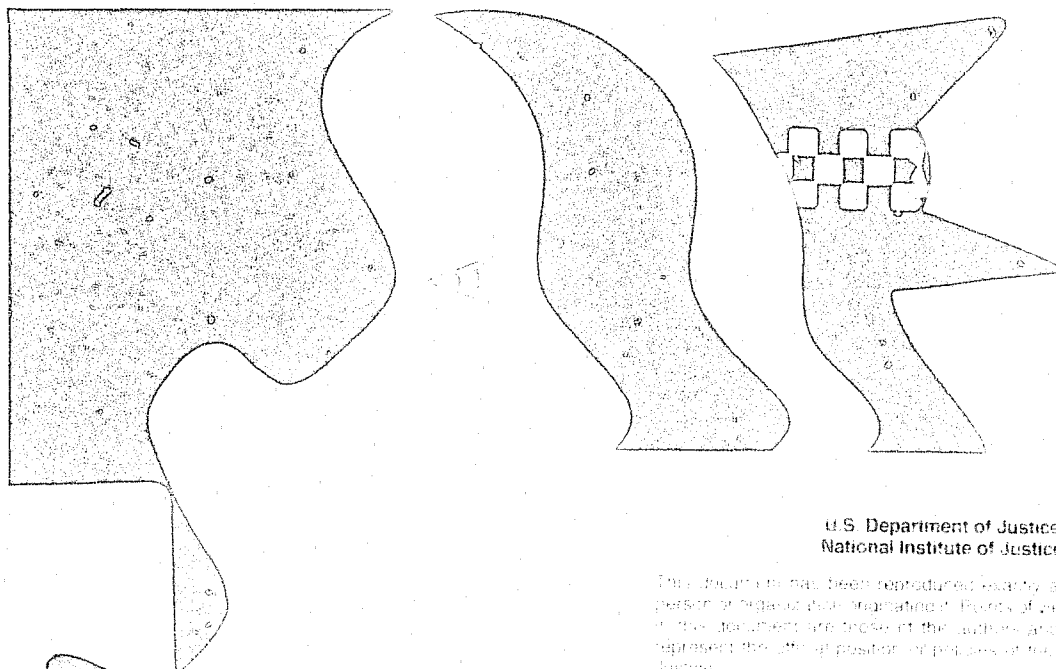


Vol. 40, No. 2, 1986

# australian police JOURNAL



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## Neighbourhood Watch

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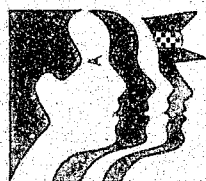
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### Our Cover: COMMUNITY CARING



**Neighbourhood  
watch.**

The 'Neighbourhood Watch' logo which was designed by a community group in Victoria and which has been adopted throughout Australia. The theme being 'Community Caring' working together to prevent crime.

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# police questioning



## Scientific and Technical Aids to Police Interview — Interrogation — Part 2 (Section I)

*Inspector Luppo Prins*

Tasmania

### Editorial Note:

*Inspector Luppo Prins of the Tasmania Police Department has submitted to the apj a report compiled by him on a study tour of England, Scotland and the United States of America. In those countries he examined aspects of police questioning procedures. He also gives an overview of the situation in Australia.*

*He has kindly consented to the apj reprinting that report by way of a 5 Part Series for the information of police generally. The subject headings are: Part I Laws and Procedures; II Video and Audio Recording; III Polygraph; IV Investigative Hypnosis; and V Identification Parades.*

*Remainder of Part II and Parts III, IV and V will be published in future issues of this journal.*

Also see apj Oct. — Dec., 1985

## PART II VIDEO AND AUDIO RECORDING

### DARTFORD EXPERIMENT

On the 23rd June 1977 it was announced that a Royal Commission on Criminal Procedure had been set up. The British Prime Minister announced that Her Majesty the Queen had been pleased to approve a recommendation that a Royal Commission should be set up with the following terms of reference:—

"To examine, having regard both to the interests of the community in bringing offenders to Justice, and to the rights of persons suspect or accused of crime, and taking into account also the need for the efficiency and economical use of resources, where changes are needed in England and Wales in:—

1. The powers and duties of the police in respect of the investigation of criminal offences, and the rights and duties of suspects and accused persons, including the means by which these are secured;
2. The process of, and responsibility for, the prosecution of criminal offences; and
3. Such other features of criminal procedure and evidence as relate to the above;

and to make recommendations."

Among the many and varied aspects of police practice and procedure which the Royal Commission examined was a feasibility study to assess the implications of introducing a general system for tape recording police interrogation of suspects.

This in itself was not a new concept. An earlier recommendation had been contained in the Eleventh Report on evidence of the Criminal Law Revision Committee of 1972. There followed the appointment of the Hyde Committee to consider the merits of such an introduction and, in its report this Committee concluded... that an experiment, limited in scope to the "taking and reading back of written statement" would be feasible.

In 1978 pilot schemes were introduced in the Force areas of Leicestershire and West Midlands. Based on the findings of these two research programmes, it was decided that a more in-depth programme should be carried out.

The experiment took the form of a scientific evaluation of the use of tape recordings in police interrogations and was conducted for and on behalf of the Royal Commission by the Staff of Cranfield Institute of Technology.

### Objectives of the Experiment

The primary objective of the experiment was to assess the technical and operational difficulties and/or advantages of the overt recording of police interviews. To meet this primary objective the experiment was monitored to provide an assessment of the following factors:—

1. The quality of the equipment required to provide satisfactory recordings;
2. The acoustical environment required to provide satisfactory recordings;
3. The operability, reliability and serviceability of the equipment used;
4. The requirements and provision for copies of tapes;
5. The requirements for, and provision of, transcripts of recordings;
6. The requirements for, and provision of, edited recordings and transcripts;
7. The requirement for, and provision of, secure recordings; and
8. The operational implications for the police, defence and courts.

### Location of the Experiment

The experiment took place in Dartford Police Station of the Kent County Constabulary during the four months April to July 1979. The choice of Dartford was at the suggestion of the Chief Constable of Kent, Mr B. N. Pain, who had offered his force as hosts to the experiment. This sub-division has a C.I.D. establishment of 20 (including aides and the numbers



of crimes recorded and cleared up in 1978 are given in the table below:—

	Crimes Recorded	Crimes Cleared Up
Violence against the person	101	87
Sexual offences	25	19
Burglary	657	189
Robbery	6	2
Theft and Handling	2325	822
Fraud and Forgery	135	124
Criminal Damage	168	61
Other Offences	12	8
	<u>3429</u>	<u>1312</u>

Of the 18 other sub-divisions in Kent, four recorded more and 14 recorded fewer, crimes than did Dartford. Six sub-divisions cleared up more crimes than Dartford and 12 sub-divisions cleared up fewer crimes. Nationally, including forces in Metropolitan areas, about a third of all sub-divisions recorded more crimes than Dartford and about a half of all sub-divisions cleared up more crimes than Dartford in 1978.

Thus, assuming that the potential and actual numbers of suspects interviewed in a sub-division are directly proportional to the numbers of crimes recorded and cleared up respectively, Dartford can be considered as an appropriate choice with respect to the level of interviewing activity.

## Approach

The experiment was planned to take place in four sequential phases which were as follows:—

1. Recording the read-back to or by suspects of their statements under caution.
2. Recording the taking down, from suspects, of their statements under caution together with the read-back.
3. Recording in their entirety, all interviews with suspects.
4. Video-recording the taking-down and read-back of statements under caution.

The reason for such phasing was to allow interviewing officers to gain experience with the use of the recording equipment. It was felt that a period of acclimatisation was essential before asking officers to undertake for the first time in England the controversial process of the overt tape-recording of all interviews inside the police station with suspects. It should also be remembered that it was intended that the police should not be allowed discretion in whether to record interviews though the suspect could, if he wished, refuse to be recorded.

Phases 1 and 2 were each of four weeks' duration during April and May 1979, Phase 3 lasted for eight weeks in June and July 1979 and the video recording occupied the first week of August 1979.

The Hyde Committee in their report assumed that all foreseeable possible difficulties should be accounted for from the start. The Cranfield Institute Study took the opposite view and started with simple equipment in order to test what might be the difficulties whether

technical, organisational or legal. Initially the interview room, which is integral with the cell block, at Dartford Police Station was not acoustically treated, it being a bare room with a tiled floor and plaster walls, a table, three chairs, a roof light but no windows, and a ventilation fan. Halfway through the experiment the walls and ceiling were lined with acoustic tiles and the floor was carpeted.

The first few recordings were made with a small Sony TC 150 cassette tape recorder having its own built-in condenser microphone. For all of the subsequent recordings a Sony TC 525 stereo cassette tape-recorder was used, initially with a Sony ECM 150 omni-directional electret microphone but later with two Altai UD-130 uni-directional dynamic microphones. Both tape recorders are made primarily for the domestic market i.e. for personal use by amateurs. The two Altai microphones were positioned so that one faced the suspect and one the interviewing officer and they were connected to the recorder, one per recording channel.

No attempt was made to use electronic coding on the tape-recordings as a precaution against possible allegations that the police had tampered with them. Neither were multiple recordings made as suggested in the Hyde Committee Report. The purpose in adopting this simple approach to security was to see whether it might give rise to challenges in court.

Standard C90 and C120 cassettes were used, and the officer making a recording stated the time of day and the date at the beginning of the interview and the time of day at the end. The security of each master cassette was proved by it being handed immediately after the interview to a senior officer for retention until court. Each issue (for transcription, listening to by the defence) and return of a cassette in the interim period was recorded by the senior officer.

Recording was overt throughout the experiment with the machine and microphones being placed on the table. The suspect was told that it was intended that the interview would be recorded. If he objected, then the recorder was switched off by the officer.

## Monitoring

The monitoring of the experiment was done by the Cranfield Institute of Technology, the Secretariat of the Royal Commission and the officers of the Criminal Investigation Department at Dartford police station. A form was completed by officers in respect of each case involving a recording giving the time taken in interviewing and transcribing, typing, editing and playing in court. Officers' subjective impressions were also sought and obtained on this form.

Cases which involved the playing of a recording in a magistrates' court were observed, and the impressions of defence lawyers and court officials were sought at the conclusion of cases involving legally represented defendants.

At the conclusion of cases, recordings were forwarded to Cranfield for assessment of their technical quality and for measurement of the time necessary for direct transcription by an audio-typist.

