

# CAPITAL PUNISHMENT REFORM STUDY COMMITTEE

## Minutes of meeting May 20, 2009

The thirty-ninth meeting of the Capital Punishment Reform Study Committee was held at the office of Jenner & Block, 330 North Wabash Avenue, Chicago, Illinois from 1 to 4 PM.

### Those present

James R. Coldren, Jr. (via teleconf.)

Walter Hehner

Edwin R. Parkinson (via teleconf.)

Richard D. Schwind

Randolph N. Stone (via teleconf.)

Thomas P. Sullivan

Michael J. Waller (via teleconf.)

### Not present

Leigh B. Bienen

Jennifer A.  
Bishop-Jenkins

Kirk W. Dillard

Jeffrey M. Howard

Boyd J. Ingemunson

Charles M. Schiedel

Geoffrey R. Stone

Arthur L. Turner

Also present: David E. Olson, and from David's staff at Loyola: Robert Lombardo, Kelly McMahon, Brenda Murphy, and Don Stemen.

Also present: Julie Harmon, Capital Case Coordinator, Cook County Public Defender; Patrick McAnany, Illinois Coalition to Abolish the Death Penalty; from Jenner & Block: Christie L. Starzec, and Michael P. Pellegrino (law students).

Minutes of meeting of March 9, 2009, with an amendment proposed by Mr. Coldren, approved as amended. Minutes of April 6, 2009 approved.

*1. Committee funding for FYE June 30, 2010.*

It was agreed that Mr. Sullivan will contact Messrs. Dillard and Turner, and Lori Levin, regarding funding for the Committee for the FYE June 30, 2010, perhaps limiting the request to a "roll over" over the Committee's spent budget amount for the FYE June 30, 2009.

2. *David Olson's report on the surveys of Illinois police and sheriff departments.*

Mr. Olson presented the Police Administrator Survey that was sent to 303 municipal police departments, 102 sheriff departments, and 8 task forces. The survey was sent to all departments that reported a homicide reported from 2004 through 2007, and to 22% of remaining departments, selected randomly. By May 15, 178 surveys, or 44% of those sent, had been returned. Of those, 50 agencies responded that they do not investigate homicides that occur in their jurisdictions. 81 departments reported having conducted one or more interrogations of homicide suspects.

The survey questionnaire is attached as Appendix 1, and the results of the survey forms returned thus far, entitled "Results from the CPRSC Police Department Survey," are illustrated in the document attached as Appendix 2.

Regarding the requirement of Illinois law that custodial interviews of suspects in homicides that are potentially death eligible, the following responses were of interest, based upon the responses from departments that have recorded custodial interrogations:

Q. 12: Almost 60 % tell the suspects that a recording is being made, although under Illinois law they need not do so in death-eligible homicide cases.

Q. 26: About 75% agree that the recordings of custodial interrogations are beneficial to law enforcement.

Q. 32: 45% record custodial interviews in cases other than those which the Illinois statute requires, for example, investigations of attempted murder, sexual assault and abuse, robbery, burglary and child abuse.

Q. 39: About 25% are in need of additional funding to obtain proper recording equipment.

Q. 50: About 20% believe their detectives have not been adequately trained in the use of the recording equipment.

Q. 53: About 55% believe additional training is needed for homicide investigations and custodial interrogations.

Regarding lineups and photospreads for eyewitness identifications of suspects in homicide investigations:

Q. 57-58: Most departments use simultaneous rather than sequential procedures.

Q. 60: Most of the time the administrator knows the identity of the suspect.

Q. 61: Few departments make videotape recordings of the identification procedure.

Q. 71: Almost all departments believe that the 48-hour charging rule does not allow enough time to investigate complex homicide cases.

Q. 72: Almost no departments have experienced problems in homicide cases in complying with the requirement that they provide their files to the prosecutors.

Q. 72: 61% of departments have not received evidence and lab results quickly from crime laboratories.

Mr. Olson said that he will contact the departments that have not responded to the survey requesting that they do so, and that he and his staff will prepare the final results of the survey for the Committee.

3. *Reports of subcommittees.*

(1) *Report of subcommittee 1 - Police and investigations.*

Mr. Coldren reported that the subcommittee has not met since the last full Committee meeting. Mr. Sullivan agreed to send Mr. Coldren the text of a bill introduced in the Missouri legislature that contains provisions for the blind folder method for conducting identification procedures using photos, and a news article relating

to legislation introduced in the Texas legislature requiring police departments to develop written policies for lineups based upon best practices endorsed by the Law Enforcement Management Institute of Sam Houston State University.

Messrs. Coldren and Schwind reported that the law enforcement officials with whom we met at the Committee meeting on March 9 have been actively discussing with their fellow officers and organizations the question of using blind administrators and/or blind procedures, and will report back to us.

*(2) Report of subcommittee 2 - Eligibility for capital punishment and proportionality.*

Mr. Sullivan reported that the subcommittee has not met since the last full Committee meeting. He also said that Ms. Bienen continues to attempt to obtain all first degree murder indictments returned since January 1, 2003. Mr. Hehner said that the Cook County State's Attorney's office is beginning to

assemble the information regarding first degree murder indictments returned in Cook County since January 1, 2003.

Regarding the information needed to conduct meaningful comparative proportional review of capital cases, Ms. Harmon said that when Mr. Howard was coordinator of the Public Defender capital case coordinator for the Cook County Public Defender, he kept a check list of capital-eligible cases, including the race of the defendants and victims, and the capital qualifiers. For about a year after Mr. Howard left that position, these records were not kept. Ms. Harmon is now keeping the information in an electronic system. She agreed to seek permission of the Public Defender to share Mr. Howard's records with the Committee. Mr. Olson said that he is able to have his graduate students enter the data into computers.

With respect to the Cook County capital cases handled by private attorneys, it was agreed that Mr. Sullivan will contact



Criminal Court Chief Judge Timothy Evans, or his assistant, Jim Anderson, for permission to obtain access, through the records of payments from the Capital Litigation Trust Fund, in order to obtain a list of names of the private lawyers and the cases they have handled.

*(3) Report of Subcommittee 3 - Trial court proceedings.*

Mr. Parkinson reported that the subcommittee has not met since the last full Committee meeting. Mr. Sullivan said that he will distribute, in a separate package, the recommended instructions and verdict forms previously recommended by subcommittee 3 at its meetings on September 10, 2008 and January 9, 2009, for consideration by the full Committee at its next meeting.

*(4) Report of Subcommittee 4 - Post-conviction proceedings, DNA and general topics.*

Mr. Hehner reported that the subcommittee has not met since the last full Committee meeting.

With respect to the Capital Litigation Trust Fund, Mr. Schwind said that HB 869 is designed to tighten billing and payment procedures, and to authorize the Treasurer of Illinois to object to portions of bills that appear inflated, which will then be considered and ruled on by the trial judge. Mr. Sullivan agreed to obtain and distribute copies of HB 869 to Committee members.

