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Contact Us

<http://www.daasny.org>

President Derek P. Champagne, Franklin County District Attorney

dchampag@co.franklin.ny.us

Phone: (518) 481-1544

Fax: (518) 481-1545

Michael DeMartino, Special Assistant to the DAASNY President

michael.demartino@daasny.org

Phone: (518) 447-2496

Fax: (518) 447-2495

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Message from the President

Hon. Derek P. Champagne, Franklin County District Attorney



In this issue of the DAASNY newsletter, I would like to recognize the hard work that prosecutors and law enforcement officials throughout the state have put forth this past year. Through their unwavering commitment to the highest standards of justice, they initiated innovative projects and continued to promote the success of existing programs. In particular, I would like to highlight the statewide adoption of standardized video interrogation protocols. I applaud the diligent efforts of the Best Practices Committee and all who contributed to drafting and implementing these excellent guidelines.

Through initiatives such as the Video Interrogation Protocols, we can ensure that the best practices available to law enforcement are upheld throughout the entire state.

Spotlight On: Video Recording Interrogation Protocols

This winter, the New York State District Attorneys Association, the New York State Sheriffs' Association, the New York State Association of Chiefs of Police, the New York City Police Department, and the New York State Police together announced their support for the video recording of interrogations and the adoption of statewide protocols to ensure the integrity of the practice.

The Best Practices Committee of the District Attorneys Association led the formation of the New York State Guidelines for Recording Custodial Interrogations of Suspects. Using existing protocols from counties that have already embraced the practice, the committee created guidelines that are relevant to all regions of the state. The N.Y.P.D., the State Police, and the Sheriffs' and Chiefs' associations also provided extensive practical input, born from years of real-life experience.

While the guidelines outline when and how to record an interrogation, they also recognize the dynamics of police work and suspect encounters that may not lend themselves to the availability of recording equipment.



Franklin County District Attorney Derek P. Champagne, president of the New York State District Attorneys Association, declared: "The adoption of statewide protocols and best practices to govern video recording – as well as our collective support for identification procedures announced earlier this year – confirms law enforcement's commitment to creating fair, reliable, and practical improvements to our criminal justice system. Going forward, that commitment will only continue and grow stronger as we seek other ways to ensure the integrity of the system."

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Though united in their embrace of recording interrogations, counties have adopted a variety of recording models and practices to meet the needs of their jurisdictions and to stay within the limitations of their funding. Some programs have been in existence for many years, such as in Broome County, while others are just beginning.

Counties outside of New York City that have a video recording program include: Albany, Cayuga, Chenango, Chautauqua, Clinton, Columbia,



Dutchess, Erie, Franklin, Fulton, Genesee, Greene, Herkimer, Jefferson, Madison, Monroe, Nassau, Niagara, Oneida, Onondaga, Ontario, Orange, Otsego, Rensselaer, Schenectady, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Washington, Westchester, and Wyoming.

Six additional counties outside of the city – Chemung, Cortland, Livingston, Rockland, Saratoga and Warren – are developing video recording programs.

In New York City, the District Attorneys' offices in Bronx, Kings, Queens, New York, and Richmond Counties have all set up programs under which interviews of suspects conducted by assistant district attorneys or detective investigators are videotaped in their entirety. Moreover, the N.Y.P.D. is starting two pilot programs, one in Brooklyn and one in the Bronx, where detectives will video record the interrogations of arrested suspects in felony assault cases.

District attorneys and their law enforcement partners from the state's remaining 17 counties – Allegany, Cattaraugus, Delaware, Essex, Hamilton, Lewis, Montgomery, Orleans, Oswego, Putnam, Schoharie, Schuyler, Seneca, Steuben, St. Lawrence, Wayne, and Yates – have committed to the program once they can secure funding.