### The Experiment

During the four month period, April to July 1979, a total of 311 people were arrested. Of these, 43 were refused charge leaving 268, of whom 58 were dealt with entirely by uniformed officers. The remaining 210 suspects were interviewed by C.I.D. officers, 67 in Phase 1, 43 in Phase 2 and 100 in Phase 3. The numbers of these suspects whose interviews were tape-recorded are shown, together with other details about them, in the tables A and B below.

TABLE A

Phase	No. of Suspects Interviewed by C.I.D.	No. of Suspects Tape-Recorded			With Previous Con- victions	No Previous Con- victions
		Juveniles	Adults	Total		
1	67	9	16	25	11	14
2	43	5	13	18	8	10
3	100	1	36	37	24	13
4	11	0	7	7	4	3
Total	221	15	72	87	47	40

TABLE B

Not Proceeded Against	Numbers of Tape-Recorded Suspects			
	Magistrates' Court			Committed to Crown Court for Trial
	Charged	Pleaded Guilty	Pleaded Not Guilty	
1	24	18	2	4
2	16	13	2	1
7	30	16	2	12
0	7	6	1	0
10	77	53	7	17

It is clear from Table A that a considerable number of suspects who should have had their interviews tape recorded did not in fact do so. The discrepancy is small for the first two phases since only about a half of all suspects make a written statement under caution. In Phase 3 only about a third of all suspects had their interviews tape-recorded. Reasons given why some (21) of the interviews were not taped can be listed as follows:—

1. inaccessibility at certain times, e.g. at night, of recording equipment and blank tapes — the presence of the senior station C.I.D. officer was needed for issue of a recorder and tape;
2. the offence had already been admitted on the way to the station, or to a night duty C.I.D. officer or to a uniformed officer;
3. the recording equipment and/or the interview room was already in use; or
4. in one case involving seven suspects, it was decided by senior officers that it would be too complicated with limited recording resources to try to tape all seven and it would be preferable not to tape any of them.

There was no evidence that interviewing officers exercised discretion and chose not to record their interviews with selected suspects, these forming the remaining 42 suspects who should have been taped in Phase 3, but are unaccounted for. It is possible, of course, that this could have happened but it was felt that a likely explanation was the extra load imposed on the available C.I.D. manpower by the need to transcribe tapes. Where tapes of earlier interviews were still occupying a C.I.D. officer he may well have decided not to tape an interview for fear of falling further behind with his case load. (One officer went voluntarily to the station for two days of his own time in order to finish transcribing one tape).

Table B shows that, of the 87 suspects whose interviews or statements were recorded, 10 were not proceeded against. Of the remaining 77 suspects, 60 were dealt with summarily; 53 of these pleaded guilty and seven not guilty. Seventeen cases remain to be disposed of, having been committed for trial.

The primary offences for which the 87 taped suspects were interviewed were as follows:—

Offence	Number
Theft	45
Burglary	17
GBH	7
Taking a motor vehicle	5
Criminal damage	3
Indecent assault	3
Rape	3
Deception	2
Handling	1
Forgery	1
	<u>87</u>

### Experience Gained from the Experiment

In dealing with the general experience gained from the experiment this discussion covers both events in the police station and then the use of tapes in court hearings. The first part covers technical observations relating to recording, playback and transcription of tapes, the effect on police and suspects and the attitudes of solicitors, both prosecution and defence. The use of tapes in court only occurred in three cases. The circumstances of each case are outlined.

### Recording

The arrangement whereby an interviewing officer had to obtain a recorder, microphones and a new cassette tape from a senior officer prior to each interview, and then set up the equipment room, returning all the equipment to the senior officer afterwards, proved cumbersome.

The use of a standard domestic stereo recorder was not without its difficulties. The officer had to ensure that:—

1. the recorder was connected to the mains and switched on;
2. the microphone(s) was(were) correctly connected to the recorder, switched on and positioned appropriately;

3. the batteries in the condenser microphone(s) were not exhausted;
4. the recorder was operational;
5. the speaker was switched off;
6. the automatic level control was switched on — failing this, the officer would constantly have to monitor and adjust the recording level, using a meter on the recorder, if an adequately loud recording of the interview was to be obtained; and
7. the recorder was switched on and recording (by pressing simultaneously the correct two keys out of six) prior to the start of the interview.

The general effect of the set-up procedures described was almost certainly to distract the officer in some degree from concentrating entirely on the interview. In a long interview he would also need to be aware that the tape was coming to an end, to record signing off procedures, stop the machine, turn over the cassette or insert a new tape, start the machine in record mode and record signing on procedures after the break in recording before he could continue with the interview.

Recommendations as a result of this experience were that:—

1. the recording equipment is permanently set up in the interview location;
2. it is a record-only machine operated by one button — an on/off switch; and
3. it should provide an audible and visible warning that the tape is about to come to an end.

These recommendations would also apply in principle to the case where the microphone(s) is(are) installed in the interview room but is(are) connected to a recorder located elsewhere.

A further comment was that, apart from it usually having many more recording and playback facilities than are necessary in the present context, a standard domestic market tape-recorder is unlikely to be robust enough for reliable service in regular police station use.

With regard to the video-recording phase, no special problems were encountered in the interview room, though of course this phase was limited to the taking of statements under caution from seven suspects only. During the experiments, a police officer operated and monitored the video equipment whilst the officer in the case concentrated on taking the statement. It was considered that the camera and video-recorder should be permanently set up, preferably with a clock in the field of view.

## Playback

At the time of the Dartford Experiment there was no audio-typing transcription equipment available which would accept standard cassettes designed for domestic recorders. The procedures adopted in Dartford was for the interviewing officer to play back the tape of the interview using one of the recording machines and to write the whole tape word for word into his pocket book. This, if it was necessary for the case, he then dictated into a dictation machine (using standard dictation mini-cassettes) from which a transcription of the interview was subsequently typed. Use of a tape-recorder using mini-cassettes was not

considered for the experiment since such cassettes only play for 15 minutes a side and preliminary work had shown that at least 50% of interviews last longer than this. Also it was thought that such recorders would not provide adequate sound quality.

Officers frequently found great difficulty in determining what was actually being said on the tape by suspects. Suspects tended to mumble, nod, and answer in scarcely discernible monosyllables or in an unusual accent. Officers' own voices were generally easy to transcribe.

Prior to the acoustic improvement of the interview room (between tapes 41 and 42), the following difficulties in discerning suspects' replies were cited. On some tapes, more than one of the difficulties was noted.

Tapes 1 to 41	Number of Tapes
Two people talking at once	4
Non-verbal responses	6
Too much background noise	15
Suspect softly spoken/mumbling	14
Foreign accent	2

After the acoustic improvement (tapes 42 to 80) the following difficulties were reported:—

Tapes 42 to 80	Number of Tapes
Two people talking at once	3
Background noise	7
Suspect softly spoken/mumbling	10

A total of 52 recordings contained conversations parts of which were difficult if not impossible to transcribe.

Thus the first 41 tapes contained 41 complaints whereas the last 39 tapes contained 20 complaints. Part of this apparent improvement is accounted for perhaps by there being no other suspects with a foreign accent and improved interviewing technique by officers ensuring an identifiable response from a suspect. As might be expected there is no real difference between the proportions of tapes before and after on which two people were talking at once and where the suspect was softly spoken. This leaves reduced complaints about background noise as the likely major improvement, a result which is consistent with the better acoustics of the interview room. This conclusion is reinforced by the fact that all but two of the second set of tapes were of full interviews which lasted on average for nearly twice as long as the taking and readback of a statement.

Officers reported that they found transcription less of a strain when, rather than using the recorder's own speaker, they listened through stereo headphones to tapes made with two microphones. In this case, the suspect's voice was heard predominantly through the left ear and their own voice through the right ear, or vice versa.

It is possible, though it was not examined, that the use of the recorder in automatic record level mode tended to accentuate background noises (papers being shuffled, clock ticking, chairs creaking, extractor fans,

outside traffic noise). There was of course no practical alternative to using the tape recorder in this automatic mode.

### Transcription Time

As stated previously, the procedure adopted at Dartford was for police officers to transcribe the complete tapes of each interview they had conducted. The reasons for this procedure were:—

1. they wanted a complete record of the interview in their notebooks;
2. there was no audio typing equipment available for the type of cassette used; and
3. there would not have been enough audio-typists available for transcribing directly from the tapes.

Officers reported that it took them an extremely long time to write up their notes of an interview compared with standard practice. This was in part due to the difficulties over tape quality described previously but was primarily accounted for by the fact that tape transcription is a time-consuming business. Table C below shows the average time taken by a police officer to produce his handwritten version of a tape.

### Transcription by Officer

TABLE C

Phase	No. of statements and/or interviews	Average statement/ interview (mins)	Average transcription time (mins)	Ratio of average transcription time/average interview time
1	25	7.8	37.7 <sup>1</sup>	4.8
2	16 <sup>2</sup>	17.2	61.4 <sup>1</sup>	3.6
3	34 <sup>3</sup>	28.9	233.0	8.1
4	7	15.7	39.3	2.5

- 1 — excludes transcription of actual readback but includes all other conversation surrounding the readback.  
 2 — Two suspects of the 18 refused to be recorded.  
 3 — Four suspects of 37 refused to be recorded.  
 One interview was mis-recorded producing blank tape.  
 Two suspects had two interviews each.

Table C shows that, on average, it took about eight minutes to write down each minute of tape produced at a full interview. As an important reference point, it was found in the period after the experiment, that averaged over 17 interviews and statements covering nine suspects, it took an officer about half as long as the interview lasted to write up his notes in the conventional way. Thus for an interview typically lasting about 30 minutes, once can assume that it takes an officer about 15 extra minutes to write up his pocket-book as currently practised but to do the same from a tape-recording would require about four additional hours.

Although the Cranfield report has quoted the ratio of *average* transcription time to *average* interview time, this ratio can vary very widely for individual tapes. Set out in Table D following are the minimum and maximum values observed in the data used to compile Table C.

TABLE D

Phase	Officer Transcription Time/Interview Time	
	Minimum Value	Maximum Value
1	1.5	9.3
2	1.1	7.2
3	3.0	17.8
4	0.9	5.4

For statements only, the ratio of average times is about 4 to 1 except in the case of video-recording which appears to be a little quicker to transcribe. However, perhaps not too much should be read into this point since only a small sample (seven statements) was available. The apparent reduction in the mean transcription ratio between Phase 1 and Phase 2 is not statistically significant (5% level).