Regarding the problems being experienced by Illinois forensic laboratories, Mr. Hehner agreed to discuss with subcommittee members the questions of the pay scale, and the DNA backlog. Mr. Schwind agreed to consult on these topics with the members of subcommittee 4.

4. *Next meeting – Tuesday, July 7, 2009, at 1 PM.*

It was agreed that the next full Committee meeting will be held on Tuesday, July 7, 2009 at 1 PM, at the office of Jenner & Block, 330 N. Wabash Avenue, 40th Floor, Chicago, IL.

Thomas P. Sullivan  
Chair  
June 5, 2009

Attachments - Appendices 1-2.



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**Capital Punishment Reform Study Committee  
Police Administrator Survey**

Survey Identification Number: \_\_\_\_\_

**Preliminary Information**

Who investigates the homicides that occur in your jurisdiction (circle all that apply)?

- a. Your agency
- b. A Multi-jurisdictional task force or major case assistance team
- c. County Sheriff
- d. Illinois State Police

If you do not investigate the homicides that occur in your jurisdiction, please provide the name of the agency that does:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What year did you stop investigating homicides? \_\_\_\_\_

**STOP HERE if you do not investigate any of the homicides that occur in your jurisdiction!**

**Please return completed survey in the enclosed, stamped envelope to:**

David E. Olson, PhD  
Department of Criminal Justice  
Loyola University, Chicago  
820 N. Michigan Avenue  
Chicago, Illinois 60611

Fax: 312-915-7650  
Email: [dolson1@luc.edu](mailto:dolson1@luc.edu)



**If you are responsible for investigating the homicides that occurred in your jurisdiction since the implementation of the Illinois Capital Punishment Reform Act (July 18, 2005), please answer the following questions. Indicate the number (or estimated number) for each between the July 18, 2005 effective date through February 28, 2009.**

<b>Custodial Interrogations (please provide actual number or your estimate)</b>	<u>Number</u>
1. How many custodial interrogations of murder suspects did your department conduct?	_____
2. How many of these custodial interrogations of murder suspects did you record?	_____
3. How many custodial interrogations of murder suspects resulted in a confession?	_____
4. How many of these murder suspect confessions did you record?	_____
5. How many murder suspects refused to consent to the recording of their interrogation?	_____

**Please circle the correct answer to the following questions.**

6. If you have not recorded in-custody statements in homicide investigations, is your department prepared to do so in the future?
  - a. Yes
  - b. No
  
7. Did your department begin recording custodial interrogations in murder cases *prior to* the implementation of the Illinois Capital Punishment Reform Act (July 18, 2005)?
  - a. Yes
  - b. No
  - c. Not Applicable  
(No homicides occurred)
  
8. How have the majority of custodial interrogations of murder suspects in your department been recorded? If you have not had any murder interrogations, how would they be recorded?
  - a. Audio & Video recording
  - b. Audio recording only
  
9. Are the current recording devices used for custodial interrogations of murder suspects digital?
  - a. Yes
  - b. No
  
10. Does your department have written protocols for electronically recording custodial interrogations?
  - a. Yes
  - b. No
  
11. During custodial interrogations, is the recording equipment in plain view of the suspect?
  - a. Yes, all of the time
  - b. Yes, some of the time
  - c. Yes, but disguised
  - d. No, never
  - e. Not Applicable (No homicide arrests have occurred)



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12. Do detectives tell murder suspects that a recording is being made of the interrogation?

- a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time  
d. No, never      e. Not Applicable (No homicide arrests have occurred)

13. Do you believe that the electronic recording of interrogations affects a suspect's cooperation?

- a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time  
d. No, never      e. Not Applicable (No homicide arrests have occurred)

If yes, how do you think the recording affects a suspect's cooperation? Provide examples.

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14. Do you believe that career criminals (e.g. gang members) "play to the jury" when their interviews are recorded?

- a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time  
d. No, never      e. Not Applicable (No homicide arrests have occurred)

If yes, please explain and provide examples:

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15. Do you believe that the recording of custodial interrogations in murder investigations has affected the interviewing techniques of your detectives?

- a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time  
d. No, not at all      e. Not Applicable (No homicide arrests have occurred)

If you answered yes to the above question, please explain and/or provide examples.

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16. Do you believe that the recording/videotaping of deception or trickery by investigating officers has been an obstacle to a guilty finding when presented to a jury?
- a. Yes, all of the time                      b. Yes, most of the time                      c. Yes, some of the time
- d. No Never                                      e. Not applicable

If yes, please explain and provide examples.

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17. Does your department record (audio or video) *witness* testimony related to murder investigations? If you have not had any murder investigations since 2005, would witness testimony be recorded?
- a. Yes, all of the time                      b. Yes, most of the time                      e. Yes, some of the time
- d. No, never                                      e. Not Applicable (No homicide arrests have occurred)

Please **CIRCLE** the response that best describes the experience of your department since the recording of custodial interrogations of murder suspects became law. **If you have not made any arrests for homicide since 2005, please skip to question 26.**

	Always	Frequently	Rarely	Never
18. Confession occurred outside of a custodial interrogation at the place of detention.	1	2	3	4
19. Electronic recording was not feasible.	1	2	3	4
20. Confession was a spontaneous statement	1	2	3	4
21. Confession was made during the arrest or booking process.	1	2	3	4
22. Suspects refuse to be recorded.	1	2	3	4
23. You electronically record <i>refusals</i> to be recorded.	1	2	3	4
24. Recorded interrogations have been used to exonerate officers of alleged misconduct.	1	2	3	4
25. Supervisors regularly review recorded interrogations as a management tool.	1	2	3	4



Please indicate your level of agreement with the following statements. Please indicate your expectations if you have not had any homicide interrogations since 2005.

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
26. Detectives in our agency find the recording of custodial interrogations to be beneficial.	1	2	3	4	5
27. Electronic recording improves the quality of the interrogation because detectives do not have to take notes.	1	2	3	4	5
28. Detectives are apprehensive to use certain interrogation techniques when being recorded, even though these techniques are legal, because of concern over how juries will perceive their methods.	1	2	3	4	5
29. Both the audio <i>and</i> video recording of murder suspect interrogations should be mandatory.	1	2	3	4	5
30. Do you believe that the recording of interrogations in murder investigations has specific advantages? If yes, please describe these. Use additional paper if necessary.					

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31. Do you believe that the recording of interrogations in murder investigations has specific disadvantages? If yes, please describe. Use additional paper if necessary.

