Rose, J. T. Tape recorders in police interrogations: an examination of the desirability and feasibility of producing a permanent contemporaneous objective record of the whole interrogation process by means of a tape recorder, by Superintendent J. T. Rose, Humberside Constabulary. Bramshill, Police Staff College, 38th Intermediate Command Course, 1979.
15 p., bibliog.

"Tape Recorders in Police Interrogations - Curative or Creative?"

As a law enforcement agency in England and Wales, the Police are responsible to Society for the detection of crime by investigation and for the apprehension of suspected offenders. Police action must be positive but at the same time in strict adherence with the accepted rules and conventions within the legal process. The legal system demands a standard of proof beyond all reasonable doubt in order to sustain a conviction. Whilst it must be accepted that the gathering of evidence during a police investigation is a wide ranging process, the decisive evidence which either provides or confirms the standard of proof required to secure the conviction of an offender is frequently the end product of police interrogation.

The interrogative process has been applied to both witness and suspect alike since time immemorial. The past tendency for interrogations to be accompanied by varying degrees of coercion and torture has, thankfully, now been eliminated. Interrogation has assumed an important and recognised place within the judicial process. It is now an everyday occurrence for evidence fairly obtained as a result of such questioning to be brought before the courts.

Primarily, the object of an interrogation is to obtain information which in the case of a potential defendant may be classified as either a confession, involving an outright admission or guilt or, a concession, an acknowledgement of certain incriminating facts which falls short of an admission of guilt. There are few aspects of criminal procedure that provoke as much dissension as the question of police interrogation of suspects. The secrecy with which the police conduct interrogations creates a suspicion that the rules are not merely being broken but that existing practices are unfair and coercive. This study is intended to examine both the desirability and the feasibility of producing a permanent contemporaneous and objective record of the whole interrogative process by means of a tape recorder.

The processes and techniques of interrogation are in no way related to magic or witchcraft despite attempts by the mass media to portray them as such. In reality they are nothing more than traditional and well accepted practices in which it is part of the interrogator's task to explore the innermost depths of a man's conscience in search of the truth. The application of persuasion, logic and sympathy each play a significant part in this process. A detective in this country however receives little or no formal training in the techniques of interrogation. He strives to achieve a level of competency by a combination of the natural lessons of trial and error gleaned from his own efforts on the one hand and by a self evaluation and subsequent adoption of what he judges to be the merits in techniques employed by "experienced" colleagues on the other. Perhaps it is less than surprising that, against such a disorganised background, the interrogation process should be the constant subject of adverse criticism by the legal profession and others.

Police questioning procedures are, of course, based on the guidance given in the "Judges Rules and Administrative Directions to the Police". These Rules recognise both the duty of citizens to assist the police in the investigation of crime and the right of a police officer to ask questions of any person from whom he thinks that useful information may be obtained. Whilst it would be superfluous to reiterate the Rules, it is perhaps pertinent to firmly restate the general principle in law that non-conformity with the Rules may render answers and statements obtained by the police, or other enforcement agencies, liable to be excluded from evidence in subsequent criminal proceedings and equally to restate the specific principle that, it is a fundamental condition of the admissibility in evidence against any person, equally of any oral answer given by that person to a question put by a police officer, that it shall have been voluntary in the sense that it has not been obtained from him by fear of prejudice or hope of advantage exercised or held out by a person in authority, or by oppression.

The suspect is provided with further protection under the law in so far as should he choose to remain silent when questions are put to him by the Police, the prosecution may not comment on his silence at any subsequent trial. The courts are extremely conscious of the vulnerability of the suspect whilst being questioned by the police, hence their requirements as to the voluntariness of any statements - whether verbal or written - and their absolute refusal to date, to draw adverse inferences from the self imposed silence of an accused person. The slightest hint that an admission or confession is involuntary is

sufficient to render it inadmissible or to secure an acquittal. The high incidence of such rejections is a strong indication of the courts intention that statements made by the accused to the Police should not be the result of either undue pressure or other manipulation of the rules designed to prevent this.