Table E below shows the average time taken by an audio-typist to type an officer's dictation of his written transcription.

### Transcription by Audio Typist

TABLE E

Phase	No. of statements and/or interviews	Average statement/ interview (mins)	Average transcription time (mins)	Ratio of average transcription time/average interview time
1	8	8.8	42.5 <sup>1</sup>	4.8
2	7	17.1	51.6	3.0
3	19	25.3	121	4.8
4	0	—	—	—

As can be seen not all taped interviews were typed but for those that were the ratio of typing to tape time is quite high, ranging between about 3 and 5 depending on the type of interview.

Thus, production of a typed transcript by this two stage process leads to the results that the readback of a statement which occupied between seven and eight minutes on average, required an averaged total transcription time of about 80 minutes. Similarly a whole statement typically lasting for about 17 minutes generated almost two hours of total transcription time (officer and typist). Lastly an average 29 minutes of interview needed about six hours of total transcription time though the officer did also get his pocket-book written up in very great detail, much of it irrelevant to the case.

To the above times must be added both the time needed to dictate the officer's version for the typist to use and the time necessitated by the checking and correction of the transcription. In the only case for which this information is available, two interviews, together lasting 48 minutes, took 195 minutes to transcribe, 25 minutes to dictate, 210 minutes to type and 30 minutes to check, a total of seven hours 40 minutes.

It is clear from the foregoing that, if say interviews with all crime suspects were to tape-recorded and the subsequent processing were the same as that adopted

at Dartford during the experiment, then each hour of interview would involve a police officer with between seven and eight hours of desk-work additional to his present workload, not counting any extra dictation and checking that might be necessary.

As previously mentioned, C.I.D. officers at Dartford wanted a complete record in their notebooks of each interview that they had tape-recorded. They felt that this was essential under the present rules for the giving of evidence in court since the defence might challenge them on any detail, however trivial in itself, of an interview which might have taken place at least a year before the hearing.

### Experience of Police Officers

According to the Cranfield Study members of the C.I.D. at Dartford were initially most unhappy and apprehensive when they knew that they were to take part in the experiment. Their views at that time were very much in line with those of virtually every other police officer; that is, they were opposed to tape-recording.

However, as Phase 1 started there seemed to be no particular difficulties for the police apart from the technical ones mentioned above. Phase 1 led into Phase 2 and, as officers gained experience, the feeling seemed to grow that the tape-recording of statements was no real problem apart, of course, from the heavy extra load imposed in tape transcription.

There was some trepidation as the start of Phase 3 (recording the whole interview) approached but even here, no particular new difficulties were encountered as was also the case during video-recording of statements (Phase 4).

At the end of the experiment period, the distinct impression emerged at both formal and informal debriefing meetings that the detective constables and sergeants who had carried out the taped interviews were certainly no longer totally opposed to the tape-recording of interviews. Some were more enthusiastic than others about the merits of its adoption (provided the technical and transcription problems could be overcome) but all seemed to agree on its potential evidentiary value. More senior officers were less generally in favour, though conceding that the recording of statements under caution would be useful in court in that it should lead to fewer defence challenges regarding the statement.

### Experience of Suspects

The Cranfield Researchers had no direct contact with suspects and thus could not ask them for their views on being tape-recorded. However, interviewing officers were asked to make a note of any circumstances where they felt a suspect was affected by the presence of the tape-recorder.

In nine cases (two in Phase 1, three in Phase 2 and four in Phase 3) officers reported that suspects appeared nervous in the presence of the recorder. Four of the nine suspects had previous convictions. In seven other cases they reported a difficulty in obtaining verbal responses to questions, though whether this was because of the presence of the recorder is arguable.

One officer thought a suspect would have implicated co-suspects had the recorder not been present and another suspect became more forthcoming after the recorder was switched off as he asked. This suspect was one of seven who refused to be recorded at least in part (two in Phase 2, five in Phase 3), all seven having previous convictions. One of the five suspects in Phase 3 refused to make a written statement saying on the tape-recording that this was because of the presence of the tape-recorder. In addition to the seven refusals, a juvenile told an officer that he would have refused if he had been asked, but was afraid to say anything in case it got him in further trouble. One suspect in Phase 1 reacted in amazement at the read-back of his statement being recorded and after it refused to sign the statement or to write the declaration on it. He later admitted to officers that the statement was in fact true.

### Experience of Defence Solicitors at Police Station

Recordings were listened to in five cases by three different defence solicitors at their request. The average time taken up by each listening session, all at Dartford Police Station, was 47 minutes. Reactions to the tapes were mild, the main comment being of the form "If my client said that, there is not much I can do for him, is there?"

### Copying of Tapes

There were no requests for copies of tapes to be made.

### Prosecuting Solicitors' Reaction

Prosecuting Solicitors did not listen to any tapes but preferred to use the full transcripts which had been made by the police. In two cases requiring editing, the solicitor found the process difficult and time consuming because of the verbatim nature of the interview record. In one of the cases, the solicitor spent 1½ hours studying the transcript of a 46 minute interview in order to delete those parts of it which implicated the co-accused.

### Editing of Tapes

One tape was edited by the prosecution prior to the magistrates' court hearing, the reason again being implication of the co-accused. The prosecuting solicitor spent half an hour studying the transcript and marked the parts of it to be deleted. The remaining sections of the original recording were then re-recorded by an independent technician onto another cassette using a second tape recorder. The time taken to do this was 80 minutes, the original tape length being 33 minutes.

### Experience in Court

In two cases, the defence argued at magistrates' court that tapes should be edited. One of the tapes concerned was recorded in Phase 3 (whole interviews) and one was a video-recording of the taking of a statement under caution. This is a very small number of cases but it may be worthwhile to set out in detail the nature of the defence challenges to admissibility and the possible consequent requirement for editing.



A suspect had been interviewed by a detective constable for unlawful taking of a motor vehicle. He had been arrested at 4.30 a.m. having been found asleep at the side of a road close by a car which had earlier that night been reported stolen from Greenwich. The interview took place between 9.58 a.m. and 10.44 a.m. after the suspect had eaten breakfast. The suspect changed his story four times during the interview and on occasions was extremely abusive to the investigating officer who decided to end the interview. As they were leaving the room for the cells the suspect admitted the offence and agreed to the recorder being switched on again, and then reiterated his confession. On committal for trial, defence counsel made application for the tape recording to be ruled inadmissible, the basis for the submission being that the suspect was mentally sub-normal, liable to suggestion and therefore following a 46 minute interview became the object of oppressive treatment. The recording was then played in court, initially without supplying a transcription; after two or three minutes the Bench requested a transcript as the suspect's replies did not come across clearly. The hearing of the recording, the officer's brief oral evidence, defence and prosecution submission and Bench deliberation took one hour and 35 minutes. The recording was ruled admissible.

In the second case the suspect was arrested for theft having been alleged to have stolen from her employer three sums of money over the course of two and a half weeks. She agreed to make a statement under caution, the taking of which was video-recorded. In the statement under caution she admitted two prior thefts and one attempted theft on the day of her arrest. She was charged accordingly and at her summary trial pleaded not guilty to the substantive thefts and guilty to the attempted theft. The defence challenged the admissibility of the first part of the statement under caution containing the admissions and a description of the method used in the thefts, on the ground that it was prejudicial. The prosecution argued that it was not prejudicial and that the statement would make no sense unless it was taken in its entirety. The statement was ruled admissible.

In the case just referred to, the video recording was played in court though it would seem more through curiosity than for any other reason. However the tape replay was stopped by the Bench after three minutes (out of 21 minutes of total tape) because of the inaudibility of some of the defendant's replies, though the interviewing officer's voice was very clear. It is perhaps interesting to note that the Chairman could not hear the defendant in the witness box and had to keep asking her to speak up. The Chairman also remarked that it was clear from the video-tape that the statement had been taken in a very calm manner; this was no doubt a reference to the defence's earlier oblique suggestion that the suspect might have been treated oppressively in the police station. The case was completed using the written statement. As a final point, had parts of the statement been ruled inadmissible, the video-presentation of the remainder would have had to have been done by selective playback; that is, the court would have to wait while the tape was being advanced to the next admissible section.

### Potential for Defence Challenges

There were instances where defence challenges might have arisen and the following examples may be useful:—

1. The suspect reacted in amazement to the readback of his statement under caution being recorded and at the end of the readback refused to sign his statement. The officer, through inexperience with recording interview technique, immediately switched off the machine without probing why the suspect was refusing to sign. There is police concern at what capital the defence might make over the refusal to sign. After the suspect had been charged he told the officers that he did not like being recorded, and that the statement he had made had been true.
2. This recording starts with a deafening crash, actually caused by chairs being moved up to the table over the hard floor.
3. The need to allow a brief pause on the cassette before commencing to talk was indicated when the time of start of interview was not recorded as the leader tape was still running through.
4. The recorder did not operate, unknown at the time both to the officer and the suspect. It is likely that the recorder's controls had been wrongly set — an easy thing to do.
5. Two tapes each had two gaps in them. For one of them, at the suspect's committal, defence counsel queried the reason and asked if the machine had been switched off at these times (it had not).
6. In one case, a suspect had two separate interviews in the first of which he denied committing the offence. In the second (later) tape he admitted to the offence.

There were no allegations that tapes themselves had been interfered with.

### Alternative Recording and Playback Equipment

At a late stage of the experiment the Cranfield Committee were able to examine some dictation equipment (Memocord) which appeared to have many desirable features. These included robustness, good reliability, simplicity of operation and tape cassettes (unfortunately of non-standard design) capable of recording for up to 70 minutes per side. The compatible audio-typist's playback equipment was of a similar specification.

The C.I.D. officers at Dartford agreed to record some statements under caution using his equipment to test its ease of operation, the sound quality produced and the direct transcription of the tapes by an audio-typist. They reported that:—

1. the recording machine was very much easier to operate;
2. the microphone was neat and unobtrusive;
3. the quality of playback was good with no distortion of any kind;
4. the tape counter integral with the cassette was very useful in indicating specified passages on playback; and
5. there were no problems with use of the equipment.

Five statements under caution were recorded with this equipment and they were transcribed directly from

the tapes by a typist provided by the Secretariat of the Royal Commission. The times taken to do this and the number of indiscernible passages (of at least one word) are shown below.