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### Recording of Interrogations in Other Crimes

32. Has your department implement a policy to record custodial interrogations for offenses other than murder?

- a. Yes                      b. No





33. How often have you recorded interrogations for the following crimes?

	Always	Sometimes	Never	Not Applicable/ No cases
33a. Attempted Murder	1	2	3	4
33b. Sexual Assault/Abuse	1	2	3	4
33c. Robbery	1	2	3	4
33d. Burglary	1	2	3	4
33e. Aggravated Battery	1	2	3	4
33f. Domestic Violence	1	2	3	4
33h. Child Abuse	1	2	3	4
33f. Other	1	2	3	4

(Please indicate other crimes recorded) \_\_\_\_\_

**Equipment Related to the Recording of Custodial Interrogations (please provide actual number or an estimate)**

34. How many recording devices, which record both video and audio simultaneously, does your department have available for the recoding of custodial interrogations? \_\_\_\_\_

35. How many audio-only recording devices does your department currently have available for the recoding of custodial interrogations? \_\_\_\_\_

36. Of the devices available for the recoding of custodial interrogations, how many were acquired specifically in response to the Capital Punishment Reform Act? \_\_\_\_\_

37. Of those devices purchased specifically in response to the requirement, what was the source of the funds used to purchase the equipment? Please **CIRCLE** all that apply.

- a. General Revenue
- b. Asset Forfeiture
- c. ICJIA Grant Funds

d. Other Grant (specify) \_\_\_\_\_ e. Donated (Specify) \_\_\_\_\_

38. What was the date of your most recent purchase of recording equipment specifically for use in the recording of custodial interrogations? \_\_\_\_\_  
month/year

39. Has your department had sufficient funds to obtain the proper equipment to record custodial interrogations?

- a. Yes
- b. No

If no, what types of equipment are needed? \_\_\_\_\_

If no, what is the estimated cost of the needed equipment? \$ \_\_\_\_\_



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40. Has your department had sufficient funds to cover the costs of making copies of custodial interrogation recordings?

a. Yes

b. No

If no, what is the estimated cost for the needed equipment? \$ \_\_\_\_\_

41. Since the requirement to record custodial interrogations of murder suspects, were any technical problems/failures experienced with your recording equipment?

a. Yes

b. No

C. Not applicable (No homicide arrests have occurred)

If yes, please provide a brief explanation of the problem(s) experienced.

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42. Did technical problems/failures hamper a murder interrogation that you were conducting?

a. Yes

b. No

C. Not applicable (No homicide arrests have occurred)

If yes, please provide a brief explanation.

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43. Are the *majority* of patrol cars in your jurisdiction equipped with recording equipment that permits the recording of interviews within the patrol car?

a. Yes

b. No

44. Please **CIRCLE** the method(s) used to store copies of recorded custodial interrogations.

a. Computer Hard Drive

d. Audio Tape

b. Computer CD

e. Other

c. Video Tape

45. Please **CIRCLE** the location where your department's recordings are stored.

a. Evidence Vault/Locker

c. State's Attorneys' Office

b. Crime Lab

d. Other (Specify) \_\_\_\_\_



46. Does your department have sufficient funds to cover the cost of storage of custodial interrogation recordings?

- a. Yes                      b. No

47. The table below lists different types of equipment and resources needed to record custodial interrogations. For each item, please indicate (**CIRCLE**) if your department has sufficient equipment or services available to meet your needs to record custodial interrogations.

	Sufficient Equipment/Resources	Need Equipment/Resources
a. Audio/Video Equipment	1	2
b. Audio Equipment	1	2
c. Back-Up Audio/Video Equipment	1	2
d. Sound-Proofing Interrogation Rooms	1	2
e. Resources for Transcription	1	2
f. Equipment to Copy Recordings	1	2
g. Resources for the Storage of Recordings	1	2

48. Is there any other equipment or resources needed by your department to facilitate your recording of custodial interrogations? If yes, please described/explain.

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**Training**

49. Do you use electronically recorded interrogations to train officers within your department?

- a. Yes, all of the time                      b. Yes, most of the time                      c. Yes, some of the time  
d. No, never

50. Do you believe that your detectives have been adequately trained in the use of audio/video recording equipment?

- a. Yes                      b. No

51. Have your detectives been adequately trained to conduct electronically recorded interviews?

- a. Yes                      b. No



52. Who trains your department in the use electronic/interrogation techniques related to homicide investigations? **CIRCLE** all that apply:

- a. Illinois Law Enforcement Officers Training & Standards Board
- b. Mobile Team Units
- c. Police Training Institute (PTI)
- d. Illinois State Police
- e. John Reid & Associates
- f. Local Academy
- g. No training
- h. Other (please indicate) \_\_\_\_\_

53. Do you believe that additional training is needed for homicide investigations and custodial interrogations?

- a. Yes
- b. No

If you agree that additional training is need for detectives investigating murder cases, please identify/describe the specific types of training that are needed.

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**Line-Up Procedures in Murder Investigations**

54. How many line-ups--actual number or an estimate--in murder investigations has your department conducted since July 2005? \_\_\_\_\_

When your department conducts a line-up in a murder investigation, which of the following procedures, if any, are used, or would be used? **CIRCLE** all that apply.

	All the Time	Most of the Time	Some of the Time	Never
55. Photo or computer line-ups. (Using pictures rather than people.)	1	2	3	4
56. In-person line-up (Using live people.)	1	2	3	4
57. Simultaneous line-up (Showing all individuals in the line-up at once)	1	2	3	4
58. Sequential line-up (Showing individuals in the line-up separately to witnesses.)	1	2	3	4
59. If sequential, is the witness allowed to view each person more than once?	1	2	3	4



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	All the Time	Most of the Time	Some of the Time	Never
60. Line-up administrators know the identity of the suspect?	1	2	3	4
61. Videotape recordings are made of the line-up procedure?	1	2	3	4
62. Videotape recordings are made of the witness identification of the suspect.	1	2	3	4

### Investigation Procedures

63. How many hours may you detain a murder suspect for questioning?  
\_\_\_\_\_

64. What method(s) do you use to detain murder *witnesses* for questioning? Circle all that apply.

- a. Seek voluntary cooperation
  - b. Subpoena witness to grand jury
  - c. Summon as a material witness
  - d. Other (please explain)
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65. At what point does the State's Attorneys Office (SAO) *usually* become involved in a murder investigation?

- a. Prior to arrest
- b. At time of arrest
- c. After arrest, but prior to charging

66. Does the SAO usually interview murder *suspects* before or after charging?

- a. Before
- b. After

67. Does the SAO usually interview murder *witnesses* before or after charging?

- a. Before
- b. After

68. Can you usually writ out a murder suspect from the county jail for questioning?

- a. Yes
- b. No

69. Do you routinely obtain a search warrant for a murder suspect's residence in order to obtain evidence in murder investigations?

