

ONTARIO BAR ASSOCIATION

PROFESSIONAL DEVELOPMENT PROGRAMME

WITNESSES AND INTERVIEWING

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DOWN THE RABBIT HOLE¹

I first heard about the White Rabbit shortly after I joined the Metropolitan Police in 1982. A gnarled old detective at Shepherds Bush Police station in west London, who had clearly given up on both the prospect of promotion and becoming the new face of L'Oreal, told me the story. It transpired that several years previously a career criminal with a lengthy record of offences involving violence and - much to the frustration of the Criminal Investigation Department (CID)² - a history of far too many subsequent acquittals, was arrested, while on his way home from the pub, for a large number of burglaries and assaults. He was placed in police custody overnight and appeared at Marylebone Magistrates Court the following day, where a full typed confession, signed by the suspect, was tendered in evidence. The suspect proclaimed his innocence, swearing on his mother's grave that he had been forced to sign the confession against his will.³

When the Magistrate asked him to explain, the suspect told him he had, quite naturally, exercised his right to silence when detectives tried to question him at the police station after he was arrested. He had then been placed in a cell. A little while later, a detective then came into the cell with a typed confession to all the crimes the suspect was believed to have committed, politely but firmly advising the suspect to sign it, on the basis that they both knew that he had done them. The suspect not so politely told the detective to go forth and multiply, or words to that effect. The detective left. A few minutes later, the suspect heard the door of his cell unlock. A White Rabbit, 6 foot 5 inches tall and

¹ Extract from *Conducting Administrative, Oversight and Ombudsman Investigations* (Canada Law Book, April 2009) by Gareth Jones. It is reproduced with the permission of Canada Law Book, a division of Thomson Reuters.

² CID stood for, according to us uniformed types, Criminals In Disguise. They called us Woodentops, after a not too bright family of wooden puppets in a 1950's BBC TV children's series, though rumour was the name was somehow associated with those funnily shaped helmets we "bobbies" wore.

³ In some versions of the story, his mother who was sitting at the back of the court, hard of hearing but recognizing her name, then stood up and offered to stand bail for her son, not exactly enhancing his credibility.

weighing at least 230lb, came bounding in on its two hind feet with a carrot protruding from its mouth. The rabbit then took up a boxing stance and proceeded to cuff the suspect about the body fairly forcefully. The rabbit left, without having uttered a sound. Shortly afterward the detective returned, and again asked the suspect to sign the confession. He refused. The detective left. Almost immediately (claimed the suspect), the White Rabbit returned, this time delivering a more painful series of blows, but none severe enough to leave any significant visible injury. Back came the detective. This time the suspect signed the confession, because, he told the Magistrate, “ I didn’t want to get walloped up by that f***** White Rabbit again.”

By this time the Court was in stitches. “Do you”, asked the Magistrate, “expect us to believe this outrageous story? So clearly and laughably a pathetic attempt to evade justice? Your allegations, sir, are at worst a despicable fabrication, that besmirch the good name of a fine police force or, at best, a hallucination no doubt fuelled by drugs or alcohol. Remanded into custody”.

A triumph for justice? Certainly the Magistrate, the CID and the suspect’s victims thought so. Until another unsavoury individual got hauled up before the same Magistrate a couple of weeks later, charged with a nasty indecent assault. There was a full, signed confession in that case, too. The prisoner, sporting a rather spectacular black eye, was trembling as he entered the dock, a gibberish wreck muttering and mumbling incoherently. His only intelligible words: ‘White Rabbit, White Rabbit’.

Once the suspect calmed down he told a remarkably similar story to that the Court had heard two weeks earlier. There were a few raised eyebrows but nevertheless, the Court accepted the confession and the suspect was remanded in custody.

Two weeks later: Another querulous criminal, another signed confession, another Court appearance and another fearful and tearful account of a night in the cells with a White Rabbit. The Magistrate turned to the arresting police officer and pointedly remarked: “The Court will not be hearing about this, or any other, White Rabbit again, will we officer?” It didn’t. The costume rental store lost a good customer.

Funnily enough, although the London detective who told me the story swore blind it was true – he had in fact been there when it happened - so did the Canadian Crown Attorney who told the same story to me some 15 years later. Except this time the incident had happened at a police station in Ontario. Either Canada has an open-border white rabbit immigration policy or apocrypha travels well.

So what has this got to do with administrative and oversight investigations? Nothing much really, except to emphasize that bad interviewing technique, does not, ultimately, help any investigator.