Tape Length (mins)	Transcription Time (mins)	No. of Indiscernible Passages
17	62	8
9	46	6
5	40	4
14	74	17
13	48	11

The average ratio of transcription time/tape duration is 5.1. This compares with a ratio of 6.6 (excluding dictation time) for the procedure adopted at Dartford to produce a typed transcript of the taking of a statement. The sample of data used to derive these ratios is of course very small and so they should only be taken as a guide not as definitive results.

## Direct Transcription of Phase 3 Tapes

Four tape-recordings of interviews in Phase 3 were copied on to standard dictating machine mini-cassettes and then transcribed directly by the same typist as above using standard dictation playback equipment. The results were as follows:—

Tape Length (mins)	Transcription Time (mins)	No. of Pages of Typescript
15	50	8
45	300	31
30	170	29
1*	3	1

\* Suspect refused to be recorded.

Excluding the fourth interview, the average ratio is 5.2 though, again, this figure should be treated with caution as it is based only on a very small sample, none of the interviews being judged very difficult to transcribe.

## Training of Police Officers

The Institute report found that if tape-recording of interviews is to become routine, it is very desirable that a set of procedures be laid down for the guidance of interviewing officers. This would be necessary both to ensure that the police could be heard (and seen, with video) to conduct interviews in a reasonable and acceptable manner and that they could obtain the maximum evidentiary value from the interview. As commented by Dartford officers, 'Tape-recording makes you think about your interviewing technique and helps you to become more professional'.

## Conclusions

The conclusions reached by the Cranfield Institute were as follows:—

1. The recording equipment used must be permanently set up, easy to operate, robust, reliable and capable of good reproduction in the speech frequency band. Very careful thought must be given to the recording environment particularly with regard to ensuring the audibility of suspects' speech. In some cases this may ideally require a small microphone to be attached to the suspect's person — something which may be considered unacceptable. If good audibility is not secured, playing of the tape in court is likely to be of limited value; transcription of the tape will be very difficult and even more time-consuming than normal. Playback equipment for court use, the responsibility for providing it and the acoustics of the court must all be considered.
2. Some suspects do not want to be recorded — even though one purpose of recording is to safeguard their rights. It may be of some significance that all suspects in this category in the experiment had previous convictions.
3. The police have realised that tape-recording of interviews, particularly if done at their discretion, can have strong evidentiary value in court. The foreign survey indicates that this has been found to be the case in the U.S.A.
4. In none of the cases heard has the tape-recording played a crucial part though on one or two occasions it might have done, had the case taken a different direction.

The last paragraph of the report states:—

"In this experiment we have merely dipped our toes in the water to get a quick indication of the temperature but have not explored far below the surface for any hazards that might be lurking. In our view these would only come to light as police, suspects and courts reacted to regular tape-recording and precedents were set."

In considering the conclusions reached by the Cranfield Institute Study it is useful to look at the conclusions of the Detective Chief Inspector of the Kent County Constabulary at Gravesend "C" Division District Headquarters.

Following the final phase of the experiment he reported as follows:—

"If tape recording, whether audio or video, is to become part of our working life, the equipment needed must be kept to simple specifications. This almost certainly would have to be built to our needs.

In addition, at least three Interview Rooms, each acoustically corrected, would be needed in each Police Station. This would prevent "stacking" prisoners for interview, a possible cause for complaints against police.

It follows from this that each room must be provided with a set of equipment in order that a number of prisoners can be dealt with simultaneously.

If the question of cost is considered, and if it is, this without doubt rules out video, one must reflect upon whether or not audio recording fulfills the need. It is my conclusion that it does not. If during the course of

recording an interview the defendant suddenly shouts or screams, no amount of explanation afterwards would ever convince the Court that he had not been assaulted. I am of the opinion that audio recording would create more problems than exist at the moment without it. There would also be the need to employ additional staff, both C.I.D. and civilian, for if this was generally introduced the amount of additional time needed to write up pocket books and transcribing into statement form would be prohibitive.

The consensus of those officers involved in the experiment, and my own belief, is that if recording is to be established it should be video and it should be confined to the taking and read-back of statements under caution. This after all is the area most challenged at Courts of trial. No additional typing is involved and no lengthy "write up" of pocket books is required. If the defendant refuses to make a statement under caution then there would be no need to record for we would be in the same situation as now. Of course additional staff would still be needed to operate the equipment, for as I have previously stated the interviewing officers should not be responsible for this aspect.

If members of today's so called enlightened organisations are adamant that there should be a record, either audio or video, of what happens to defendants at Police Stations, I feel we should meet the challenge and criticisms. But let us meet it on our own terms and to our advantage. I am confidently certain that video recording of statement taking satisfies this, however costly it may be."

### ENGLISH FIELD TRIALS

The Police and Criminal Evidence Bill, 1981 proposes a number of alterations in the area of police powers and criminal interrogation. While no specific legislation on the tape recording of police interrogation appears in the Bill, the Home Office is given power to regulate police procedures in the area of criminal confession. A special Steering Committee recently drew up procedural guidelines for police at six selected stations in the tape recording of all interrogation for all indictable and some summary matters. The nominated stations will conduct two year field trials in tape recording commencing on the 1st September, 1983.

The six selected areas are:—

1. Central London
2. Outer London (Croyden)
3. Merseyside — Near Liverpool
4. Leicester
5. Sheffield
6. Hampshire

The interviews proposed to be taped will be only those conducted at police stations. There will be no tape recording away from the properly equipped interview rooms.

The Steering Committee which drew up the guidelines comprised 20 people representative of various interested bodies such as Police, Home Office, Lawyers, Judges, Councils and Civil Liberties.

The notes do not have the force of law but are considered to be the best available advice considering all legal and procedural aspects.

The guidelines issued are as follows:—

#### Outline of Scheme

The field trials will proceed on the basis of the recording of entire interviews which take place with suspects in police stations. It has been shown that the costs of tape recording are critically dependent on the amount of transcription which is undertaken. The procedures suggested are designed to ensure transcription should be kept to an absolute minimum. This will be achieved by the officer giving as his evidence in chief an account of the relevant parts of the interview supplemented by the formal production as an exhibit of the tape recording. The defence will be given prior access to the tape so that both they and the prosecution may have the opportunity to come to a measure of agreement on the substance of the interview.

#### Monitoring

A vital aspect of the field trials is to determine the effects which tape recording will give rise to in the criminal justice process. For this reason the monitoring of the field trials is very important. Monitoring will be conducted on the basis of a form which will cover the different stages of the process. The intention is that this form should serve an operational purpose as well as a monitoring purpose and should follow the tape at all stages.

#### Local Consultative Arrangements

It is inevitable that there will arise local problems which can only be resolved sensibly at a local level. For that reason local steering arrangements are being established. The intention is that such committees should have a judicial chairman and consist of those with a direct interest in the working of the field trials at a local level.

#### Technical Matters

The tape recording equipment to be used will be a double-deck machine which enables two tapes to be recorded at once. The tape recorder will incorporate a time coded security device which will enable a check to be made on any allegations of tampering (as well as enabling particular parts of the tape to be identified). The tapes to be used will be cassettes and last for 45 minutes each side (thus by turning the cassette over will last for 90 minutes). They will be unused and sealed.

#### Interviews to be recorded

Record all interviews which take place in the police station with all persons suspected of an offence falling in one of the following categories:—

1. all offences triable on indictment only
2. all offences triable either way (excluding offences of . . . . .)
3. (one of the following purely summary offences:—  
(a) Indecent exposure

- (b) Interference with vehicles (Section 9, Criminal Attempts Act, 1981)
- (c) Found on enclosed premises
- (d) Procuring etc, charitable contributions by fraud
- (e) Offences against Restriction of Offensive Weapons Act, 1959 and 1961
- (f) Offences in relation to unlawful immigration
- (g) Theft Act 1968: taking pedal cycle without authority; advertising rewards for return of stolen goods; taking or killing fish under Sch 1
- (h) Criminal Damage where the value of property damaged is under £200).

Record interviews which do not fall within the terms of paragraph 1 above when in the judgement of the police it would be advantageous to do so, whether the interviewee is a suspect or a witness. Such decisions should be justified by the likely importance of the interview and not be made in such a way as to create additional classes of offence which should be recorded.

Police officers will have discretion not to record interviews which fall within paragraphs 1 and 2 where:—

- (a) the suspect refuses to have the interview recorded, or in the case of juveniles, mentally unstable persons or others at risk, where a third party who is present makes objections. The police should not initially ask the suspect whether he wishes the interview to be recorded but should start with the assumption that the interview is to be recorded. Suggested procedures are set out in more detail in the next section;
- (b) it is not reasonably practicable to do so. The decision not to record on such grounds should be authorised by an officer of the rank of Inspector or above who must be satisfied that eg lack of interview facilities, or mechanical failure preclude recording. Such reasons should be noted on the form in specific terms;
- (c) in the case of multiple defendant cases when other defendants are being held elsewhere and interviews conducted with them cannot be tape recorded that, in the opinion of an officer of the rank of inspector or above, to tape record the interview with the suspect would hamper the police investigation.

The whole of each interview should be recorded including the taking and reading back of statements.

When an interview takes place with a witness if the police officer has grounds to believe that the witness has committed an offence (ie at the point at which the 'witness' is no longer free to leave the Police Station), every effort should be made to continue the interview on tape.

## Interview

1. The police officer, having decided to record the interview, should draw a set of blank and sealed tapes (or further sets if he anticipates the interview will last longer than the tape time), and tamper proof bag(s) in which to seal the tapes. He should ensure that the tape recorder is working for that purpose.

a tape has to be used it should not be one of the sealed tapes.

2. When the suspect is brought into the interview room he should be told that the interview is to be tape recorded. If the suspect objects he should be told that the tape recording will provide a clear and undisputed account of the interview and that it is in the advantage of both the suspect and the police for the interview to be tape recorded. If he persists in his objection the police officer may agree to the interview not being tape recorded but tell the suspect that his instructions require him to have the refusal of the suspect on tape. Similar arrangements should apply in the case of third parties who are present in the case of juveniles, mentally unstable and other persons at risk.
3. The police officer should unseal the two tapes in the presence of the suspect, put them on the tape recorder and switch the tape recorder to record.
4. The police officer should at the beginning of the interview, or in conjunction with the first caution, if that is at the beginning of the interview, say to the suspect words to this effect:—

"You understand that this interview is being tape recorded. I have unsealed in your presence and put on the tape recorder two tapes. One of these tapes will be sealed immediately after the interview and treated as an exhibit for the purpose of any criminal proceedings which may be taken against you. The other copy is a working copy and on request your legal representative will be given access to it."