- a. Yes
- b. No



70. How long may you detain a murder *witness* for questioning?

- a. Hours: \_\_\_\_\_
- b. Cannot detain a witness for questioning

71. Do you believe that the 48-hour charging rule allows enough time to investigate complex homicide cases, such as those involving a number of suspects and witnesses?

- a. Yes
- b. No

72. Have you experienced any problems in complying with the requirement that police provide all investigative files, materials, field notes, etc., to the prosecutor in every homicide case?

- a. Yes
- b. No
- c. Not Applicable (No homicide arrests have occurred since requirement)

If yes, please describe the problems you have encountered.

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**Please indicate your level of agreement with the following statements. If you have not had any homicide investigations since 2005, skip to question 75:**

	Strongly Agree	Agree	Neither Agree or Disagree	Disagree	Strongly Disagree
73. All homicide investigative files, materials, and field notes are promptly delivered to the prosecutor.	1	2	3	4	5
74. When investigating a homicide, the evidence and lab results are obtained quickly from the crime lab.	1	2	3	4	5
75. Are there any other things that you believe are important for the Capital Punishment Reform Study Committee to know about your experiences conducting homicide investigations? <b>If so, explain.</b>					

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**Please return survey to:**

David Olson PhD  
Department of Criminal Justice  
Loyola University, Chicago  
820 N. Michigan Avenue  
Chicago, Illinois 60611

Fax: 312-915-7650  
Email: [dolson1@luc.edu](mailto:dolson1@luc.edu)

**Preliminary**  
**Results from the Capital Punishment  
Reform Study Committee Police  
Department Survey**

**Prepared for the  
Illinois Capital Punishment Reform Study Committee**

**Prepared by  
David E. Olson, Ph.D.  
Don Stemen, Ph.D.  
Robert Lombardo, Ph.D.  
Brenda Murphy  
Mary Murray  
Kelly McMahon**



*Preparing people to lead extraordinary lives*



# Distribution Method & Response Rate

- Introductory letter distributed by co-chairs Sullivan & Schwind
- Cover letter, survey & self-addressed, postage paid return envelope sent to
  - 303 municipal police departments
  - 102 county sheriff's offices
  - 8 task forces
- By 4/06/09 responses received from 135 agencies
- 4/28/09 second cover letter, survey & self-addresses, postage paid return envelope sent to non-responders
- By 5/15/2009 a total of 178 of the 413 surveys were returned



# Response Rates, by Volume of Murder Offenses

	Homicides Reported in Illinois from 2004-2007		Survey Distribution to Police Departments		
	Number of Agencies in Illinois	Percent of Agencies	Percent of Agencies Sent Survey	Percent of Agencies Returning Survey	Percent of Agencies Returning Completed Survey
None	714	74.5%	22%	38.1%	55.9%
1 to 5	216	52.3%	100%	50.5%	87.2%
6 to 10	13	3.2 %	100%	38.4%	60.0%
More than 10	29	7.0 %	100%	31.0%	88.8%
Total	972	100%	100%	44.1%	76.4%



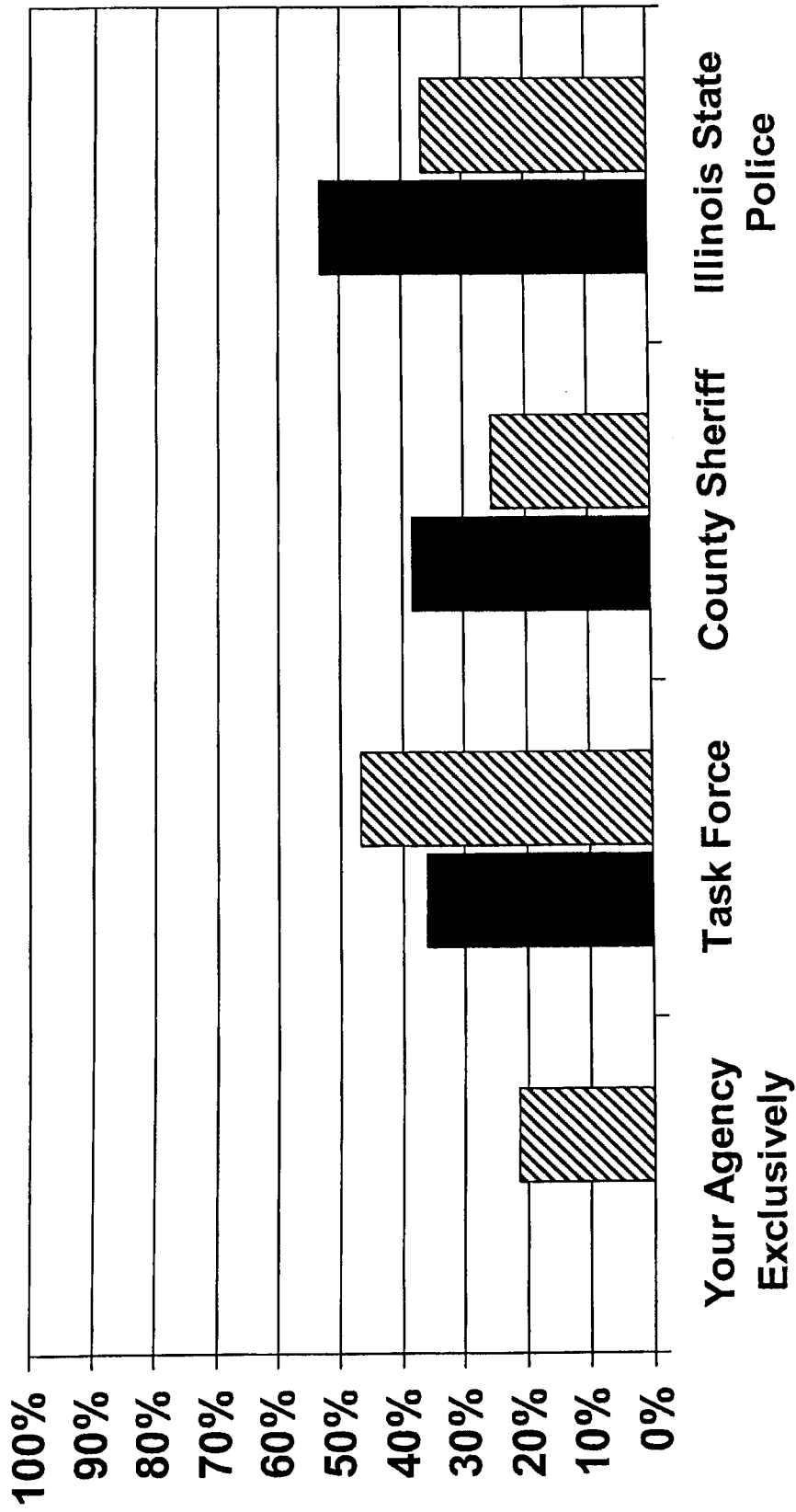
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# Responsibility for Murder Investigations

- Of the 178 agencies responding to the survey
  - 28% (50) indicated that they do not investigate the homicides in their jurisdiction
  - 72% (128) indicated they do investigate the homicides in their jurisdiction
    - Of the 128 that indicated they do investigate the homicides, 81 (63%) reported having conducted one or more interrogations of murder suspects since July 2005, and 47 (37%) indicated that they had not conducted any interrogations of murder suspects.