Few will argue that the present system of interrogation which involves a personal confrontation between a police officer(s) and suspect, usually alone and under formal conditions, is not open to abuse. An examination of the underlying instigators of such suggests that the nub of the problem lies in the police officer's need to obtain a confession in order to provide evidence, which is frequently the only evidence, of guilt. Where other independent evidence is present to substantiate guilt there is much less temptation for the police officer to resort to abuses aimed at securing this end. However, whilst the temptation to fabricate may be lessened it is not totally absent as a confession, whether legitimately obtained or otherwise, is always a useful bolster to the prosecution case. In practice the investigating officer frequently has no real independent evidence indicative of guilt. A detective's intuition coupled with the fact that a suspect has a criminal record can induce a pseudo honest belief amongst some that they have a moral right to bring third degree pressures upon a suspect to influence him to confess. Failure to elicit a confession is seen by some as sufficient justification for fabrication and as part of their duty to Society.

One factor which cannot be overlooked in the search for instigators of malpractice is that whilst many confessions would not pass the test of voluntariness in so far as they are obtained by threats, promises, hope of advantage or otherwise, they are in fact, quite genuine confessions which ultimately result in a plea of guilty. In exercising the interrogative process police officers can conveniently omit to remind a suspect of his right to silence, his entitlement to consult a solicitor or offer the inducement of bail or other similar considerations. I am sure that such officers would most strongly resent any imputations upon their individual sense of honesty and integrity. They see themselves as having applied a necessary manipulation in order to expedite their search for the truth, thus saving valuable time which would otherwise have been spent in either gathering additional evidence or searching for non-existent evidence. There is a tendency for police officers to view themselves as acting in the public

interest, their judgement and actions in the case being vindicated in their eyes by the resultant guilty plea and expressions of remorse proffered by the defendant. The undoubted success of these expeditious methods only increases the temptation to apply them as a matter of course in every investigation, irrespective of the level of co-operation received from the defendant.

Anger, remorse and prejudice are other instigators of abuse in the interrogation system. Police officers, although charged with the responsibility of upholding and enforcing the law, are nevertheless, human beings, susceptible to human emotions and frailties, whose passions are likely to be aroused by the outrages and abuses confronting them in their everyday work. Is it unnatural for a police officer, angered by the death of, or serious injury to a colleague or incensed by the sexual violation of a young child, to resort to bullying and beating tactics to extract a confession or to obtain, albeit misguidedly, retribution? Deprivation of sleep and refreshment, usually accompanied by promises, hopes and threats is a frequently alleged form of abuse used to elicit a confession. Any consideration of police malpractice must take account of the fact that even ordinary fair questioning can produce false confessions but the risk thereof is multiplied manyfold if oppressive methods are used. Some large sections of Society would no doubt appreciate, and applaud, the justification for this action in certain cases but it is a view which the law cannot condone and these practices call for elimination.

The prospect of personal advancement which is allied to some degree with success in the field of detection, the submission to pressure from senior ranks to maintain a high or increase a flagging detection rate, the temptation to cut corners in the face of diminishing levels of manpower are all factors which merit consideration in the search for a motive for abuse. Doubtless each motive has been considerably and generally exploited over the years although it would perhaps be foolhardy to speculate as to the exact degree.

Another pertinent illustration of abuse which examples the general public concern and mistrust of police and their evidence relates to the question of oral statements made to the police during interrogation and colloquially known as "verbals". This expression suggests the fabrication of oral statements in answer to questions which either did not take place or have been deliberately misunderstood, misrepresented or reported out of context. Invariably this

situation occurs when dealing with known criminals well practised in the art of deviousness themselves. There is, of course, little direct evidence to substantiate the fact that these abuses do take place. One of the very real problems in this area is the fact that, in nearly every case alleged, the only or principle evidence as to the abuse of power is that of the suspect himself.