The suspect should be asked to confirm orally that he understands what he has been told. If he objects to the interview being tape recorded the police officer should tell him, while the tape recorder is still playing, that he is turning the tape off.

5. The interview should proceed in the normal way. Police officers should continue their normal note-taking practices (eg contemporaneous notes, informal notes, or pocket-book notes).
6. The tape recorder will give a warning sound X minutes before the tape comes to an end. The police officer should tell the suspect that the tape is about to end and that he is about to turn it over or change it. If both sides of a tape have been used and the interview is continuing the officer will either already have a second set or will have to collect a second set. When the tape has been turned over or the second or subsequent set of tapes has been inserted in the tape recorder and the tape recorder switched back on the police officer should consider whether the break has been so long that the issue of a formal caution should be made again. In any case he should say to the prisoner words to this effect:—

"I am now continuing this interview having inserted a second (third, fourth, etc.) set of tapes on the tape recorder. You saw me unseal those tapes in your presence and put them in the tape recorder." The prisoner should be asked to confirm orally that this is so.

7. If during the course of a tape recorded interview the suspect should in any case be asked to confirm orally that this is so.



the tape recording to continue the police officer may exercise his discretion to discontinue the tape recording, following the procedure in paragraph 2.

8. If during a change of tapes the prisoner indicates that he is unwilling to continue with the tape recording every effort should be made to record his reluctance on the other side of the tape or on a second set of tapes and the police officer's decision to discontinue recording.
9. If the tape recording is discontinued the police officer should, if he judges it appropriate, offer to turn the tape recorder back on at a later stage in the interview. If the suspect agrees, or the suspect asks of his own accord for the tape recorder to be turned back on, the police officer should say words to this effect:—

"I have now turned the tape recorder back on after we had talked for about X minutes."

and if appropriate:

"During that time you gave me certain information which is not directly connected with the matter about which I am now interviewing you."

or:

"During that time you told me about certain matters which are directly connected with the matter about which I am interviewing you. What you have told me may be given in evidence."

10. At the conclusion of an interview, if appropriate in conjunction with the taking of a statement, the suspect should be reminded that the interview has been tape recorded. He should be offered the opportunity to clarify anything he has said to the police officer during the course of the interview.
11. When the interview has finished and after the taking and reading back of any statement, the tapes should be removed from the tape recorder. A separate form should be completed giving the details of the interview and one tape and the form should be sealed in a tamper proof bag in the presence of the suspect. The suspect should be asked to sign the tamper proof bag stating that the tape has been sealed in his presence. If he refuses an independent senior officer should sign the bag. The spare copy of the tape — the working copy — should be kept with the case papers and marked with the serial number recorded on the form accompanying the master tape.

#### Further Interviews

The procedure described should be used for any further interviews which take place with the suspect.

#### Statements made on or after charging

If when a suspect is charged, or after he has been charged, he wishes to make a statement which is anything more than a simple reply to the charge, he should be provided with an opportunity to have the making of that statement tape recorded in accordance with the procedures outlined. Similarly if a police officer wishes to put further questions to a suspect after charge about the offence in question or an other

matters the interview should be tape recorded in accordance with the same procedures.

#### Post Interview

When the police officer comes to write up his notes of the interview he may refresh his memory by listening to the tape. In general he should not need to listen to the whole interview but will be able to run the tape to the vital parts of it (eg. a confession). (It should be possible for the police officer to note such points of the interview on the tape by reference to the time coding device.) He may want to take down short selected passages verbatim. It should *not* however be the practice to take down an informal transcript of the tape. In effect the police officer will be using the tape simply as a check on the accuracy of his account of the interview. In writing a statement the police officer should refer at the beginning to the fact that the interview has been tape recorded and that he is producing the tape as an exhibit. The officer's statement should confine itself to setting out, not necessarily in verbatim form, an account of those parts of the interview which are directly relevant in evidential terms to the matters which will be before the court and reflect what he is likely to give as evidence in chief.

In major cases the police may wish to produce their own transcript of the tape. This should generally be done only where the interview contains material which is needed for purposes other than the criminal proceedings which may be in hand, eg. to follow up wider criminal information. Transcripts should only be made in such circumstances on the authority of a senior officer. Transcripts should not be produced by the police purely for the purpose of the criminal proceedings in hand without consulting first the prosecuting solicitor.

#### Prosecution Stage

Since practices will vary between forces as to the way in which prosecutions are undertaken it will be necessary for individual forces to draw up their own internal procedures. What follows is an outline of procedures which might be adopted, or adapted, as a framework. The term "prosecutor" is intended to cover a police prosecution's department, a prosecuting solicitor's department, a private solicitor who has conduct of a case, or a police officer who had conduct of prosecution.

1. The police officer who conducted the interview, or the officer in charge of the case should consider, before he passes the working copy of the tape and case papers to the prosecutor, whether he has any further need for the tape. If so, he should arrange for a copy of it to be taken or ensure that he will have access to it when it is with the prosecutor.
2. In passing the case papers and tape to the prosecutor the police officer should indicate on the form his view of the importance of the interview to the prosecution case. He should also indicate on that form the relevant passages of the tape and whether there are any special features of the interview which deserve the prosecutor's attention (eg. allegations made during the interview of unfairness, or other matters).

convenient to indicate the point at which such passages occur on the tape.

3. When the prosecutor receives the case papers and the tape it should not generally be necessary for him to listen to the whole of the tape. But where it has been indicated that the interview amounts to an important part of the prosecution case the prosecutor may want to listen to selected passages of the interview and to exercise his judgement as to whether the police officer's statement contains a fair representation of what occurred and reflects what he is likely to give as evidence in chief. Likewise he may wish to listen to parts of the tape which the police officer has specifically drawn to his attention. If there is a defence request for access to the tape (see next section) it would generally be prudent for the prosecutor to listen to the tape.
4. It should not normally be necessary at this stage to consider the preparation of a transcript of the tape either in whole or in part.

## Defence Solicitor

1. The legal representative of a suspect will have, of right, access to a tape recording of an interview. He will not have to provide any justification for seeking access to the tape other than that he is the legal representative of the person with whom the interview took place. It should not however be assumed that defence solicitors will feel the need to take advantage of this facility in all cases, or that when they do so they will feel the need to listen to the whole tape in its entirety.
2. An unrepresented person will not have access to the tape as of right but may be given access to it on the discretion of an independent senior officer. Where access is denied the unrepresented person should be advised to seek legal representation.
3. It is important that defence solicitors should be informed at an early stage of the existence of a tape recording of an interview. A number of ways of achieving this are open to forces and individual forces should adopt the method which is best suited to their internal procedures. The ways are as follows:—

- (a) on receipt of case papers which have involved the tape recording of an interview the prosecutor should write to the defence solicitor, where it is known who the defence solicitor will be, explaining to him that a tape recording exists and the facilities open to him to have access to it;
- (b) in response to requests from defence solicitors asking for details of previous convictions and any statement made by the accused to inform the defence solicitor of the existence of a tape recording and the facilities open to him to have access to it;
- (c) in cases which are to be heard on indictment to inform the defence at committal stage when advance disclosure of the prosecution case is given;
- (d) chief officers may wish to consider routine service of the police officer's statement of the

interview, which will refer to the existence of the tape recording.

4. Whatever procedure is adopted it should be ensured that in any case where an accused person is known to be legally represented the defence should be informed of the existence of a tape recording.

## Means of access

1. Access to the tape for defence solicitors can be achieved in two ways:—
  - (a) offering the defence solicitor the facility to listen to the tape at the police station or at the prosecutor's office.
  - (b) preparing a copy of the tape and sending it to the solicitor.
2. The particular way to be adopted in a particular case should be a matter for discussion with the defence solicitor. But it should be noted that method (a) would offer the opportunity for defence and prosecution to listen to the tape together. They could then attempt to reach agreement on the substance of the interview and as to whether any part of the interview not included in the police officer's statement should be added or whether the statement needed to be corrected. Any correction or supplement could then be embodied in a formal admission or notice of additional evidence. Method (b) may be more convenient for solicitors who do not live in the locality. There should be no objection to both methods being used.
3. The right of access of the defence solicitor should be subject to the proviso that it is exercised in a reasonable way and in the case of (b) above at a reasonable and convenient time.
4. To reach any effective agreement it will be necessary for the defence solicitor to be shown a copy of the police officer's statement of the interview. Although formal arrangements do not at present exist for the advance disclosure of the prosecution case in cases heard before magistrates' courts the disclosure of the police officer's statement is a necessary adjunct to the access of defence solicitors to the tape recording of the interview.

## Transcription

1. If the evidence to be given by the police officer of an interview is not known to be in dispute, or any dispute between defence and prosecution has been settled in advance of the trial, there should be no need for the provision of a transcript. If, however, the substance of the interview is in dispute the parties will wish to consider whether the preparation of a transcript will usefully serve to resolve such dispute.
2. The financial arrangements for the provision of a transcript in a case which is to be heard on indictment are as follows. The reasonable cost of a transcript prepared by the police or prosecuting solicitor for the purpose of the prosecution would normally fall on central funds, assuming that the

costs out of central funds. A transcript prepared at the request of the defence will be paid for by them, but the reasonable costs may be recoverable at the end of the case from central funds, if an order is made in the defendant's favour, or from legal aid, if the defendant is legally aided.

3. To avoid doubt whether the costs of the preparation of a transcript would be recoverable the parties may wish to apply to the court. (Arrangements have been made with the courts to consider such applications and judges will be prepared to make an appropriate order, which would have the effect of ensuring that a transcription which had been ordered would be regarded as reasonable for the purpose of costs from central funds.) The applicant will have to specify what parts of the tape he wants transcribed. The defence will be able to make its application *ex parte* so that there is no danger that the nature of the defence is revealed to the prosecution.
4. If a party wishes to order a transcript over and above that which had been ordered by the judge the party concerned would be in danger of having the expense disallowed on taxation.

#### Means of transcription

Transcripts ordered by judges may be transcribed by the mechanical recording unit of the Lord Chancellor's Department. Both parties would receive a copy of it. If the services of the mechanical recording unit are not called upon the party which made the application for the transcript should be responsible for producing it and giving a copy to the other party. The responsibility for preparing transcripts over and above those ordered by a judge will of course rest with the party wishing to make the transcript. In such circumstances the party making the transcript may wish to inform the other party of the fact.