# Who investigates homicides that occur in your jurisdiction?



Agencies Reporting They Do Not Investigate Homicides  
 Agencies Reporting They Do Investigate Homicides

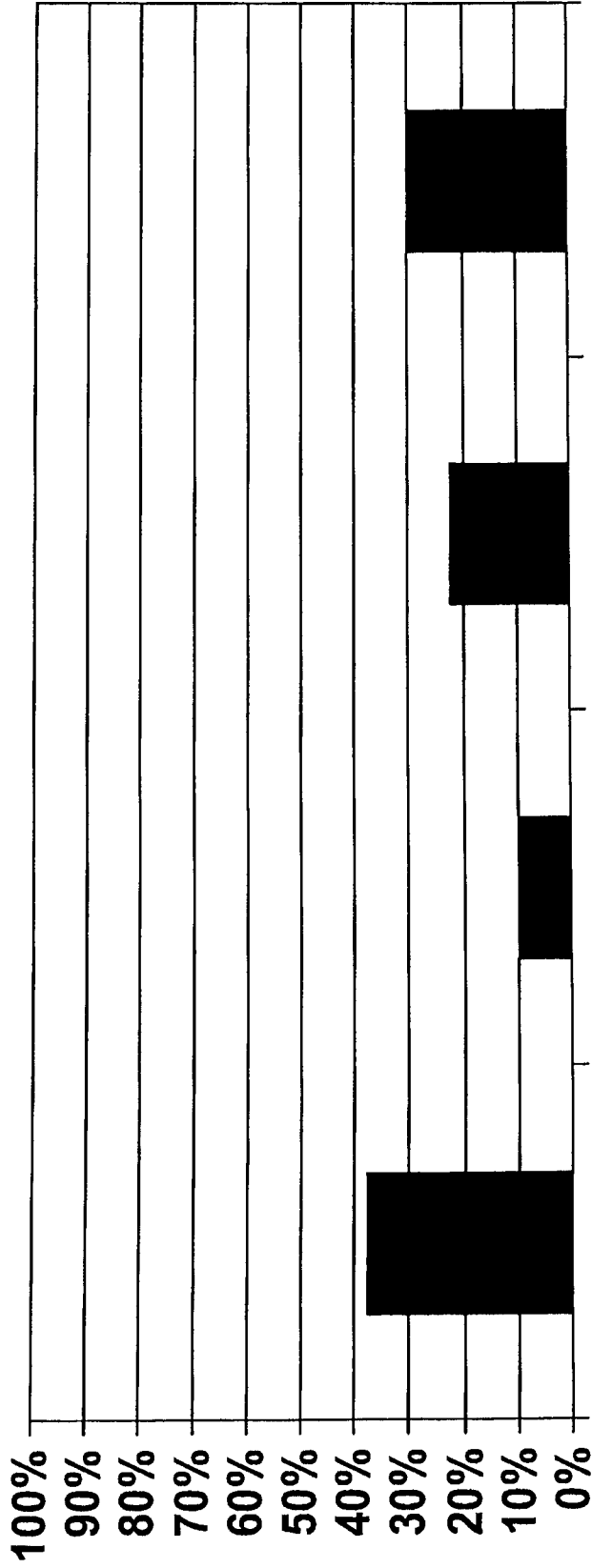


# Recording of Interrogations

- Of the total murder interrogations conducted by the responding agencies since July 18, 2005, 97.5% were recorded
  - Of those interrogated, 60% confessed and 100% of those confession were recorded
- Of those agencies that did not have any interrogations, 91.5% indicated they are prepared for interrogations
- 54% indicated they recorded prior to July 18, 2005
- 93% use both audio & video recording
- 78% use digital equipment
- 69% have written protocols for electronically recording interrogations



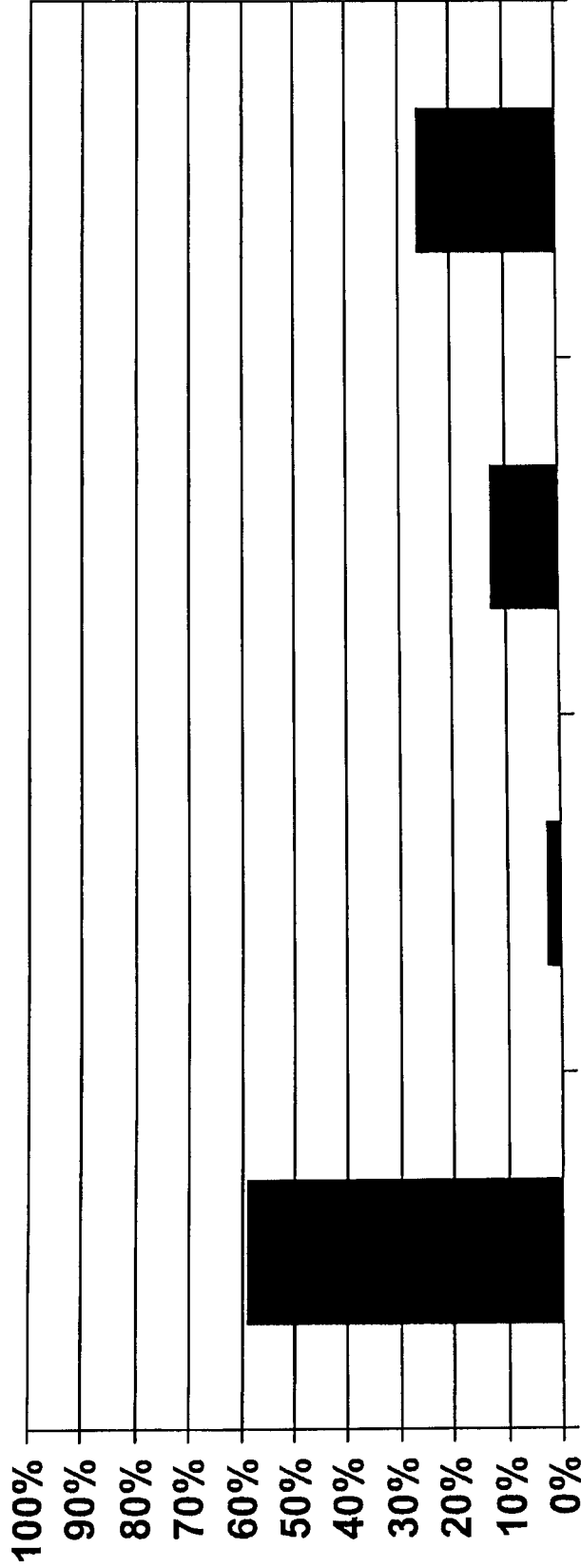
**11. During custodial interrogations, is the recording equipment in plain view of the suspect? (N=80).  
(Only those that conducted interrogations)**



a. Yes, all of the time      b. Yes, some of the time      c. Yes, but disguised      d. No, never



