



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Opposition to:

S.B. No. 230 (RAISED) An Act Concerning the Videotaping of Custodial Interrogations

Joint Committee on Judiciary
March 10, 2010

The Division of Criminal Justice opposes S.B. No. 230, *An Act Concerning the Videotaping of Custodial Interrogations*, and would respectfully request that the Committee take no action on this bill.

S.B. No. 230 ignores the continued commitment and outstanding effort on the part of the law enforcement community through its own initiative to strengthen and improve investigative practices and procedures. With the strong support of the Judiciary Committee, the Division of Criminal Justice initiated a pilot program for the video recording of interrogations in serious felony cases. This pilot program is allowing the law enforcement community and the courts to assess the practice and its impact on the criminal justice system and criminal cases from the initial investigation through final disposition in court.

The pilot program is being operated by the municipal police departments in Bridgeport, Meriden, Southington and Waterford and the Connecticut State Police Eastern and Western District Major Crime Squads. The Division wishes to extend its sincere gratitude to these police departments for agreeing to participate in this program and for all of their hard work and dedication in its implementation began around July 1, 2008. Since that time:

- 587 interviews have been conducted, 353 of which were done covertly. All of these interviews were done at stationary sites. This suggests that additional time will be needed to obtain experience with the use of mobile recording equipment.
- 57 interviews have resulted in confessions; 3 interviews resulted in arrests; 3 interviews resulted in statements of involvement; 1 interview resulted in the disclosure of a possible sexual assault; and 1 interview resulted in a statement that that led to proof that a homicide had been committed.

While the Division and law enforcement community believe that additional experience is needed to assess the pilot program, there are strong initial indications that it is a success. The Bridgeport Police Department reports that some detectives who initially opposed the concept now have a more favorable approach. The Bridgeport Police Department also tracked the cases of one detective that involved recording of 53 suspects. In 37 cases the defendant pled out in state court. Five more pled out in federal court. In the one case that went to trial the defendant pled out during the trial. The remaining ten cases are still pending. The Bridgeport Police Department reports that it believes that video statements were a factor in the fashion in which these cases were resolved.

Additional time is needed to collect additional data and to assess the practice of recording interrogations. For example, the Connecticut State Police Western District Major Crime Squad had yet to have an opportunity to utilize the recording process as of last report. Additionally, as previously noted, there is no experience as to the use in an actual case of the mobile recording equipment. What is clear is that the law enforcement community is committed to this pilot program and to seeing the program through to the point where a valid assessment can be made and conclusions reached.

S.B. No. 230 ignores the work and commitment of law enforcement officials in seeking to make a legislative end-run around the established case law and refusal of the courts to render inadmissible confessions rendered during interrogations that are not recorded. See *State v. James* (237 Conn. 390, 428-34 (1996)) and *State v. LaPointe* (237 Conn. 694, 735 (1996)). The courts have generally concluded that while the recording of interrogations might be a desirable investigative practice that is to be encouraged, such recording is not a requirement under the constitutional guarantee of due process.

In conclusion, the Division would respectfully request that the Committee recognize and support the law enforcement community in its continuing efforts to implement best practices through such initiatives as the pilot program. We would further ask the Committee to recognize the longstanding findings of the court and for these reasons to reject S.B. No. 230.

Respectfully submitted,

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