#### Accuracy of transcript

Transcripts (even those produced by the most experienced transcribers) may well contain inaccuracies. It would, therefore, seem prudent for the parties to check the accuracy of a transcript although this need not necessarily involve checking it in every detail against the tape. Changes which are made to the transcript by one party should be notified to the other party. Where there remains doubt about the accuracy of a transcript and this cannot be resolved before the case comes to trial it will be for the party which maintains the transcript is accurate to prove the accuracy of the transcript in court.

#### Editing

Since the transcript may contain material which is inadmissible the party on whose instigation the transcript was made should edit such passages out and seek the agreement of the other party to the edited version.

#### Court

1. The police officer in giving evidence of an interview with the accused will refer to the fact that the

tape as an exhibit. He should also inform the court of any transcription which has been made.

2. It should only be necessary for a tape recording to be played in court when the judge directs that this should happen, either to resolve doubt in the absence of the transcript or to prove a transcript. Prior arrangements will generally have to be made for the playing of a tape in court. It should be possible, with little prior notice, for a judge to listen to a tape in chambers in the presence of counsel for both parties. If, however, a tape is to be played in full court it will be necessary to ensure that any inadmissible parts of it are edited, either by the production of an edited tape made from the working copy or by noting those sections of the tape which are inadmissible and ensuring that they are not played when the tape is heard in court.

#### Major Issues to be Monitored

The Home Office Research and Planning Unit is to monitor the Tape Recording Field Trials. It has assembled a set of research proposals to cover the major issues of interest which have been identified as follows:—

1. Costs of implementing a tape recording scheme along the proposed lines.
2. An assessment of the impact on the courts of the existence of tape recorded interviews and in particular the impact on plea rates, challenges in court and average length of trials.
3. The overall effect on police procedures and practices.
4. The ability of police officers to obtain information about other offences when conducting taped interviews.
5. A comparative study of taped interviews in other countries to assess procedures and cost savings.

The Research and Planning Unit is to contact the Australian Federal Police to obtain information on the proposed Tape Recording experiments to be conducted by that force and will be requesting relevant information for its comparative study.

### HOME OFFICE TAPE LABORATORY

Since July 1979, the Scientific Research and Development Branch of the Home Office has offered a service in the handling and processing of audio tape recordings as part of its research programme. This has been used principally by police forces, Her Majesty's Customs and Excise and by the courts.

The Home Office Tape Laboratory is situated in the village of Sandridge, St. Albans in Hertfordshire. I spent several days at Sandridge examining the facility and discussing various aspects of the work performed with the Police and Scientific Officers involved. The following information in relation to the Laboratory was supplied by the Chief Scientific Officer.

#### Services Performed

1. Direct and enhanced copying of audio tape recordings.

3. Examining tapes in support of any police investigation.
4. Providing the means for making written transcripts.
5. Providing and installing replay facilities in the courts.
6. Giving expert evidence and advice.

The service was based initially upon the experience of the Metropolitan Police Laboratory and upon the research of the S.R.D.B. Acoustics Group at Sandridge. Much progress has since been made, and expertise acquired, over a period which has seen a marked increase in the use of tape recordings as evidence.

A growing proportion of tape work is now being processed by the Regional Technical Support Units, but certain enhancement techniques, authentication and similar investigative work, remain the realm of the specialised laboratory.

## Direct and enhanced copy recordings

A direct copy of an audio tape recording is a straightforward copy which for all practical purposes is the same as the original. It also faithfully reproduces any undesirable features such as traffic noise, background music, echo, passages of low record level, tape hiss and mains hum. Such copies are easily made and make few demands upon skill or equipment.

Enhanced copies are individually processed recordings in which the effects of undesirable features have been removed, or reduced, whilst losing none of the information or sense contained in the original.

Tape enhancement, or 'cleaning', is performed with a view to improving intelligibility or ease of listening. Very occasionally the results are quite spectacular, though more often than not, a marginal but important improvement is achieved. Such processing may require experience, an extensive range of equipment and perhaps many hours work.

## The need for copies

Almost any recording acquired during the course of a police investigation is potential evidence for a court of law, no matter how unlikely it may seem at the time, and it should be treated accordingly. Recordings should be copied, documented, sealed in a bag and locked away at the earliest opportunity, maintaining the continuity of evidence.

Tapes, particularly cassette tapes, are liable to suffer malfunction and permanent damage when played many times on a machine of indifferent quality. Original recordings should not normally be played in court, but there are many other reasons for producing copies.

## Copies are required:—

1. To provide a working copy which can be referred to by other officers involved in the case and from which a written transcript can be made.
2. To provide a copy for playing in court. This should be an open reel recording.
3. To provide an enhanced tape giving improved intelligibility or ease of listening.
4. To help refute allegations of unauthorised interference. A copy made at the earliest

5. To provide a copy which may be heard or used by the defence.
6. To provide a copy for another expert, eg. a phonetician.
7. To edit out, with the courts knowledge and retrospective approval, any inadmissible evidence of, for example, antecedence.
8. To provide a copy of more convenient format. The original recording may well be single or multi channel on open reel, compact cassette, mini cassette, micro cassette, Ind-X-Matic cassette, Elcaset or one of a number of specialised forms appropriate to a dictating machine.
9. To provide copies for wide circulation.

## Tape enhancement

There is no adequate substitute for a good quality original recording, but unfortunately a number of factors may conspire to defeat this goal. Some result from operational constraints, others from lack of experience. Typical cases received by the laboratory have included:—

1. Distant speaker on a telephone almost inaudible.
2. A 'blurring' of the recorded dialogue due to faulty alignment of the record head azimuth.
3. A gradual uneven change in speed of the original recorder, due to battery failure.
4. Fluctuations in speed due to cassette malfunction.
5. A strong interfering tone caused by feedback.
6. Loud mains hum resulting from the use of a telephone pick-up.
7. Unintelligible recording due to echo or reverberation in a sparsely furnished room.
8. Background music masking the required dialogue.
9. Loud background conversation or traffic noise masking the required dialogue.
10. Rustle of clothing when using a body worn recorder.
11. Noise resulting from a tape recorder and microphone being hidden beneath a kitchen sink in which washing up was in progress.

Cases 1 to 5 can be dealt with using analogue techniques or by the adjustment of laboratory replay equipment. Cases 6 to 8 usually require digital techniques whilst 9 to 11 remain a severe problem, but may be slightly mitigated.

About 40% of the operational tapes received are in need of some enhancement, ie. their value as evidence may otherwise be severely affected. About 20% can be significantly improved and in about 5% of such cases the improvement is quite spectacular. Where a recording is of marginal intelligibility, even a modest improvement can be of great value. In addition, officers have quite often expressed surprise at the improvement obtained by merely playing their tapes on superior, well maintained equipment.

Digital computer techniques have increased the range of recordings which can usefully be enhanced, and these may be applied on a regular basis with the recent



**Written transcripts**

Written transcripts of tape recordings are almost invariably required in court to accompany tape recorded evidence. The work involved can be considerable, particularly in the case of poor recordings involving perhaps fast, indistinct speech with several participants interrupting one another. Unfortunately the Laboratory has insufficient staff to enable it to produce or supervise transcripts. As a matter of Laboratory policy, the 'officer in the case' is responsible for approving the written transcript.

**Replay facilities in court**

The acoustics of most court rooms are far from ideal and despite the provision of written transcripts, tapes which are largely unintelligible when played through a loudspeaker system, lack credibility. The best sound quality is invariably obtained by the use of headphones which are now used whenever possible. A 'hard-wired' system might well take two days to connect up, but to simplify installation and avoid the inconvenience of wires draped around the courtroom, infra red headphones are used. These are of high quality, have no connecting cables and the system only takes 30 to 45 minutes to install. Small transmitters working in the infra red, broadcast the signal to all parts of the court where it is picked up both by the headphones and by a receiver connected to a loudspeaker in the public gallery.

For court replay, a good quality open reel recorder should be used for ease of operation and for the robust nature of the tape. It is advisable to have replay equipment for the original recording somewhere to hand although its use should not be encouraged.

Poor presentation tends to encourage speculation on the competence of the technical and scientific staff. By the use of the right equipment and a little preparation this can be avoided. A demanding replay requirement was recently met when a transcript was presented at the last minute in court. The instruction was that, 'passages marked in red should not be played'. These constituted about 40% of the transcript, with odd words, sentences, and occasional whole pages scored out.

The Technical Support Units are well equipped to provide replay facilities, drawing either upon their own resources or upon those at Sandridge. The Tape Laboratory no longer undertakes to do the installation.

**Tape authentication**

It is important to remember that the best guarantee of a recording's authenticity is correct handling and a well documented provenance. As yet, there are no certain tests as to a recording's freedom from unauthorised interference, but detailed examination may give considerable confidence that no tampering has occurred. Since unauthorised interference requires 'the opportunity', it is a sensible precaution to make the necessary copies as soon as possible.

Tape authentication involves a long examination with a view to corroborating statements about the manner in which a recording was made. Thus a recording is no less authentic for having been recorded intermittently or

otherwise mutilated, provided that all this is declared. The credibility of the tape may be somewhat tarnished however.

Authentication requires the production of the original recording and of the equipment and accessories with which it was made, plus a written transcript. Information is required as to the manner and circumstances in which the recording was carried out and any claims being made in relation to it must be established. The characteristics and peculiarities of the recording are then confirmed as being consistent with the purported facts.

A typical authentication procedure:—

1. A close visual examination is made of the entire length of the tape. Physical damage and significant wear characteristics are noted and may be photographed.
2. Attentive listening to the recording is repeated, perhaps many times, for however many hours that this takes and whenever appropriate to a particular observation.
3. An amplitude/time plot of the recording may be made with the aid of a UV chart recorder. This equipment has a bandwidth of 18 KHz, a maximum chart speed of 2 metres/sec. and provides charts up to 30 metres long.
4. Record levels are noted over the length of the tape.
5. Record level response and recovery times are noted.
6. Noise levels and in particular, erase noise levels, are noted.
7. An examination is made of the various switching transients and where possible, the chronological sequence of recording is determined.
8. Features such as speed variation and the presence of dominant frequencies are noted.
9. The magnetic tracks are rendered visible by means of fluids containing magnetic suspensions. The track arrangement can then be checked and the azimuth, head height, track width, guard band and head wear noted.
10. A range of observations may be made which are applicable to a particular submitted recording. For example, the pitch of a 'Last Orders' bell, the sound of a door catch or the noise of a taxi-rank telephone may all be appropriate to a particular location or time of day.
11. An examination is made of the submitted recording equipment.
12. A number of control recordings are made using the submitted recording equipment. This is operated under various conditions of use and abuse.
13. Most of the foregoing tests are applied to the control recordings with a view to testing any claims.
14. Other tests may be carried out such as the effects of battery failure or of rapid movement on the recording equipment.
15. A formal report is prepared, including a schematic diagram of the recording which gives a visual representation of its principal features in relation to time.

