

SIZING UP THE SUSPECT

A case study from a police interrogation manual

If you are a woman, you possess one characteristic which towers above all others: as a woman you are "emotional" - not only that, but should you be a suspect or witness to a crime, this emotionality renders you susceptible to certain police interrogation techniques. You will be particularly vulnerable to 'emotional' techniques, techniques which invoke, heighten and exploit emotionality. Your love for your children may be invoked in the interrogation in an intensified emotive way, and this approach will be highly effective because your prime function is to reproduce. A Police Officer using such a technique will maximise the possibility of getting you to confess to some offence.

So says Chief Inspector A R Roberts of the Calgary Police in a 1975 instruction manual on interrogation techniques for the Royal Canadian Mounted Police (RCMP). The authenticity of this manual was verified by the Canadian Broadcasting Commission (CBC) in 1991 as part of an investigative programme which exposed those techniques (I am grateful to the CBC for giving me permission to cite their own cassette recording of the programme).

This interrogation manual is not a public document and not subject to current Canadian freedom of information provisions. It was devised by an experienced senior police officer for an audience of his colleagues, and furnishes a rare 'inside view' of how police officers picture their suspects, assess their vulnerabilities and exploit them in order to elicit a confession or statement. They call this 'sizing up' the suspect and selecting the appropriate interrogation technique.

Exploitation of gender

A standard feature in many of the techniques described (and prescribed) by Chief Inspector Roberts is to categorise the suspect - say, as a 'woman' - and then to impute some purportedly 'typical' characteristic to that category - say, 'emotionality' - and to select an interrogation technique which will exploit that characteristic, will turn it into a vulnerability. As the example above shows, the characteristics that are imputed are frequently highly stereotypical, reflecting sexist prejudices rather than anything else, - witness the reference to women's prime function being reproduction.

The wording of the manual is, clearly, fashioned to endorse informal police culture, the police viewpoint and interests, and espouses a constant 'in-group' feeling. The efficacy of interrogation techniques is conceived in police terms rather than simply in terms that broader elements of society might endorse, such as those of legality or civil rights. For instance verbal interrogation techniques are seen as an appropriate device not merely because violence is illegal but because "... the spoken word is more powerful than violence..." The manual

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says that "... the torture must come from the suspect's own mind..."

Blaming the victim

The exploitation of gender identities in the interrogations is not restricted to situations where women are the suspects or witnesses. References to women in particular figure in the interrogation of males. A major confession - elicitation technique is to blame the victim, especially where the victim was a woman. It is recommended that the crime be presented as invited by the victim. This has the intended effect of lessening the moral reprehensibility and implied legal prohibition of the alleged offence, thus reducing the perceived stigma and legal consequentiality of confessing to that offence. Blaming the victim can be offered as persuasion to confess or to make a statement.

The mock-up examples given in the manual show just how invidious this technique can be:

Officer: 'Son do you think you're the only one who ever touched a girl? I'll guarantee you, every day thousands of us, as we walk down the streets, think what it would be like with a certain girl that we see... we just don't have the guts to do anything about it... girls are the same way - you don't mean to tell me they aren't thinking of it when they see a good-looking fellow on the street. It's just human nature that's all. Anyway this broad was probably asking for it'.

Here, blaming the victim is linked with the technique of not stigmatically singling out the suspect; all, 'everybody, male and female, feels that way'. The

blame that is deflected away from the suspect comes to be directed at the victim. His alleged blameworthiness is diminished, hers is aggravated.

Another example:

"Damn it all I can't blame you, I had a look at that kid, I'll tell you nowadays you can't tell their age, the way they use lipstick and powder and those damn miniskirts, they're just asking for it, and in any case with your old lady hard on your neck you can't get anything at home, I don't blame you. Hell, when I spoke to this girl she even looked like a prostitute to me, you just can't tell nowadays about these women. They give you the come-on and then they holler if they're caught... We're all human. I don't care whether you're a policeman or minister or who you are..."

These techniques are closely associated with descriptions of the alleged offence itself in terms that diminish the culpability of the suspect. For instance, the manual recommends that terms like 'touch' can be substituted for rape or indecent assault. These techniques, Chief Inspector Roberts informs us, are adapted from the propaganda methods used in World War II.

Stereotypes and the interrogator

The techniques are part and parcel of more inclusive ones like 'sizing up the suspect'. Other stereotypes, such as the belief that short and stocky people are extrovert, tall people withdrawn, intel-

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lectual and artistic are deployed in this sizing-up exercise, as is the crude Freudian claim that girls are jealous of their mothers and compete with them for their fathers. These are all treated as resources available for the interrogator's exploitation.

Parallel ways also exist for dealing with what Chief Inspector Robert terms 'perverts' those of minority sexual orientation. Again, the officer is exhorted to use 'everyone feels that way' techniques to minimise the stigma or opprobrium attaching to a suspect who is homosexual, to maximise sympathy and win a confession.

The question remains: are the techniques recommended in this manual used in actual real-world interrogations? I have analysed video cassettes of interroga-

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tions in a large US city, and have found that these techniques, or close variants of them, are initiated not only by interrogating officers but also by male suspects. Blaming a female victim is often a particularly successful confession elicitation device because male suspects may well already have that in mind as a prospective mitigation or excuse.