**12. Do detectives tell murder suspects that a recording is being made of the interrogation? (N=80)**  
**(Only those that conducted interrogations)**



a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time      d. No, never



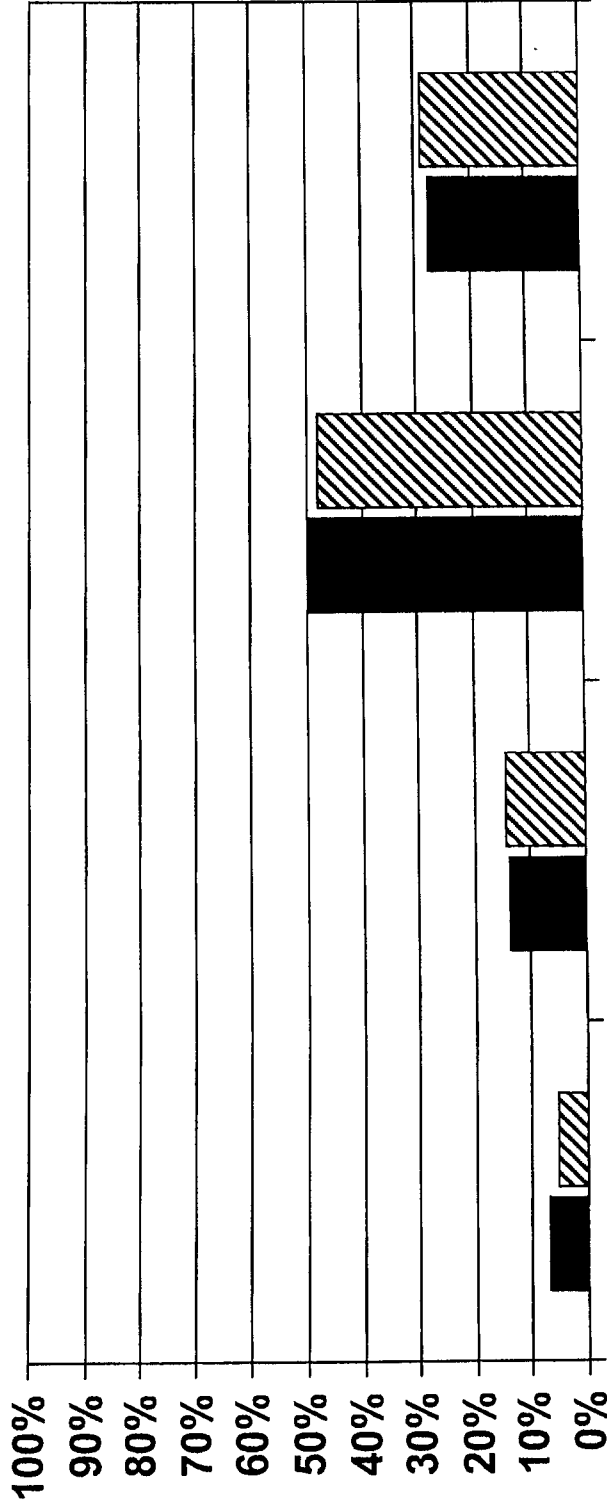
**13. Do you believe that the electronic recording of interrogations**

**affects a suspect's cooperation? (N=80)**

**14. Do you believe that career criminals (e.g. gang members) "play**

**to the jury" when their interviews are recorded? (N=80)**

**(Only those that conducted interrogations)**



a. Yes, all of the time    b. Yes, most of the time    c. Yes, some of the time    d. No, never