Authentication normally takes about 20 days/tape, but other operational commitments usually extend this

## Other investigations

Other investigations can prove equally time consuming. On a number of occasions, the Laboratory has been asked to provide information on tapes associated with murders. In one case 12 badly corroded cassettes were recovered from a mud filled culvert. The tapes were washed and cleaned, inch by inch, re-mounted in new shells and the recordings completely recovered.

In another case, more than 10,000 fragments of tape, few more than five inches long, were found near the scene of a murder. Each cassette had been carefully opened and the 'pancake' cut radially with a sharp instrument. Within three days the Laboratory had determined the nature of the recorded material, revealed an attempt to mislead the police and sent off a detailed report.

A recorded telephone message, in a known voice, was shown to be a probable hoax, since it had been prepared by considerably editing another recording known to the Laboratory.

Perhaps the simplest case concerned a large batch of tapes purchased by a local authority, on which they had been unable to record. The 'special offer' turned out to be one in which all the cassettes had been wound with the oxide on the wrong side of the tape.

## Court attendance

Laboratory staff appear as Expert Witnesses, advising and giving evidence on the basis of their technical knowledge. By the very nature of court cases, this could take up a considerable amount of time with staff being called for comparatively frivolous reasons to any part of the country. This has been largely overcome in a number of ways:—

1. By adopting disciplined documentary procedures with regard to statements and continuity and by ostentatiously protecting the integrity of the evidence, the Laboratory is not seen to be a weak link, to be probed in court.
2. A good report is written in respect of any authentication or similar investigation. This is generally accepted by both the Prosecution and Defence and any subsequent court attendance is usually brief.
3. Where copying and enhancement can be completed in one day, the Laboratory provides the facilities and expertise, whilst the officer in the case pushes the button and retains custody of the tape. These 'do it yourself' jobs are popular with the Laboratory's clients and reduce the legal involvement of the staff.
4. Replay facilities are now supplied by the Technical Support Units.

Over the past three years, only 83.5 working days have been taken up in court attendance.

## Voice identification

Voice identification is frequently required in relation to, for example, a recording of a hoax bomb warning via a telephone. Speech spectrographs, misnamed 'voiceprints', are not a reliable means of comparison. Courts frequently give weight to persons who know a suspect's voice or to the opinion of a phonetician who

may make comparisons with a control recording. Such methods have severe limitations, but the Laboratory is in contact with reputable phoneticians willing to carry out such work.

## Where next

The need for a laboratory service has been well established, both by the Home Office Tape Laboratory and the Metropolitan Police Laboratory. The number of investigations handled per year, at Sandridge, has increased by more than 50% over a three year period. This represents only part of the general increase, since the Technical Support Units are now sharing a large proportion of the burden. In the face of a growing backlog of tapes for authentication, a determination not to reduce standards and a research commitment, it is now becoming necessary to accept tapes on a selective basis.

## Field Trials — Technical

The Home Office Tape Laboratory team has been involved in preparing the technical aspects of the English Tape Recording field trials.

As a result of the findings of the Dartford Experiment and following Scottish advice it has been decided to prepare the equipment as follows:—

1. Taping will be semi-covert with the recorder either in a corner of the room or in an adjoining room. The only obvious sign of recording will be an On/Off switch near the desk.
2. The microphone will be a well mounted type as inconspicuous as possible. (Milab Pressure Zone Hemispherical microphone is favoured.)
3. Tapes will be in Mono not Stereo and a Standard Compact Cassette is to be used because of its ease of operation.
4. The tapes will be of 45 minutes duration with no playback facility so that errors are minimised. There will be no erase head on the machine and no rewind or fast play.
5. A special signal will be emitted when the tape starts and another signal prior to the end.
6. The recorder will be triple headed so that in the event of failure a signal is emitted advising of any malfunction.

The actual recorder to be used had not been selected at the time of my visit to Sandridge but it is expected that each recorder will cost approximately \$500 inclusive of the microphone. In addition, there will be added costs for cassettes, storage and fitting out of interview rooms.

## Interview Rooms

The following specifications have been laid down to ensure the acoustic enhancement of interview rooms.

1. All interview rooms used for tape recording of interviews will have acoustic ceiling tiles.
2. Interview rooms and passageways immediately outside will be fully carpeted.
3. All windows to interview rooms will be double glazed.
4. Rooms used will be oblong if possible. Square rooms will not be used.

5. All doors will be specially sealed.
6. Signs or lights will give external warning that the room is being occupied or that an interview is in progress.

### **METROPOLITAN POLICE — TECHNICAL SUPPORT UNIT**

The Metropolitan Police Technical Support Unit situated in Grove Park, London services the Metropolitan, Surrey and City of London Forces. The Unit provides equipment and expertise for Regional Crime Squads and Criminal Intelligence Units. It is also able to assist other support units in any county force in Great Britain.

The Unit is staffed jointly by police officers and technical experts such as engineers, scientists and technical officers.

The Audio Tape Laboratory is similarly equipped to the Sandridge Unit with some extremely sophisticated equipment for tape examination, editing and enhancement. The laboratory supply all types of tape recorders and accessories mainly for covert taping in field situations.

As many admissions and confessions can be obtained via covert taping in field situations I propose to briefly look at some aspects of audio and video recording outside the controlled interview room procedure.

#### **Practise and Equipment**

Before any police officer uses electronic equipment for taping conversations he must obtain special authority from his Officer in Charge and then from the Technical Support Unit.

The equipment generally used for covert taping is the NAGRA Body Type Recorder which is strapped to the body and hidden by the operator's clothing.

Recordings made are handed to the T.S.U. with the usual evidentiary requirements for evidence being carried out (i.e. chain of custody).

The Tape Laboratory engineers make two copies from the submitted recording. One copy is for court purposes (if required) and one for transcription. The original tape is labelled and preserved.

#### **Transcription and Evidence Procedures**

Transcribing of the tapes submitted is carried out by a typist who is equipped with a transcriber and headphones. After completion the transcription is forwarded to the Officer in Charge of the case who must check the tape for accuracy prior to attachment to the file and preparation of his statement of evidence.

It is necessary for the officer to certify that the transcription is of the original tape. The original tape is stored away for security purposes.

The typists who complete the transcription have a policy of not including any words that they cannot understand. They leave blanks in the transcription. The typists are not usually called to attend court to give evidence of their transcribing.

The Engineers who record from the original tape provide a statement to that effect and may be called to

give evidence in court. They are classified as expert witnesses.

#### **Video Taping**

The Unit has extensive video equipment which would be suitable for the recording of police interviews. I examined the equipment and had discussions with police and technical officers attached to the Unit.

It was considered that to properly video tape an interview in a room at a police station the following equipment and conditions would be desirable and in fact necessary:—

1. Two cameras in the room.
2. Two Video Recorders — one for actual operation and the other as a spare in case of a malfunction. Both should incorporate a recording device indicating date and time on the tape.
3. At least one microphone.
4. Adequate soundproofing including acoustic tiled ceiling, carpeted floors, glazed windows and security doors.
5. Good standard room lighting.

In addition to the equipment at the station it would be necessary to also have T.V. monitors and playing facilities in courts.

Back-up services for repairs, tape editing and enhancement would also be required.

Technical experts are of the view that normal domestic video equipment would not be suitable for police interviews. The recorders considered most suitable cost about \$4,000 each without accessories.

### **STRATHCLYDE POLICE**

On the 22nd January, 1970 the Secretary of State for Scotland, and the Lord Advocate, appointed a Committee under the Chairmanship of Lord Thomson, with terms of reference to examine trial and pre-trial procedures in Scotland (including appeal procedure) for the prosecution of persons accused of crimes and offences. The Committee was to report whether, having regard to the prevention of crime on the one hand, and to the need for fairness to the accused person on the other, any changes in law or practice were required.

In the second report of the Thomson Committee published in 1975, it was recommended that interrogation of suspects in police stations must be recorded on tape, "... to provide a safeguard for persons being interrogated in the privacy of a police station and also to protect the police against unjustified allegations."

#### **The Experiment in Scotland**

In November 1978, a Working Party was established to explore the feasibility of tape-recording police interrogations on a limited basis. The experiment was to be monitored by the Social Research Branch of the Scottish Home and Health Department, who were represented on the Working Party, along with representatives of the Crown Office, the Fiscal Service and the Police.

## Pre-Monitoring

The recording experiments commenced at Dundee and Falkirk on 1st May, 1980 and three months prior to that date the Detective Officers involved completed a training programme and a "pre-monitoring" stage whereby monitoring cards were completed in respect of every interview with a suspect. This was to enable the Social Research Branch of the Scottish Home and Health Department to gather data as a starting base by which some comparisons might be made with the 'recording' stage once it commenced. After the first year of these experiments, it was found that very few cases involving tape-recording had been processed through the Courts to the trial of an accused. It was suggested, therefore, by Scottish Home and Health Department officials in the Working Party that the experiment be extended to Strathclyde Police and the Chief Constable agreed that that Force should take part.

When the experiment commenced there were two interview rooms at 'C' Divisional Headquarters, two at Saracen Sub-Division, and two at Milngavie Sub-Division. These rooms were specially prepared with sound-proofing, double glazing and carpeting. Dual cassette tape-recorders with fitted microphones incorporating an electronic timing device were also installed by communication personnel from Scottish Home and Health Department.

## Guidelines

The Working Party prepared guidelines for the tape-recording experiment and the Association of Chief Police Officers for Scotland following upon acceptance of the Thomson Report on Criminal Procedure in Scotland, and consultation with the Crown Office officials, prepared general guidelines to assist police officers in their questioning of suspects.