Allegations of malpractice, whether justified or otherwise in every case are common place today being frequently highlighted by the Press and other media often using them to dramatise an otherwise featureless case. Bearing in mind the high incidence of such allegations it is perhaps realistic to work on the premise that, albeit in a minority of cases, there is "no smoke without fire", no matter how distasteful that thought might be. Malpractice cannot only result in severe injustice towards the individual but it seriously undermines public confidence, both in the police and in their respect for the law. Failure to eliminate abuses can only lead to a greater alienation of public sympathy from the police so greatly increasing the difficulties of law enforcement generally. Justices and Juries are becoming much more cautious in accepting police evidence as to verbal statements than in the past, and now scrutinise such evidence meticulously. Proven instances of corruption have destroyed the blind faith in the mere words of establishment figures to the extent that even genuine confessions legitimately obtained are being regarded with suspicion.

There is little doubt that the suspect is at his most vulnerable whilst in the hands of the police, segregated from the remainder of Society. How best then to resolve the disputes about what takes place during the interrogation of a suspect, either at the scene of his arrest or at a police station? To do so effectively would have a two-fold advantage in so far as disputes in court could either be totally eliminated, or at least avoided and unfair or improper police practice during the process of interrogation could either be detected or deterred. I strongly suspect that if an effective means of so doing were produced such practices would be deterred or eliminated rather than detected for nothing can be guaranteed to reduce the incidence of malpractice with any greater certainty than the risk of detection.

No consideration of any method designed to eliminate abuse should be made without first examining the effectiveness of present methods in recording interrogations. Is it realistic to expect that an entry made in a police officer's official notebook, albeit as soon as reasonable practicable after the event and perhaps in collaboration with a colleague, is likely to be absolutely accurate however honestly recalled? Undeniably practice in the art does improve the accuracy of the record, but the powers of memory recall required to accurately record details of a conversation lasting for one hour, itself a relatively short period of interrogation, during which time between five and ten thousand words may have been spoken, are in fact so considerable that I would suggest the task is virtually impossible. Many interviews last considerably longer of course and whilst some are contemporaneously recorded the majority are not. Few police officers have achieved competency at shorthand and I feel that at best a record of interrogation finally produced in an official police pocket book, however honestly recalled, is unlikely to be absolutely accurate being generally restricted to salient and incriminating replies only. Another flaw in the pocket book record is the fact that it provides a flat record of an interview merely containing words without the inflection of vehemence with which they were uttered. There is a strong argument to suggest that such a time honoured and accepted practice as the use of the police notebook increases the opportunities for fabrication and is, in reality, both out-moded and inaccurate.

It is therefore against the background of the requirement of voluntariness, the opportunities and practice of abuse, the restrictions and failings of the present rules governing and methods used in interrogation, that the introduction of tape recorders into the interrogative process must be reviewed. Attempts to seek a parallel with countries abroad indicate that there is no precedent. It is not the practice to tape record police interrogations on a systematic basis in any country in Western Europe. A few police authorities in the United States of America do tape record all or some parts of police interrogations, but it is neither the practice of the Federal Bureau of Investigation nor of police authorities generally in that country to do so.

Although sophisticated tape recording equipment has been available for a considerable number of years, it is significant that other countries have not attempted to make use of it on a large scale and indeed, that some authorities in the United States which did do so, have now abandoned it. Even if data were available from abroad its value would be limited because

of the differences in criminal process between there and here. The use of tape recorders in this country has to date been confined to instances where such recordings were made without the accused's knowledge. This practice which itself implies the use of sinister and underhand methods has nevertheless proved acceptable to the courts, subject of course to close scrutiny in applying the test of genuineness. Apart from these situations, which are quite distinguishable from present considerations, no precedents have been set.

A Canadian judge once said, "A tape recording is better evidence and more capable of correct interpretation by a jury than viva voce evidence or a written statement since it reproduces not only the exact words of the accused but the inflection and tone of voice as well, without the necessity of another's interpretation". This is a principal argument for the introduction of tape recorders into the interrogative process. In addition, the suggested advantage that tape recordings would deter and almost certainly prevent the use of unfair questioning methods by the police is two-fold, because it would also reduce the risk of untrue and unfair allegations being made against police officers conducting interviews.

