

Council Bill 06-0220R

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 In its 2005 and 2006 Legislative Sessions, the Maryland General Assembly considered
26 legislation to require mandatory recording of custodial interrogations. This legislation failed to
27 make it out of the House Judiciary Committee.

28 Anticipating that the General Assembly will again reintroduce this legislation in 2007, the
29 Baltimore City Public Safety Committee will assemble a working group consisting of
30 representatives of the Baltimore City Council, Mayor's Office, Baltimore Police Department,
31 and State's Attorney's Office, to explore all aspects of related issues. Issues may include, but
32 are not limited to, adopting best practices from Maryland and other states, determining what
33 crimes would fall under the proposed legislation, setting the time period needed to implement
34 any changes, and assessing the cost of equipment, facility accommodations, training, storage,
35 and on-going maintenance. This working group will provide the City Council with a written
36 update no later than February 1, 2007.

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

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