Day to day police work?

Subsequently this RCMP interrogation manual has been withdrawn. The Canadian Charter of Rights not instituted when



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these techniques are still operative there in modified form. I suspect that these people are broadly correct - not just for Canada but for Britain, the US and numerous other countries, relatively independent of (even if partly shaped by) Charters, codes of practice or other official forms of regulation. What matters is what actually happens in day-to-day police work.

An illustration of this point is to be found closer to home, in an article in *The Guardian* (22.11.93, p.2) entitled 'Judge Berates Murder Police After Acquittal'. In this murder trial in Leeds the judge ruled that the jury should not hear the (male) suspect's admissions given in an interrogation. The judge criticised the repetitive line of questioning, some of which included asking about the details of the suspect's sex life and whether he was gay: no solicitor was present for the first six hours of the interrogation - something the judge, again, attacked. The judge said: "It was wrong... to pound him with sexual allegations". The Northumbria Police afterwards claimed that in retrospect 'certain things would have been done differently' in interviewing the suspect.

Plus ça change....

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A Life Inside

If the public heard of a country where prisoners are held at the whim of politicians, where the sentence of the trial judge can be ignored, and where decisions concerning the prisoner are made in secret, they would rightly be alarmed. This system does indeed sound like a third world dictatorship, but is in fact the reality facing Britain's life sentence prisoners.

There have been some improvements to the life sentence system over the years, mostly as the result of court actions by lifers. These moves have been constantly resisted by government, until forced into fair and humane action by domestic and European courts. The latest of these court moves occurred in June 1993 when the Lords gave lifers the right to discover exactly what the trial judge had recommended, and to make representations on this to the Home Secretary, particularly in the majority of cases, where he had departed from the judicial view.

It is not only lifers themselves who hope for a change in the system, as an end to the mandatory sentence is also favoured by the Law Lords, victim support groups, prison governors, prison reformers, and is backed by Labour and Liberal Democrats. Everyone, it seems, can see the iniquities of the mandatory life sentence, with the exception of a few government politicians.

The latest in a long line of reports, which began with the abolition of the death penalty in 1965, is an independent inquiry set up by the Prison Reform Trust and chaired by Lord Lane. The conclusions in the report cover largely familiar ground for reformers and lifers alike. In many ways, it is similar to the Nathan Report in 1989, although somewhat more hard-line.

Indeed, the Lane Committee report can in no way be accused of "going soft" on penal issues, and it takes some trouble to distance itself from the "trendy" left-wing campaigning views abhorred by the current home secretary. It does, however, address all the issues fairly, and goes further by carefully considering all the usual reasons for maintaining the current system, rebutting each in turn. Not surprisingly, this Report recommends an end to the mandatory system.

Apart from the principles of natural justice, this recommendation is made to help assuage the doubts felt by many professionals and victims' families at the often inappropriate convictions of manslaughter on the grounds of diminished responsibility.

Perhaps the majority of mandatory lifers do not even fulfil the public perception of a murderer, as the Lane Committee point out. There is a difference between what the lay public believe to be murder, and what the law states is murder. The woman who finally snaps after years of abuse from her partner, as many cases show, could easily be convicted, not of manslaughter, but murder.

The doctor who helps ease the pain and suffering of a terminally ill patient could easily be accused of murder, barring exhaustive machinations to charge them with a lesser crime. When only one sentence can be imposed, it is perhaps no surprise that many accused men and women spend days and weeks of their trial trying to prove the crime was anything but murder. In many cases, they would be at least morally correct, but in other cases, it is a device to avoid mandatory term of life imprisonment. Evidence from Australia, where the State of Victoria abolished the mandatory sentence in 1986, suggests that abolition results in more pleas of guilty to murder. This not only saves court time and expense, but also leaves victims' families and police feeling that the correct conviction has been obtained.

The sentence itself, or at least the tariff or penal sanction, is decided by government ministers. The eventual movement of a lifer to low category conditions is decided by a minister. Release, if it ever comes, is decided by a minister, and recall to prison, often without re-offending, is decided by a minister. Such a level of political interference in a single prison sentence must surely qualify lifers for a status of political prisoners.

The amount of time spent in prison by released lifers is also increasing year by year. The number currently in the system far exceeds the Government's own predictions, and the Government has decreed that lifers can be kept long after tariff and risk have been satisfied, on the grounds of political expediency. This costs around £450 each per week, which will continue to be spent on these prisoners who are least likely to re-offend after release.

Mandatory lifers are not looking for absolution, as they know there is no escaping the guilt and remorse experienced after taking another person's life. They are not looking for easy options, and in general accept the decision of the court. The sentence is unimportant, as the true sentence is served in the lifer's own mind.

What lifers do want is some sense of humanity, and some aspect of justice to give them a little hope for the future. What they have at the moment is what a member of the Boards of Visitors described, at their annual conference, as "a system so arrogant, so secretive, so impervious to criticism, so lacking in humanity and fairness", that it was "a disgrace in a civilised country and must not be allowed to continue".

David Bingham is a prisoner serving a life sentence in HMP Gartree.

The Life Sentence: A Guide for Lifers and Their Families - Third edition, written by David Bingham, is available free from the Education Department at HMP Gartree, Leicester Rd, Market Harborough, Leicester, LE16 7RP.