It can be argued that an easy and positive resolution of disputes as is likely to be provided by a recorded tape would reduce the time spent by police officers and lawyers alike in trying to determine the admissability or otherwise of evidence by means of the "trial within a trial" system. This suggests an acknowledgement that disputes would still occur despite the introduction of tape recorders. Certainly matters appertaining to interrogation are not the only issues likely to arise at a "trial within a trial" and there is a strong possibility that the time saved in court would be more than outweighed by time spent outside in pre-trial discussions between prosecution and defence regarding relevance and admissability. In my view the overall judicial process would be retarded and it would still be advisable for such matters to be resolved in open court. The defendant would thereby retain his confidence in the Court rather than gaining the impression that a secret "deal" had taken place between prosecution and defence, as any arguments laid would be subjected to an instant, open decision by the judge.

The suggested vulnerability to tampering and the possibility of the unscrupulous criminal making false allegations of bribery or assault against the interviewing officer are two of the most popular arguments against the introduction of tape recorders. In their observations on the feasibility of

conducting an experiment in the tape recording of police interrogations a Committee appointed by the Home Secretary in 1975 suggested that the possibility of tampering with tapes could be reduced if three simultaneous recordings were made, the assumption being that it would be more difficult to successfully tamper with three recordings than one. Any insertion or excision would need to be exactly the same on each of the three tapes, a difficult process which would be made even more difficult if coded tape were used. The use of a voice activated recorder, whilst having certain attractions would switch off when nothing was being said and may give rise to further allegations of improper practice in the non-recorded parts. Whilst it is not possible to entirely rule out the prospect of tampering it is, in this age of high technology, possible to reduce its likelihood to minimal proportions. It must be borne in mind however, that the more sophisticated the equipment becomes, the greater the risk of mechanical failure and the higher the likely cost.

The necessity to safeguard the integrity of the tapes cannot be over emphasised and it would be necessary to issue them from a controlled source under strict supervision. Two of the tapes would be sealed and signed by both the investigating officer and the suspect in order that they might be ultimately distributed, one to the court as an exhibit and one to the defence. The police would retain the third copy for use in compiling their evidence. Whilst these proposals were designed to apply in an experimental situation there is little doubt that any misgivings in respect of the vulnerability of the equipment, the security and continuity of the tapes produced, could in fact, be overcome with relative ease. I conclude therefore that, whilst many responsible organisations connected with the police have glibly highlighted the possibility of "tampering" as an argument against the proposed introduction of tape recorders, such comments have tended to be generalisations made without detailed consideration as in practice such a risk could be almost totally eliminated.

One area which technology cannot effectively overcome however, is the consistent production of recordings which are sufficiently intelligible to be accurately transcribed. The suspect who talks without clarity, too quickly, or nods in acknowledgement, may well be intelligible to the interviewing officer, but the taped reproduction may be insufficiently clear for a comprehensive transcript to be obtained. It is often desirable to interview more than one suspect at the same time, a practice which would pose difficulties in indentification by the audio typist making the transcription.

My exploration of the suggestion that the introduction of tape recorders would enhance the possibility of false allegations being made against interviewing officers suggests that the popular misgivings expressed are as hollow as those advanced for "tampering". One fact apparently overlooked is that the interviewing police officer's voice is also being recorded. A sharp verbal denial of the suggested malefaction together with the immediate production of the suspect before a supervisory officer in order to examine the circumstances and evidence is more likely to resolve the issue effectively than conveniently overlooking it, or waiting for it to be raised at a court of trial weeks, or even months, later. Obviously such suggestions by the suspect as "stop twisting my arm" which, if true, would be unlikely to show physically or if untrue, would be somewhat difficult to disprove, are likely to cause most difficulty. However it is widely acknowledged that most false allegations are concocted by the defendant outside the interview situation. I feel, therefore, that in practice contrary to popular argument, the presence of a tape recorder would inhibit and deter the suspect from making false allegations and place the police officer in a more favourable position to disprove them.

