

**RESOLUTION SUPPORTING MANDATED ELECTRONIC RECORDING OF  
CUSTODIAL INTERROGATIONS IN CRIMINAL CASES**

**WHEREAS** it has been established by numerous cases and other reports that there exists a significant risk that false confessions are elicited as the result of certain interrogation techniques employed by law enforcement personnel in the investigation of a criminal matter; and

**WHEREAS** the use of video and/or audio recording equipment throughout the interrogation process would be helpful in determining whether any irregularities existed in the interrogation process that may have resulted in a false confession; and

**WHEREAS** a comprehensive study conducted under the auspices of the U.S. Department of Justice [Geller, *Videotaping Interrogations and Confessions*, DOJ HV 7635.U548 G318 (1993)] shows that the regular practice of recording interrogations has increased in jurisdictions outside New York; and

**WHEREAS** the Geller study further shows that prosecutors and other law enforcers in jurisdictions where recorded interrogations are employed are in virtually unanimous agreement that such recordings are beneficial to case preparation; and

**WHEREAS** the Geller study showed that interrogation tapes were useful in evaluating cases; and

**WHEREAS** around the world, the recording of law enforcement interrogations is an expanding practice in keeping with international covenants on civil rights and conventions against torture; and

**WHEREAS** the economic considerations of recording interrogations do not outweigh the practical benefits to law enforcement and the increased confidence in the outcome of criminal prosecutions; and

**WHEREAS** recordings are required pursuant to judicial opinion in the states of Alaska and Minnesota, and recent legislative proposals have been made by the New York City Council, the District of Columbia, and the states of Illinois, Maryland, Connecticut, Oregon and Mississippi; and

**WHEREAS** New York State Assembly Bill A05162 has been introduced that would amend the Criminal Procedure Law by adding new section 60.51, entitled: RULES OF EVIDENCE; ELECTRONIC RECORDINGS OF CUSTODIAL INTERROGATIONS.

**THEREFORE, IT IS HEREBY RESOLVED** that the New York State Defenders Association in order to promote the orderly and fair resolution of criminal prosecutions supports the passage of a rule of law mandating uninterrupted electronic recording throughout the interrogation process of individuals by law enforcement personnel.

**Adopted by the Board of Directors of the New York State Defenders Association.**

**This 22nd day of July, 2003.  
Saratoga Springs, New York**