

CONFIDENTIAL

11 APR 1994 DRK:zh

25/1/94

FROM: JONATHAN STEPHENS  
PS/SECRETARY OF STATE (L)  
5 APRIL 1994

Video Recording  
Ms Murphy

Handwritten notes and initials on the right margin.

- cc: PS/Secretary of State - B
- PS/Sir J Wheeler (L,B& - B
- PS/PUS (L&B) - B
- PS/Mr Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Bell - B
- Mr Deverell - B
- Mr Lyon - B
- Mr Steele - B
- Mr Watkins - B
- Mr Daniell - B
- Mr Leach - B
- Dr Power - B
- Mr Whysall - B
- Mr Bramley - B

136/4

Handwritten initials "hm" and "Bost" with a checkmark.

MR MARSH - B

MEETING WITH LCJ

The Lord Chief Justice called briefly, at his request, on the Secretary of State on Monday 28 March at Stormont Castle (my apologies for the delay in circulating this note). David Lavery was also present.

2. The Lord Chief Justice's main purpose was to return again to the subject of video recording, and to hand over the attached statistics. He explained that they showed that two High Court Judges had spent virtually the whole of this year simply hearing voir dires; in each case, they were likely to go on doing so for another couple of months. This was a great waste of scarce judicial resources when the introduction of video recording could significantly reduce the amount of time spent hearing voir dires.

3. In recognition of the argument that video recording of the suspect would make him less likely to co-operate with the police, the Lord Chief Justice suggested that the video could be placed so as to record only the interviewing officer. That would provide the same reassurance but without compromising the suspect. There would

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need to be some physical means of preventing the interviewing officer from going to the defendants side and so moving out of shot: perhaps a physical barrier across the interviewing room. All interviews could then be video taped, but only the final interview need be audio taped. These proposals were not a complete answer, but they offered some prospect of easing the load of voir dices and should therefore be considered carefully. Perhaps a mock up could be constructed to see if it would work.

4. The Secretary of State noted that the Lord Chief Justice's proposal, if it was workable, would deal with accusations of physical violence and intimidation, but not verbal harassment which, for example, Latimer was claiming forced him to sign his confession. The suggested video arrangement would prevent the interviewing officer from coming around to the suspects side: that could, arguably, limit interviewing techniques but it would also prevent the close physical contact which could also give rise to claims of intimidation and harassment. For his own part, he would love to see video taping introduced. But he had to take account of the very strong views of the Chief Constable, who believed it would seriously damage the RUC's ability to secure evidence of terrorist crimes. Nevertheless, he would think carefully about the Lord Chief Justice's suggestion.

5. The Secretary of State then briefly referred to the exchange of correspondence on possible changes to the law against terrorism. Noting the Lord Chief Justice's view, of which he had already taken account, he asked what the LCJ would think about proposal to allow the introduction of intercept evidence into Court. It was an issue currently being considered, on a UK wide basis, by the Home Office. One model, used in the US, allowed the introduction of intercept evidence where it had been secured on the basis of a judicial warrant. Would that be workable in Northern Ireland?

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The Lord Chief Justice said that, in principle, he thought the proposal was far less objectionable than the proposal on hearsay evidence. But he would want to think carefully about what, if any, role the judiciary might have.

SIGNED: Simon Rogers

pp: JONATHAN STEPHENS  
PS/Secretary of State  
OAB Ext 6462  
5 April 1994

Mr. [unclear]  
Mr. [unclear]  
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Mr. [unclear]  
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Mr. [unclear]  
Mr. [unclear]  
Mr. [unclear]

MEETING WITH LCJ - VIDEO RECORDING

The Minister has noted the views of the Lord Chief Justice on video recording as outlined in PS/Secretary of State's minute of 5 April and has commented that, the fact of the matter is, we have spent time on this issue of not video recording interviews. Sir John considers that work must commence to prepare for change.

The Minister would be grateful if, in the first instance he could have a concise list of the Chief Constable's objections to video recording, followed by an analysis of how the RUC interests might be protected. In the longer term such proposals might be discussed, in confidence, with the Lord Chief Justice and SACRS once the Office have taken a view.

Jonathan Stephens  
PS/Secretary of State  
OAB Ext 6462  
5 April 1994

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*Security*

P JOHNSTON  
PS/SIR JOHN WHEELER  
6 APRIL 1994

- cc: PS/Secretary of State (L&B) - B
- PS/Sir John Wheeler (DFP,L&B) - B/M
- PS/PUS (L&B) - B
- PS/Mr Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Bell - B
- Mr Deverell - B
- Mr Lyon - B
- Mr Steele - B
- Mr Watkins - B
- Mr Daniell - B
- Mr Leach - B
- Dr Power - B
- Mr Whysall - B
- Mr Bramley - B

*17/3/4*

*7 APR 1994*

*CONFIDENTIAL*

MR MARSH - B

- Mr A Wood (Dir Int L&B)
- Mr Hassall (Estab L)
- Mr Beattie (SIL - Security)
- Mr Daniell (SIL - AI/Int)
- Mr Brooker (CPL)
- Mr Dodds (ESL)
- Mr Corrick (FSD)
- Mr Murren (Estab B)
- Mr Macauley (PAB)
- Mr Leach (SPOB D)

*15/3/94*

MEETING WITH LCJ - VIDEO RECORDING

The Minister has noted the views of the Lord Chief Justice on video recording as outlined in PS/Secretary of State's minute of 5 April and has commented that, the fact of the matter is, we have bought time on this issue of not video recording interviews. Sir John considers that work must commence to prepare for change.

2. The Minister would be grateful if, in the first instance he could have a concise list of the Chief Constable's objections to video recording, followed by an analysis of how the RUC interests might be protected. In the longer term such proposals might be discussed, in confidence, with the Lord Chief Justice and SACHR once the Office have taken a view.

SIGNED

Paul A Johnston  
PS/Sir John Wheeler  
OAB Ext 6498  
6 April 1994