The theoretical arguments supporting the introduction of tape recorders as "watch-dogs of the interrogative process" are indeed strong. However these attractive advantages have to be carefully evaluated against the practicalities of their introduction for, as is so often the case, realities throw a different perspective on the situation.

The practicability of recording all conversations during the interrogative process is a major consideration. If malpractice is to be totally eliminated it is desirable that the whole interrogation should be contemporaneously recorded. However, I cannot envisage, although some would commend the practice, that each investigating officer should carry a portable tape recorder ready to catch the first utterances of a suspect with whom he has perhaps struggled or chased to apprehend or, who is being interviewed either as his home or place of work. Experienced police officers are aware that the situation of initial confrontation can have a most important psychological effect on the suspect. The element of surprise often elicits a spontaneous and honest remark from even the most dishonest criminal. It is not uncommon however for him, having had the opportunity to recover his composure, to deny his earlier confession or to remain silent and later allege that he has been the victim of "verbals".

To rule out such a confession as inadmissible on the grounds that it had not been recorded, purely as a safeguard against the possibility of malpractice, would be incompatible with the interests of justice. Equally there is the strong possibility that the courts would come to regard any unrecorded interrogation as inferior and of lesser significance even though it was being honestly reported and in the circumstances under which it took place it was quite impossible to record.

The sheer impracticalities of recording outside interviews suggests that recordings would have to be restricted to those interviews which take place at police stations where, in controlled conditions, the quality of recording and of general administration is likely to be improved. This involves an acceptance of the fact that if interviews can only be recorded on a selective basis, the tape recorder cannot provide the ultimate, foolproof safeguard in the elimination of malpractice and therefore, considerably diminishes the arguments in their favour.

Another practical argument against the presence of a tape recorder in the interview situation is the fear that it would create a formal inquisitional atmosphere in which the suspect would feel inhibited and therefore reluctant to answer questions. Many criminals are perfectly willing to carry on an illuminating dialogue outlining both their own criminal activities and those of others provided that no record is being made. This situation invariably arises after a detective has patiently built up an atmosphere of mutual trust with his prisoner the basis of which is that the criminal both cannot and will not be subsequently positively identified as the source of information. Such situations play an extremely important practical role in the field of crime detection. Any adverse effect on the prisoner's willingness to communication information regarding other crimes or associates such as is likely to be caused by the presence of a tape recorder ultimately perpetuates the criminal fraternity to the disadvantage of Society in general.

It has been suggested in the suspect's favour that to record the whole of the interrogation process would, except in the case of the most articulate, remove the choice to be grammatically selective in compiling any written statement which he may wish to proffer. The deponent can, under the present system, control the final version by requesting additions, deletions or alterations and refusing to sign it until satisfied that it conveys to the reader exactly what he wishes to say. A recording, although not influencing the final outcome, might contain oral thoughts incompatible with those

conveyed by the written word and therefore act to the suspect's disadvantage in court.

No evaluation of the effectiveness of tape recording interrogations as a method of safeguarding the judicial process can be made without a close examination of the administrative arrangements which would be necessary to properly implement them. I feel that one must accept the argument that it would be impracticable to record interviews away from police stations despite the consequent loophole in the elimination of malpractice and acknowledge the fact that it would be reasonable to record only those interviews which take place at police stations.

In order that the most intelligible recording is obtained it is desirable that the interview should take place in a properly equipped room, soundproofed and positioned to exclude external noises. Whilst at a police station suspects are invariably under arrest so necessitating any interview room to be both secure and in close proximity to the cell area. This raises a special problem in how to deal effectively with violent or dangerous criminals who have, at present, to be interviewed in secure cell accommodation. Any indication that they had been treated differently to others would be running the risk of placing their characters in jeopardy before the court had adjudicated.