The detailed procedures to be followed in relation to tape-recorded interviews were given as follows:—

## Persons and Cases Involved in the Experiment

Tape recordings should be made of all interviews with suspects/accused as defined below, aged 16 years or over, which are conducted at the police station in connection with crimes made known which are:—

1. under investigation by CID; and
2. likely in the opinion of police officers, to be prosecuted in the Sheriff or High Court.

Police officers involved in the experiment should endeavour to conduct interviews as far as possible as if no recording were being made.

## Definition of Suspect/Accused and Need to Tape Record

The definition of a suspect is crucial to the decision whether or not an interview should be tape recorded. Judicial authority tends to divide police enquiries into three stages as follows:—

1. before the police have reasonable cause to suspect any particular person or persons of having committed the offence. It is not required that interviews at this preliminary stage of investigation

be tape recorded. Recording of these is at the discretion of the investigating officers;

2. once the police have reasonable cause to suspect a particular person or persons may have committed the offence but before they are in a position to charge that person. Interviews of that person or persons at the police station during this stage of investigation, which will include interviews with persons detained under Section 2 of the Criminal Justice (Scotland) Act 1980, should be tape recorded;
3. the stage at which a person has been or ought to have been charged. Where the caution and charge are administered at the police station, the caution, charge and response, if any, should always be tape recorded as should any subsequent voluntary statement.

The boundaries between these stages will often not be clear cut. It may be, for example, that suspicion will focus on a particular individual during the course of an interview. In such a case the tape recorder should be switched on as soon as the interviewing officer considers that he has reasonable cause to suspect the interviewee of having committed the offence.

There is no necessity in this event for earlier questions to be repeated in order that they may be tape recorded. The tape recorder should simply be switched on, the caution as described in the guidelines below should be administered and the interview should be resumed from the point at which it was interrupted.

In some circumstances the interviewing officer may consider it detrimental to the interests of justice for the interview to be interrupted and in such cases the officer may at his discretion continue without tape recording.

In particular cases (for example where the suspect indicates unwillingness to answer while the tape recorder is operating) the interviewing officer may, with the agreement of the officer leading the enquiry, refrain from tape recording an interview. This discretion should be exercised with care and should not be used to exclude particular categories of offence or offender from the experiment.

In cases where a police officer would normally and properly question a suspect away from the police station or out of reach of a tape recorder — eg. because of the distance involved or the urgency of the situation — there is no obligation on the police officer to change his usual practice simply to bring the interviewee within reach of a tape recorder. The officer may however be required to defend his decision not to tape record.

Where a tape recorder is used, the whole of the interview should be tape recorded including the taking and reading back of statements.

In cases where two or more suspects require to be interviewed in connection with the same crime the practice often adopted is for the officer leading the enquiry to co-ordinate the interviews by visiting the various interview rooms from time to time, or by arranging for interview officers to report to him as necessary. Where appropriate this practice may be continued where interviews are recorded.



**Suspects Attending Police Stations Voluntarily**

Suspects attending a police station voluntarily fall broadly into three groups:—

1. those suspects whom a constable could quite properly have detained under Section 2(1) of the 1980 Act — i.e. those persons whom the constable has reasonable grounds to suspect of having committed an offence punishable by imprisonment — but who for one reason or another are not formally detained but go voluntarily to the police station;
2. those suspects to whom the provisions of Section 2 would not apply, e.g. because the offence is not punishable by imprisonment;
3. those to whom a degree of suspicion rests which is not sufficient to justify detention under Section 2(1), for example, one of a number of persons present at the scene of a crime, who may be asked to attend the police station for questioning.

*Interviews with suspects in category 1 above should be tape recorded* since failure to do so would leave the police open to the criticism that they had deliberately avoided the use of Section 2 powers in order to avoid tape recording. Interviews with suspects in categories 2 and 3 may be tape recorded at the discretion of the interviewing officer.

**Admissibility**

The first stage of the experiment in Scotland has focussed attention on the admissibility of tape recordings of interviews as evidence in Court. The over-riding principle which the courts will apply in considering whether or not a tape recording, or transcript, of an interview should be allowed in evidence is that of fairness. Provided that an interview is conducted fairly any otherwise inadmissible or prejudicial material, such as references to previous convictions, can be edited out of the transcript by the Procurator Fiscal, who will defend such editing before the Court if necessary.

Because of their unreliability any answers or statements obtained as a result of any improper or illegitimate means can never be admitted as evidence, whatever stage an investigation has reached and no matter how obviously true the answers or statements may be.

**Caution**

Experience of the experiment to date has pointed to the need to make clear the distinction between the various forms of caution which are administered by investigating officers. When a suspect is cautioned (but not charged) whether in the normal course of questioning, or under Section 2(7) of the 1980 Act, or as a preliminary to tape recording, he is being warned that he is going to be asked questions but that he is not under any obligation to answer them. The fact that such a caution has been administered does not mean that further questions are disallowed; indeed a caution should be administered prior to questioning in all tape recorded interviews. The interviewing officer should use the following words:—

"You are going to be asked questions about (brief description of the crime). You are not bound to answer but, if you do, your answers will be tape recorded and may be noted and may be used in evidence."

Such cautions should not inhibit questioning in any way beyond the general requirement that it must pass the test of fairness. Cards with this caution will be available in tape recording rooms.

The type of caution mentioned above must be distinguished from the caution which is administered when a person is about to be charged with a crime or offence. The answers to any further questioning after formal caution and charge are unlikely to be admissible in evidence except in relation to the clarification of ambiguities etc.

**Procedure to be followed by the police at interview**

In 'C' Division two linked stereo cassette recorders will be used for the recording of interrogations, with one channel in each recorder connected to a time injection unit. Before the start of the interrogation the interviewing officer should ensure that there are six spare tapes in the room available for use if the length of the interview makes it necessary or in case technical difficulties arise during the period of questioning. At this stage the officer should if possible also complete those parts of the police record card referring to the time when the questioning commenced and personal details of the suspect. Cassettes used for the recording of questioning should always be new and unused. The cassettes will be sealed in transparent plastic. The plastic seal, which demonstrates if the tape is new and unused, should be broken just before the start of the interview.

Recording should commence at the start of the interview in those cases where the person starts off as a suspect.

Where the person becomes a suspect only during the course of an interview the recorder should be switched on at the point at which the interviewing officer has reasonable grounds to suspect that the person has committed the crime under investigation.

**Opening Remarks at Commencement of any Tape Recorded Interview**

At the commencement of any tape recorded interview the interviewing Detective Officer must say on tape:—

"The time is . . . . . on . . . . . I am Detective . . . . . and this other Detective Officer present is Detective . . . . . both of the Criminal Investigation Department, 'C' Division. At this time we are in Maryhill/Saracen/Milngavie Police Office. What is your full name, age, date of birth, occupation and address."

The interview should commence with the cautioning of the suspect in terms specified above.

It is possible that the suspect will indicate a willingness to answer questions but not to do so while being tape recorded. If this happens the interviewing officer should point out that a tape recorder is being used to monitor the interview to ensure that it is conducted fairly and without prejudice to the rights of the suspect. If the suspect continues to refuse to be

tape recorded, the interviewing officer should seek the agreement of the officer in charge of the investigation to conduct an interview of the suspect which would not be tape recorded.

In no circumstances should tape recordings be made without the knowledge of the suspect.

At present at least one of the officers at the interview takes notes of what is said and the use of tape recording does not, during the period of the experiment at least, dispense with the need for the preparation of such notes.

## Stopping an interview

In some cases it will be necessary to stop an interview temporarily, for example, to check on some information a suspect has given. If this is necessary, the interviewing officer should use the following form of words when switching off the tape recorder:—

"This is Detective . . . . . (so and so). I am stopping the interview meantime. The time is . . . . ."

When re-starting the interview, the same tape will be used and the interviewing officer should use the following form of words:—

"This is ( . . . . . ). I am starting the interview again. The time is ( . . . . . )."

He should also remind the suspect that he has been cautioned. The suspect should not be questioned while the tape recorder is switched off.

## Closing Remarks at the Termination of a Tape Recorded Interview

At the termination of any tape recorded interview the interviewing officer must say on tape:—

"This is Detective . . . . . terminating the interview with . . . . . at . . . . . on . . . . . 198 . . . . ."

In a small number of cases it is possible that the tape recorders will become temperamental during the interview, for example, they may emit whining noises. If this happens the machine should be switched off and replaced with another recorder with the tape used in the recording being transferred to the new machine. If the

interviewing officer feels that the outcome of an important interview could be jeopardised by the disturbance caused by changing recorders and transferring tapes, he may decide that the interview should continue without tape recording. The officer is reminded that he may be asked to defend this decision in Court and would therefore require to make detailed notes of the duration of and reasons for the interruption. If the tape breaks or causes any other problems during interviews it should be replaced by a new tape. There is no need to re-administer the caution.

Some interviews will last longer than 45 minutes playing time of one side of a cassette. When the tapes are finished they should be turned over and the recording continued on the other side with as little delay as possible. Here again there is no need to re-administer the caution but if changing of the tapes is used as a convenient point at which to have a break in the interview for a few minutes the suspect should be reminded when questioning re-starts that he has been cautioned.

## After Interview

At the end of the interview the officer should note the time and then take one tape and place it in a seal, in the presence of the suspect. On the outside of the seal the following information should be recorded:—

1. Record card serial number
2. Name of suspect
3. Date and time of interview
4. Signature of interviewing officer and signature of suspect.

The tape should be sealed and set to the Fiscal's Office along with the case. The other tape may be played back by the interviewing officers if they find this useful when preparing their report for the Fiscal. This tape should be kept by the police. There is no need to seal the tape retained by the police and copies of that tape may be made at any time.

The interviewing officer should then complete the police record card which should be sent to the Divisional Detective Chief Inspector who has been made responsible for the collecting of the cards. **apj**

To be continued

**About the Author:** Joined Tasmania Police Force as a cadet in 1963, spent 2 years as a uniform constable and then transferred to the C.I.B. Spent a total of sixteen years working in all areas of the Criminal Investigation Branch. Promoted to Inspector 1983 and now attached to Police Headquarters, Hobart as District Supervision Officer. Awarded Australasian Police Forces Study Grant 1983 to study interrogation and interviewing procedures in England, Scotland and U.S.A. Graduate of F.B.I. National Academy 1983. Obtained Certificate of Police Studies 1981. Currently studying for a Bachelor of Arts Degree at University of Tasmania.

