

Support Mandatory Recording of Custodial Interrogations And Preserve the Integrity of the Criminal Justice System

The increasing number of wrongful convictions based on coerced or false confessions requires immediate action. Over one-fourth of the first 123 post-conviction DNA exonerations involved false confessions or admissions. The recent exonerations of Tim Brown in Florida, Eddie Joe Lloyd in Detroit, and the five men convicted in the Central Park Jogger case in New York are just three cases that demonstrate the urgent need for reform. With increased availability of inexpensive technology, there is no excuse for denying judges and juries complete recordings of interrogations and confessions. The integrity of the criminal justice system is at stake, and taking steps towards recording all interrogations will benefit law enforcement as well as protect the rights of individual defendants.

Videotaping Interrogations...

Benefits Law Enforcement Agencies by:

- Protecting law enforcement agencies against frivolous claims of abuse or coercion by defendants
- Defending the positive public image of police officers
- Minimizing lengthy and costly appeals & improving the overall efficiency of the legal process
- Eliminating many frivolous civil suits

And Ensures the Guilty are Punished by:

- Strengthening government cases and substantiating confessions
- Identifying false confessions so that law enforcement agencies can find the actual offender(s)
- Removing any doubt of what the accused said and why he/she said it, making good convictions stick
- Closing technical loopholes

While Protecting the Innocent by:

- Preventing erroneous convictions based on false/coerced confessions
 - Alerting judges and juries to the vulnerabilities of particular defendants (like impressionable juveniles and those with mental retardation or mental illness)
 - Eliminating excessively coercive interrogation techniques
 - Exposing over-zealous police officers who focus on closing cases rather than catching criminals
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Support is mounting in the Law Enforcement Community and elsewhere...

- There is broad and growing support for videotaping interrogations. Alaska and Minnesota require electronically recorded interrogations, and in 2002, the District of Columbia mandated electronic recording as well. In 2003, 16 states introduced legislation addressing the issue, and the state of Illinois passed legislation to implement electronic recording of interrogations in some types of cases. Both the Illinois Commission on Capital Punishment and the Connecticut Commission on the Death Penalty included videotaping interrogations as part of their recommendations for improving the fairness of their respective capital punishment systems.
- A comprehensive 1992 study by the US Department of Justice found that one-third of the largest law enforcement departments around the country already videotape some types of custodial interrogations voluntarily, such as Austin, TX, Denver and Colorado Springs, CO, and San Diego, CA, among others. This year, the Broward County Sheriff's Office, Ft. Lauderdale, and Coral Springs (all in South Florida) began recording interrogations, and the Miami police chief has indicated his intention of doing so as well.
- The State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2003 (S.1277) seeks to establish basic rights for law enforcement officers being investigated for misconduct and is fully endorsed by the Fraternal Order of Police, calling it a "minimal level of procedural protections." (See www.grandlodgefop.org) The bill provides the officer with the right to have all questioning, "recorded in full, in writing, or by electronic device." Additionally, the bill grants the officer the option to use his own recording device to "ensure the accuracy of the recording." By advocating that internal interrogations be electronically recorded, law enforcement agencies recognize the importance and relevance of this measure in ensuring accuracy of all confessions.

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