Whilst the suggested Home Office experiment only envisaged tape recorders being placed at selected police stations for that purpose, their general permanent introduction would have to be on a unilateral basis to every police station from the largest to at least rural section station level in order to be effective. It follows therefore that, particularly in large centres of population, the provision of one recording room and machine at each station would not be sufficient as there are frequently several interviews taking place at the same time, not only in respect of different unrelated offences, but also simultaneous yet separate interviews with suspects thought to be concerned with the same offence. Therefore, not only will a number of recording machines be required at each police station, but also a number of interview rooms. Many police stations are unsuitable and already have an extreme dearth of interviewing facilities. It would be unrealistic to expect that recording facilities need only be provided at specified police stations as this would increase the temptation for officers to take their prisoners elsewhere. Any requirement that all interviews should take place at selected stations would not only greatly increase the time spent in travelling by lawyers and police officers alike, but also present unacceptable levels of security risk.

The third major administrative argument concerns the difficulties in transcription. Replay machines would have to be provided for police, the defence and courts alike and the time spent in typing a transcript, even by an experienced audio typist would be considerable. There is considerable difference between typing a taped dictation from the voice of a person accustomed to dictating with clarity and in transcribing a taped interview where the typist has to distinguish which voice is speaking, particularly when the suspect's conversation may be somewhat inarticulate, peppered with colloquialisms, or be part of heated discussion with persons speaking simultaneously. Consideration of this problem by the Metropolitan Police indicated that an experienced audio typist may require a minimum of one whole working day to transcribe a conversation lasting for one hour. One can envisage the problems created at a busy police station which would be further aggravated by the necessity to prepare a final transcript after inadmissible evidence or other irrelevant or prejudicial matters had been excluded. Whilst it could be argued that transcripts would not be required in all cases, it is reasonable to assume that a transcript of the whole interview would be required in all contested cases. No doubt, even in non-contested cases defence lawyers would see it is their duty to check the accuracy of any interview so recorded on tape to ensure the nature or extent of any admissions made by his client.

The overwhelming factor militating against the provision of adequate administrative arrangements is one of finance. The cost of providing additional typing facilities, recording equipment, accommodation and above all, in terms of the time of police officers and lawyers alike, on a nationwide scale would be enormous. One must not lose sight of the fact that other investigating agencies besides the police would need to be provided with similar and comparable facilities.

On cursory examination, the use of tape recorders during the police interrogation of suspects is an attractive proposition. The production of an exact and indisputable record of what conversation actually did place between police and the suspect would appear to be the ideal solution to eliminate malpractice and ensure that the test of voluntariness could be physically applied in all cases. A detailed examination of the practicalities however has indicated that the solution is by no means as straightforward as would first appear. The fact that it would only be possible to record selective interviews and the consequent strong possibility of a diminution

in the evidential value of any non-recorded interviews is hardly compatible with the interests of justice. To introduce tape recorders on this basis would be to tilt the balance even further in favour of the devious and professional criminal. It is only likely that the judicial process would be made more effective if all interrogations could be efficiently recorded. Selective recording is only likely to increase the dilemma facing the courts in dealing with disputed cases. The vast extra administrative burden and cost is unlikely to speed the judicial process and in my opinion, these factors, together with the operational difficulties outlined, heavily outweigh any advantages which would otherwise have been gained.

The Police Service must welcome any device which would confirm and ultimately enhance its integrity. There is an argument which suggests that if the interests of justice are enhanced cost or other considerations are of little consequence, but are not much wider issues involved than the introduction of mechanical overseeing aids? Sir Robert Mark has said that "The establishment of the truth, rather than the technical determination of guilt ought to be required of everyone involved in a criminal enquiry. The right of silence may have been designed by the criminals for their especial benefit and that of their professional advisers." The retention of the right to silence presents the strongest motive for malpractice. Sir Robert does not argue that suspects must be compelled to speak, merely that their willingness or unwillingness to do so should be a relevant consideration at their trial.