■ Question 13    ▨ Question 14



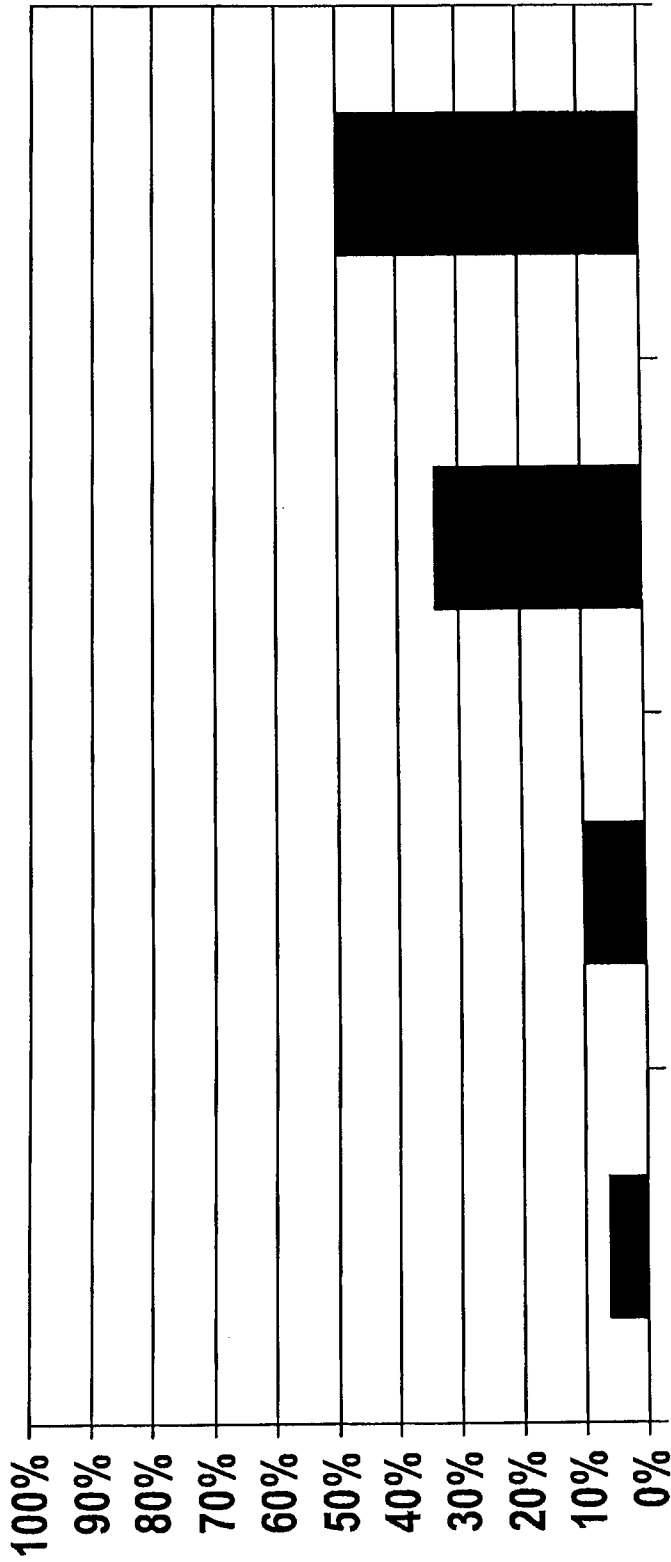


## How does electronic recording of interrogations affect a suspect's cooperation or a "career criminal's" responses?

- "Suspects do not want to be locked into a confession and do not want ... everyone [to] witness their statements and actions."
- "Suspects are worried about being seen cooperating with police."
- "They are less likely to talk at first, it frequently takes much more time to get a statement."
- "Smart offenders play to the camera when they realize they are on tape. They lessen their involvement in the crime."
- "Career criminals are savvy and realize how important appearance is in court."



**15. Do you believe that the recording of custodial interrogations in murder investigations has affected the interviewing techniques of your detectives? (N=80)**  
**(Only those that conducted interrogations)**



a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time      d. No, not at all

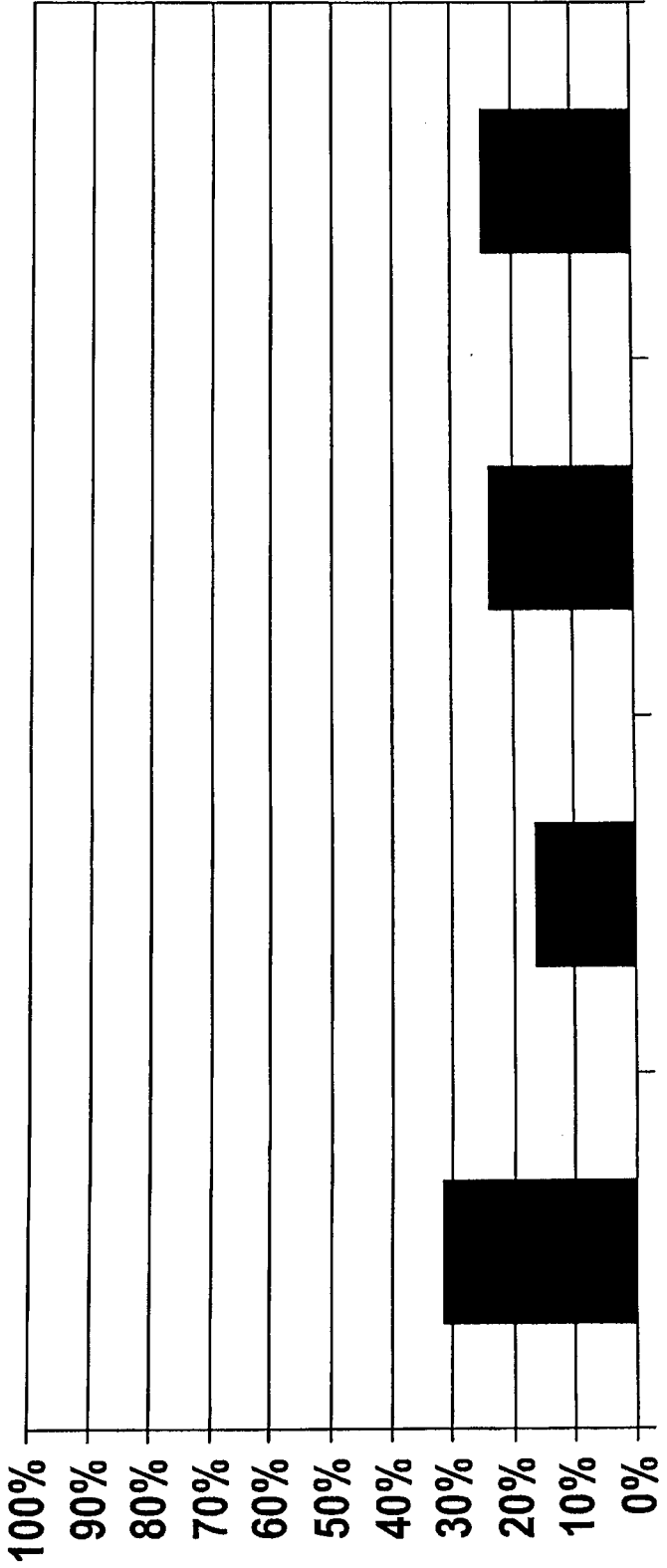


## **How does electronic recording of interrogations affect an officer's interviewing techniques?**

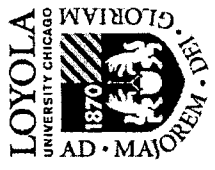
- “Detective are much less likely to use deceptive interviewing techniques because of how the defense will be able to characterize the techniques in court. These techniques are effective and often lead to truthful confessions, but are distasteful.”
- “I feel on occasion detectives will not verbally take on a hard line approach to questioning as they are concerned how it will ‘play’ to a jury.
- “Initially we are aware of the camera and adjust our interview for the camera. Eventually we resort to ‘normal interview styles’.”
- “Makes them maintain a professional nature in all interviews.”
- “I believe it makes the investigator prepare himself better for the interview.”



