



Press Release

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New York State Law Enforcement Agencies Endorse Video Recording of Interrogations, Statewide Guidelines to Ensure Integrity of the Practice

State announces availability of grant funding to expand the initiative

ALBANY – New York State’s law enforcement agencies, at all levels of state and local government, joined together today to endorse the practice of video recording interrogations of suspects who are in custody in their entirety.

At a press conference in the well of the Legislative Office Building, leaders of 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 announced their support for video recording of interrogations and the adoption of statewide protocols to ensure the integrity of the practice.

Law enforcement in more than 40 counties in the state have already voluntarily developed programs for video recording the entire questioning of suspects who have been arrested for various designated felonies. These recordings capture critical evidence needed in the investigation and prosecution of criminal cases and preserve information used to resolve a person’s claim of innocence.

The New York State Division of Criminal Justice Services (DCJS) and the New York State Bar Association have already provided more than \$1.6 million in funding to support these projects, and DCJS today announced the availability of \$400,000 in federal Byrne Justice Assistance Grant funding to expand video recording to counties that currently do not have the capability.



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Franklin County District Attorney Derek P. Champagne, president of the New York State District Attorneys Association, said: “The more than 40 counties that have voluntarily adopted the video recording of interrogations demonstrate law enforcement’s commitment to a program that will benefit public safety and safeguard the rights of the accused. We are grateful for the funding already received from DCJS and the New York State Bar Association. The additional funding pledged by DCJS today will be critical in helping us to move forward in recording statements around the state.”

This is the second time that law enforcement executives have come together to support statewide protocols for critical investigatory processes. In May, leadership of the District Attorneys, Chiefs and Sheriffs’ associations, the N.Y.P.D. and State Police announced their endorsement of best practices for identification procedures, which are used to determine whether an individual is implicated in a crime. These procedures are now being implemented throughout the state.

District Attorney Champagne added: “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.”

The New York State Guidelines for Recording Custodial Interrogations of Suspects (*attached*) were spearheaded by the Best Practices Committee of the District Attorneys Association. Using existing protocols from counties that have already embraced the practice, the committee created guidelines that are relevant to all regions of the state. In addition, extensive practical input, born from years of real-life experience, was received from the N.Y.P.D., the State Police and the Sheriffs’ and Chiefs’ associations.



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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.

Law enforcement leaders praised the additional funding being provided by DCJS exclusively for equipment purchase and installation, but urged legislators for greater financial support, which will be essential to maintain and expand current programs while allowing those counties and agencies without the capability to institute the practice.

Successful implementation of video recording 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 and transcription and redaction of recordings.

Significant expenditures also are involved when a suspect does not speak English, since an interpreter is needed to ask questions and a translator is required to create an English transcript that can be used as evidence. For example, in Queens County, where up to 137 languages are spoken, the number of cases where translation services will be needed may be extensive.

Though united in their embrace of recording interrogations, counties have adopted a variety of recording models and practices to best 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.



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In addition to Broome, the following counties outside of New York City have a video recording program: 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 the Bronx, Kings, Queens, Manhattan and Richmond have set up programs under which interviews of suspects conducted by assistant district attorneys or detective investigators are videotaped in their entirety. The N.Y.P.D. will be 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 if they can secure funding for it.

The following statements were given in support of today's announcement:

Raymond W. Kelly, Commissioner of the New York City Police Department: "As technology improved and better equipment became available, it made sense for the department to test video recording of custodial interrogations. Anything that supports the integrity of a criminal confession and ensures justice is served should be thoroughly evaluated, which is what we intend through this pilot program."



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Sean M. Byrne, Acting Commissioner of the New York State Division of Criminal Justice

Services: “Despite the state’s difficult fiscal times, Governor Paterson’s administration has made a commitment to funding effective, proven programs that reduce crime and enhance the integrity of the criminal justice system. This initiative certainly meets both those aims, and I am pleased to announce the availability of dedicated funds to expand the program. While these funds are a fraction of what is necessary to allow all agencies in the state to fully participate in this program, it is my hope that they will help keep the momentum going so that law enforcement can make statewide video recording a reality.”

John P. Melville, Acting Superintendent of the New York State Police: “We believe that the videotaping of interrogations, where possible and practical, is an effective law enforcement tool. These guidelines will enhance this investigative tool and assist in the fair prosecution of criminal cases.”

Orange County Sheriff Carl DuBois, President of the New York State Sheriffs’ Association: “The Sheriffs of New York are pleased to have joined with our partners in law enforcement across this state to develop best practices for video recording of custodial interrogations. We believe these guidelines provide a solid framework that will allow sheriffs from rural, suburban and urban counties to develop protocols that meet their agencies’ needs, safeguard the rights of the accused and preserve key evidence for investigation and prosecution. Within our changing society and demographics, the New York State Sheriffs, along with all of Law Enforcement in New York State, have readily adapted to the constant challenges of change, in that we invite practices or processes that further improve our ability to prepare cases for seamless prosecution that will withstand constitutional scrutiny.”

Dryden (Tompkins County) Police Chief Margaret E. Ryan, President of the New York State Association of Chiefs of Police: “Electronic recordings of custodial interrogations enhance the investigative process and assist in the investigation and prosecution of criminal cases. As additional funding and resources become available to assist those agencies who are not already utilizing electronic recordings, the ability to conduct electronic recorded interrogations will expand throughout the state.”



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New York State Bar Association President-Elect Vincent Doyle: “The New York State Bar Association has, for more than five years, urged that custodial interrogations be recorded. It has collaborated with several District Attorneys in granting them funds for a pilot project. We are pleased that well over half of the state’s District Attorneys and many others in the law enforcement community now believe that this practice promotes justice in the prosecution of criminal cases.”

Representatives from law enforcement agencies in the following counties also attended today’s press conference: Albany, Clinton, Columbia, Franklin, Kings, Livingston, New York, Oneida, Onondaga, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Warren and Washington.

Also in attendance: John Grebert, Executive Director of the New York State Association of Chiefs of Police and Peter Kehoe, Executive Director of the New York State Sheriffs’ Association.