Many police officers concede to a high degree of frustration at operating within a system which only catches "honest criminals". Whilst legally and morally indefensible it is not surprising that some police officers resort to "technically dishonest" means to secure a confession. Society has little comprehension of the debt it owes to the action of such officers in terms both of misery and crimes prevented. I do not seek to condone this situation merely to bring it to attention. The Service has been too secretive and remained silent for too long concerning the very real difficulties it faces in interrogating professionally devious men within too rigid a framework of rules, albeit primarily designed to protect the innocent. This secrecy can only exacerbate the problem. Frank and open discussions need to be stimulated between practical police officers and legal experts if a realistic solution to the situation is to be achieved because privately, many police officers will admit that strict adherence to the

interrogative rules is scarce and in reality, an interrogation is in fact a negotiation. To both suspect and police officer alike, this negotiation is an honest one but the fact that it is not totally within the legally permissible rules does necessitate the practice of cloaking interrogations in secrecy. Unless these rules are changed to achieve a more favourable balance between the interests of both sides and to take account of the practicalities of an investigation in establishing the truth, the temptation for police officers to resort to malpractice will not be removed.

Desirable though the revision of the rules under which interrogations are conducted might be, it must be accepted that an acceptance of the need for complex changes takes time. In the meantime, however, pressures to eliminate malpractice and introduce overseeing methods into the process will continue. The Service must make a conscious and visible effort to put its own house in order if we are to preserve the status quo and there are a number of factors which cry out for urgent examination. In many Forces detectives, charged with the task of investigating crime, share desks in grossly overcrowded office accommodation and have to resort to cars, corridors and the after hours occupation of officers normally used for other purposes to interview suspects. Is it not to be expected then, that by reducing officers to the level of those with whom they have to deal, whether by design or accident, malpractice occurs. Every effort should be made to place investigating officers on the level at which they are regarded by everyone, other than perhaps the Service itself, and to provide them with adequate facilities to perform their duties. The provision of proper facilities must be imaginative and generous for poor working conditions coupled with a heavy workload are more likely to breed not only contempt of procedures, but of the Service itself.

Training in interrogative procedures is virtually non-existent generally being regarded as a practical art to be learned rather than taught. Whilst acknowledging certain advantages of this system there is a strong necessity for such techniques to be supplemented by formal and academically based tuition and a definite requirement for the Service to openly acknowledge the real difficulties which can arise in the interrogative process. The positive development of interrogative skills would eliminate the need for secrecy and all that implies. If the Service were to show itself genuinely concerned to find means whereby police practice and procedure in the conducting of interrogations might be more strictly defined so as to remove the doubt and uncertainty about what is, or is not, permissible there would be a visible boost to morale .

Traditionally the Service seems willing to accept second best by way of facilities and its best weapon against malpractice must be in the action taken by senior officers who must be constantly vigilant to detect and punish malpractice. Above all, they must set proper standards and ensure that these standards are maintained consistently throughout the Service. There must be a strict emphasis on the control of emotions and supervision must be positive, not cosmetic. Above all there is a need for men to be judged on performance in establishing the truth rather than by the overall levels of crime detection rates.

I am of the opinion, therefore, that the use of tape recorders in the interrogative system would meet few of the idealistic requirements of those who seek their introduction. To attempt to appease those idealists would be only a palliative likely to create practical and administrative difficulties too great to overcome and therefore, liable to impede efficient police work and retard an already ponderous judicial system without positively enhancing the interests of justice. The problem of malpractice is symptomatic of wider issues and surely, the answer to any ailment is not to cure the sympton but to initiate positive action on all fronts to cure the problem itself.

BIBLIOGRAPHY

The Third Degree	C. Franklin
Critical Review of Police Interrogation in England and Wales ...	Dr. P. Morris
Criminal Interrogation	A.S. Aubrey and R.R. Caputo
Home Office Committee report on the feasibility of an experiment in the tape recording of police interrogation ...	Home Office
11th Report on Evidence - June 1972	Criminal Law Revision Committee
Evidence to Royal Commission on Criminal Procedure - Memorandum 5 ...	Home Office
Evidence to Royal Commission on Criminal Procedure ...	The Commissioner Metropolitan Police

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