

# COMPUTER WEEKLY

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# The LAWYER

# computing

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## A case for reconsideration

I was disturbed to read the report of the House of Lords ruling on the admissibility of computer evidence in Regina vs Shephard (1992), *The Times*, December 17, 1992.

The requirement in section 69(1) of the Police and Criminal Evidence Act 1984 to give evidence of a computer's reliability was held to have been satisfied by oral evidence given by a Marks & Spencer store detective, who was also the main witness for the prosecution.

This witness did not pretend to have any technical understanding of the computer's operation.

It is equally worrying that the House of Lords considered the computer to be "of the simplest kind".

This decision has dismantled what had previously been considered to be a well-balanced set of evidential hurdles. Instead the law will in future follow the dictum, "It has been printed by a computer, so it must be true".



Clearly something has gone very wrong in this case. If there is to be no effective test of the admissibility of computer evidence in future, defence lawyers will have to adduce expert evidence of the reliability of computer documents, whenever there is any reason to question their authenticity.

MICHAEL TURNER  
Hereford

## Is computer always right?

I was disturbed to read the report of the House of Lords' ruling on the admissibility of computer evidence in Regina vs Shephard (1992), *The Times*, 17 December 1992.

The requirement in section 69(1) of the Police and Criminal Evidence Act 1984 to give evidence of a computer's reliability was held to have been satisfied by oral evidence given by a Marks & Spencer store detective, who was also the main witness for the prosecution. This witness did not pretend to have any technical understanding of the operation of the computer.

It is equally worrying that the House of Lords is reported to have considered the computer, which was "connected to a central computer which fed in the date, time, customer number and till number", to be "of the simplest kind".

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Michael Turner  
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## A case for consideration

From Michael Turner

I was disturbed to read of the House of Lords' ruling on the admissibility of computer evidence in Regina vs Shephard (1992), *The Times*, 17 December 1992.

[Shephard was questioned by a Marks & Spencer store detective after failing to produce a till receipt for goods in her possession. As she claimed to have lost the receipt the store detective went through the store's own till receipts to verify Shephard's story.]

The requirement in section 69(i) of the Police and Criminal Evidence Act 1984 to give evidence of a computer's reliability, was held to have been satisfied by oral evidence given by the store detective, the main witness for the prosecution. The witness did not pretend to have any technical knowledge of computers.

It's worrying that the House of Lords is reported to have considered the com-

puter, 'connected to a central computer which fed in the date, time, customer number and till number', to be 'of the simplest kind'.

This decision has dismantled a well balanced set of evidential hurdles.

Instead the law will in future follow the dictum 'it's been printed by a computer, so it must be true.'

Without an effective test of the admissibility of computer evidence, defence lawyers will have to adduce expert evidence of the reliability of computer documents, whenever their authenticity is questioned.

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