In December, DCJS announced that it was allocating \$400,000 to expand video recording of custodial interrogations to law enforcement agencies around the state that do not currently have video recording capacity. The funding is for the purchase and installation of equipment only (not personnel or building expenses), and counties may apply for up to \$50,000 in the form of a one-time grant.



Pilot programs and start-up funding is crucial, but it is only a first step. While law enforcement leaders praise the additional funding that DCJS is providing exclusively for equipment purchase and installation, they also urge legislators to provide greater financial support, which will be essential to institute, maintain, and expand these programs. Video

recording interrogations involves more than the purchase and installation of equipment. While shared facilities and group purchasing rates are being explored to reduce costs, significant additional costs remain, including: the construction or renovation of interview rooms, particularly if an agency wishes to sound-proof the space; the purchase and maintenance of equipment so recordings can be played for grand juries, court hearings, and trials; and the maintenance, storage, transcription, and redaction of recordings. Additionally, when a suspect does not speak English, significant expenditures are also required, as it would be necessary to hire a translator who can create an English transcript that could be used as evidence. In counties such as Queens, where up to 137 languages are spoken, the number of cases where translation services will be needed may be extensive.

This commitment to expanding the video recording of interrogations

Scott D. McNamara
Oneida County

William J. Fitzpatrick
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demonstrates the myriad ways in which law enforcement officials are actively promoting the highest standards of prosecutorial excellence. For additional information on the video recording protocols, or to discuss the implementation of these protocols in your county, please contact the chair of the DAASNY Best Practices Committee, Kristine Hamann, at khamann@specnarc.org.

Community Justice Program Partnership: Medgar Evers College and the Kings County District Attorney's Office

Medgar Evers College and the Kings County District Attorney's Office recently launched a collaborative Community Justice Program. This partnership was designed to provide educational support to formerly incarcerated and at-risk individuals

"This is a tremendous opportunity for our students to gain experience in this field through internships coordinated with the district attorney's office, and it's a great opportunity for those who are being released from incarceration to re-enter society, find a job, and obtain skills needed for college," said President William L. Pollard.

The Community Justice Program pairs Medgar Evers' academic programs in social work and related disciplines with District Attorney Charles J. Hynes' re-entry and diversion programs. This initiative will provide Medgar Evers students with internship opportunities within both the District Attorney's Office and the courts in Brooklyn to assist the formerly incarcerated with educational resources for re-entry and diversion programs. In these roles, students will help formerly incarcerated individuals to develop job skills. The programming of the Community Justice Program is designed to support reading and literacy workshops for at-risk youth, mentoring programs, GED training, programs connected to the CUNY Black Male Initiative, community outreach to local resources, and education for crime victims.

Student participants with an interest in social work will also have the opportunity to assist crime victims and non-violent offenders in diversion programs and treatment courts. CUNY is providing planning and development funds to help seed the program, which will include appeals to foundations and other external sources for support.


District Attorney Hynes extolled the benefits of this groundbreaking program, declaring, "This will be a great service to the formerly incarcerated and contribute to the health and safety of the entire community."

This partnership was designed with the hope that it will serve as a model for other CUNY campuses and elsewhere throughout the state.

Amicus Brief Update

**Morrie Kleinbart, Appeals Bureau Chief, Richmond County
District Attorney's Office**

If you have an amicus brief that the association filed, but which has not yet been posted on the website, please send it electronically or by mail to Morrie Kleinbart in Richmond County: morrie.kleinbart@rcda.nyc.gov or Morrie Kleinbart, Richmond County District Attorney's Office, 130 Stuyvesant Place, Staten Island, New York 10301.



District Attorneys who would like to request an amicus brief should contact DAASNY President Derek Champagne at dchampag@co.franklin.ny.us. Assistant District Attorneys should send amicus inquiries and requests to Lois Raff, Counsel to the Queens County District Attorney at LMRaff@queensda.org. Requests should be made as early as possible so that there is sufficient opportunity to evaluate the request and draft the amicus.