

Police interrogation needs videotape

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Everyone benefits from videotaped police interrogations.

Nassau County District Attorney Denis Dillon called on police recently to “videotape suspects’ interrogations to avoid coerced confessions.” Although violations of suspects’ rights may have prompted his call, electronic recordings level the playing field in both directions.

They also protect the police and the DA from accusations of coercing what were voluntary confessions. Video can save taxpayers money, and not just from avoiding settlements such as the \$3 million Nassau recently paid to men who claimed their confessions were coerced.

A 1992 survey by the National Institute of Justice found that about one-third of all police departments in communities of 50,000 or more were already videotaping at least some interrogations, and that of the ones that did, 97 percent reported they found it useful.

Why do some oppose videotapes, at least at first? One must factor in the costs for cameras and tapes and also for handling, preservation, storage and retrieval. Some interrogators are afraid it will interfere with the natural flow of an interview. And some, no doubt, would prefer not to have a witness to coercive tactics. But perhaps the overriding reason is that police are as human as everyone else: Interviews for the 1992 survey showed resistance was not specifically to videotaping, but to any change in procedures at all.

A veteran detective I know insists his squad audiotape interactions, even though taping is neither mandated nor specifically funded. He told me how useful recordings are to document information, to show their noncoercive techniques and to demonstrate confessions were voluntary.

Recently, he said, they were transporting a man arrested on charges of sexually assaulting a juvenile female. The man’s Miranda rights and waiver were taped as well as written, and he then voluntarily admitted sexually assaulting another 12-year-old girl. The detective told me: “I am sure that, if it was not

recorded, he and his attorney would claim he was coerced, the confession was false, he never made those statements, the police are lying, et cetera.”

A case I was involved with focused on a challenged confession. One issue was whether the defendant spoke English well enough to have written the confession. Had it been taped, that state’s taxpayers would have saved thousands of dollars in court costs. The accused also testified that he had been thrown against walls and threatened with electric shock torture. This, too, might have been an issue easier to resolve had there been a tape of the entire interrogation.

I discovered that the interview room contained both audio and video recorders. The detective testified that it hadn’t occurred to him to turn them on.

Audiotape can be useful, but video is superior. Video also reveals nonverbal information helpful in interpreting speech and makes it easy to gather information that is often murky, yet critical in interpreting audiotapes: who is actually speaking and to whom.

But even videotapes don’t solve all problems. We often hear tapes “speak for themselves.” They don’t.

Even trained linguists often struggle for hours trying to understand a problem passage on a tape because, no matter how good the equipment, questions inevitably arise about exact wording. Two people can hear different words on the same tape because of what they expect—or want—to hear. An example is “50 nights” versus “15 nights.” Which one you hear depends on which makes sense in the version you believe.

Although no technology is perfect, video is especially valuable. For the good of all, videotaping should proceed. But we should remember that unless courts refuse to allow confessions that were not taped—and this was proposed in bills in Albany last month—we will be right back where we started.