

**CITY OF BALTIMORE
COUNCIL BILL 06-0220R
(Resolution)**

Introduced by: President Dixon, Councilmembers Young, Holton, Reisinger, Mitchell, Welch
Introduced and read first time: September 25, 2006
Assigned to: Public Safety Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Police Commissioner

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Baltimore Police Department Policy – Recording of Custodial**
3 **Interrogations**

4 FOR the purpose of requesting the Baltimore Police Commissioner to share with the City Council
5 the departmental policy on the use of video and audio recording in custodial interrogations;
6 an analysis of the efficacy of recording devices in preventing wrongful convictions and in
7 protecting police officers from false accusations of abusive, immoral or illegal actions; and
8 any plans to retain as is, expand, or improve the existing program.

9 **Recitals**

10 The International Association of Chiefs of Police Association Policy Center’s recently
11 published Electronic Recording Of Interrogations And Confessions model policy states: “It is the
12 policy of this law enforcement agency to electronically record specific custodial interrogations
13 and confessions in order to provide an evidentiary record of statements made by suspects of
14 major crimes. Such electronic recordings help protect both the suspect(s) and interviewing
15 officers against potential assertions of police coercion or related interrogation misconduct, and
16 may increase the likelihood of successful prosecution.”

17 In Police Experiences with Recording Custodial Interrogations, a study published in 2004,
18 by the Northwestern University School of Law Center on Wrongful Convictions, highlights the
19 experiences of law enforcement agencies nationwide finding that in the 238 law enforcement
20 agencies in the 38 states that have adopted the practice, audio or video recording of custodial
21 interrogations are very effective, specifically in trial proceedings, where recordings dramatically
22 reduce uncertainty about what happened during interrogations. The author, Thomas Sullivan, a
23 former U.S. Attorney, concludes that “recordings benefit suspects, law enforcement, prosecutors,
24 juries, trial and reviewing court judges, and the search for truth in our justice system.”

25 In a follow-up study, Electronic Recording of Custodial Interrogations: Everybody Wins,
26 universally recognized expert Thomas Sullivan further found that in addition to protecting
27 suspects and police alike, court time is saved because the record is clear and conclusive and
28 prosecutors and defense lawyers do not have to tie up time and resources in court arguing about
29 what took place during the interrogation. Additionally, he found that the recording of
30 interrogations results in voluntary admissions and confessions that are indisputable in court, that
31 the ability to obtain confessions and admissions were generally not affected, and that police
32 officers were later able to review the interrogations to follow up on leads or inconsistencies.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 And finally, the practice increases public confidence in law enforcement because it shows law
2 enforcement personnel have nothing to hide.

3 By last year the Justice Project, a non partisan organization dedicated to fighting injustice,
4 found there were 3 ways the recording of interrogations were being implemented in states. Some
5 states, such as Illinois, Maine, New Mexico, and the District of Columbia, have enacted
6 legislation to mandate that custodial interrogations must be recorded. In other states, such as
7 Alaska, Minnesota, New Jersey, Massachusetts, and New Hampshire, the states' supreme courts
8 have ruled that law enforcement offices have a constitutional duty to record interrogations when
9 possible. In some instances, individual police departments adopt policies that require recordings,
10 but this occurs in a very small percentage of law enforcement agencies in the United States.

11 In 2006, a number of other states considered legislation to mandate the recording of police
12 interrogations: in Virginia, legislation was introduced to require custodial interrogations of
13 juveniles to be electronically recorded; in Florida, 4 bills were introduced in the wake of a
14 number of exonerations in that state; 2 bills were introduced in Arizona that would require
15 recording in homicide cases; and similar measures were introduced in Michigan, Missouri, New
16 Jersey, Pennsylvania. Here in the Maryland General Assembly, a bill was reintroduced from the
17 2005 session that would require a custodial interrogation in cases relating to a criminal
18 investigation of a crime punishable by death to be recorded, and again it was killed by the House
19 Judiciary Committee.

20 We cannot wait for the State to act. In the present climate where law enforcement and the
21 general public are working to forge an effective partnership to fight the life and death war
22 against crime, we must consider implementing a mandatory recording of all custodial
23 interrogations to protect suspects, our men and women in blue, and the faith of Baltimore's
24 citizen in the integrity of those whose sworn duty it is to protect and to serve.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
26 Baltimore Police Commissioner is requested to share with the City Council the departmental
27 policy on the use of video and audio recording in custodial interrogations; an analysis of the
28 efficacy of recording devices in preventing wrongful convictions and in protecting police
29 officers from false accusations of abusive, immoral or illegal actions; and any plans to retain as
30 is, expand, or improve the existing program.

31 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
32 Baltimore Police Commissioner, the Fraternal Order of Police Lodge 3, the Baltimore Chapter of
33 the National Organization of Black Law Enforcement Officers, the Vanguard Justice Society,
34 and the Mayor's Legislative Liaison to the City Council.