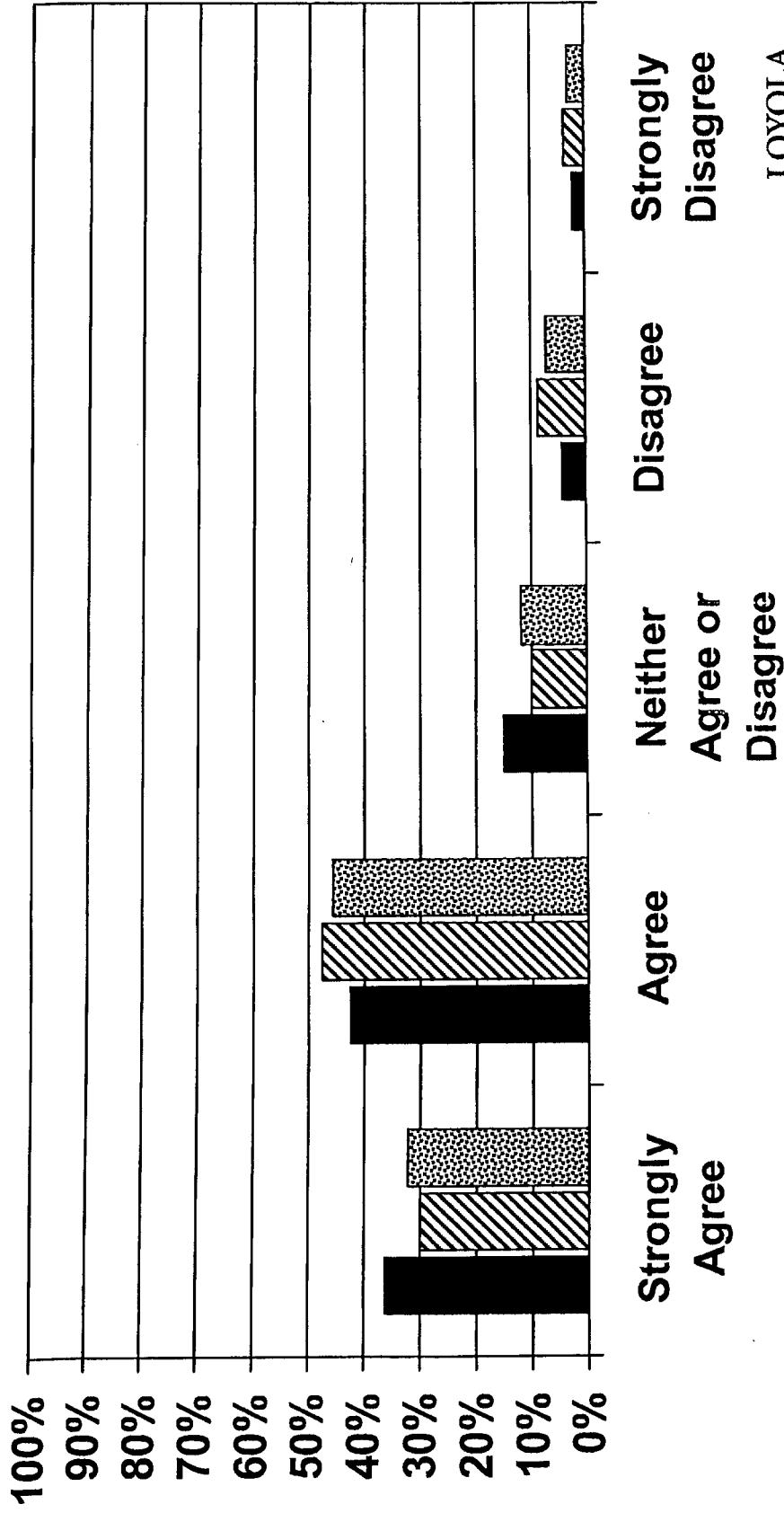
**17. Does your department record (audio or video) witness testimony related to murder investigations? (N=80)  
(Only those that conducted interrogations)**



a. Yes, all of the time      b. Yes, most of the time      c. Yes, some of the time      d. No, never



## 26. Detectives in our agency find the recording of custodial interrogations to be beneficial. (N=127)



■ No Interrogations  
 ▨ 1 or More Interrogations  
 ▩ Total

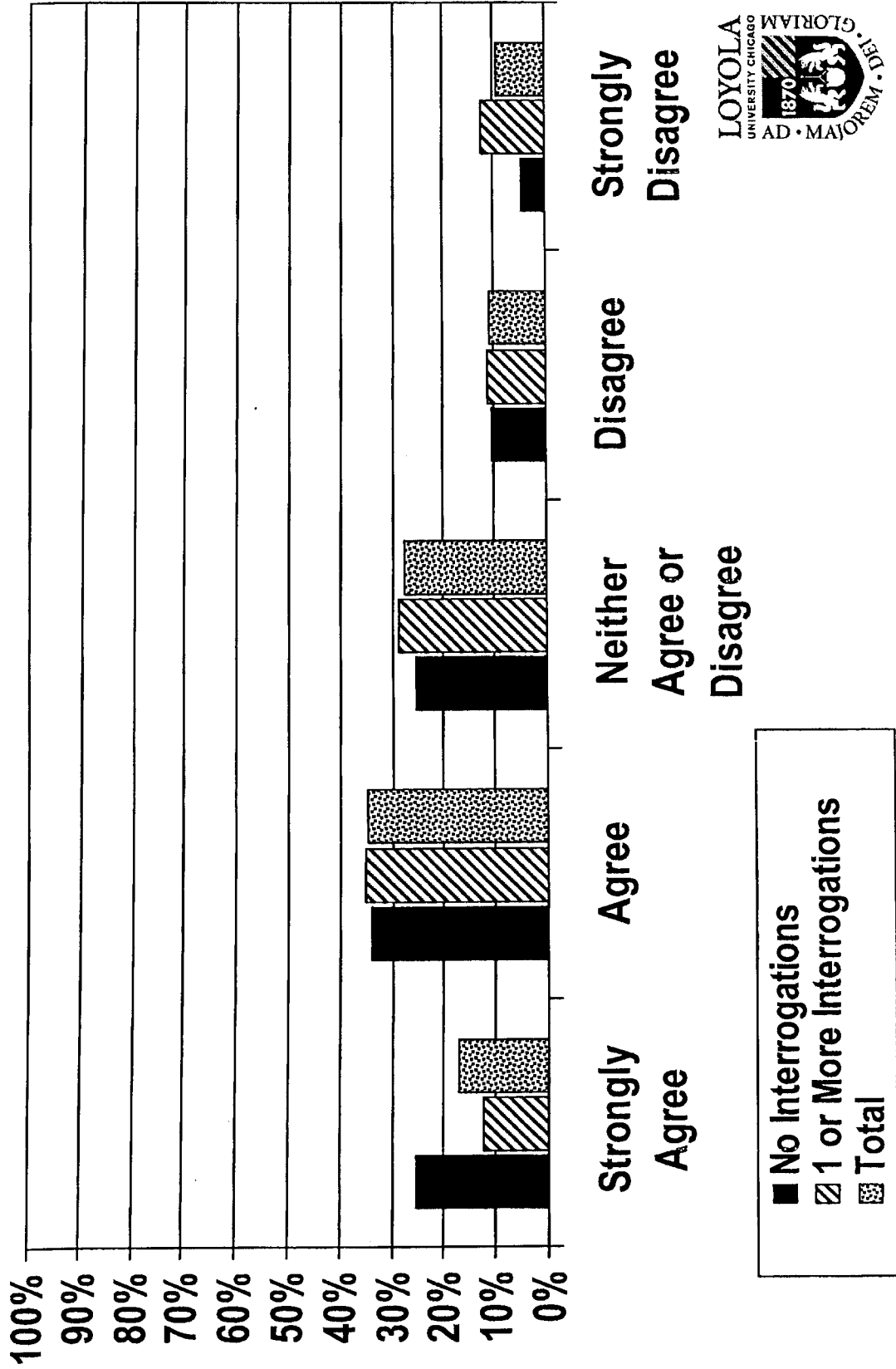


## **Is electronic recording of interrogations beneficial to investigations?**

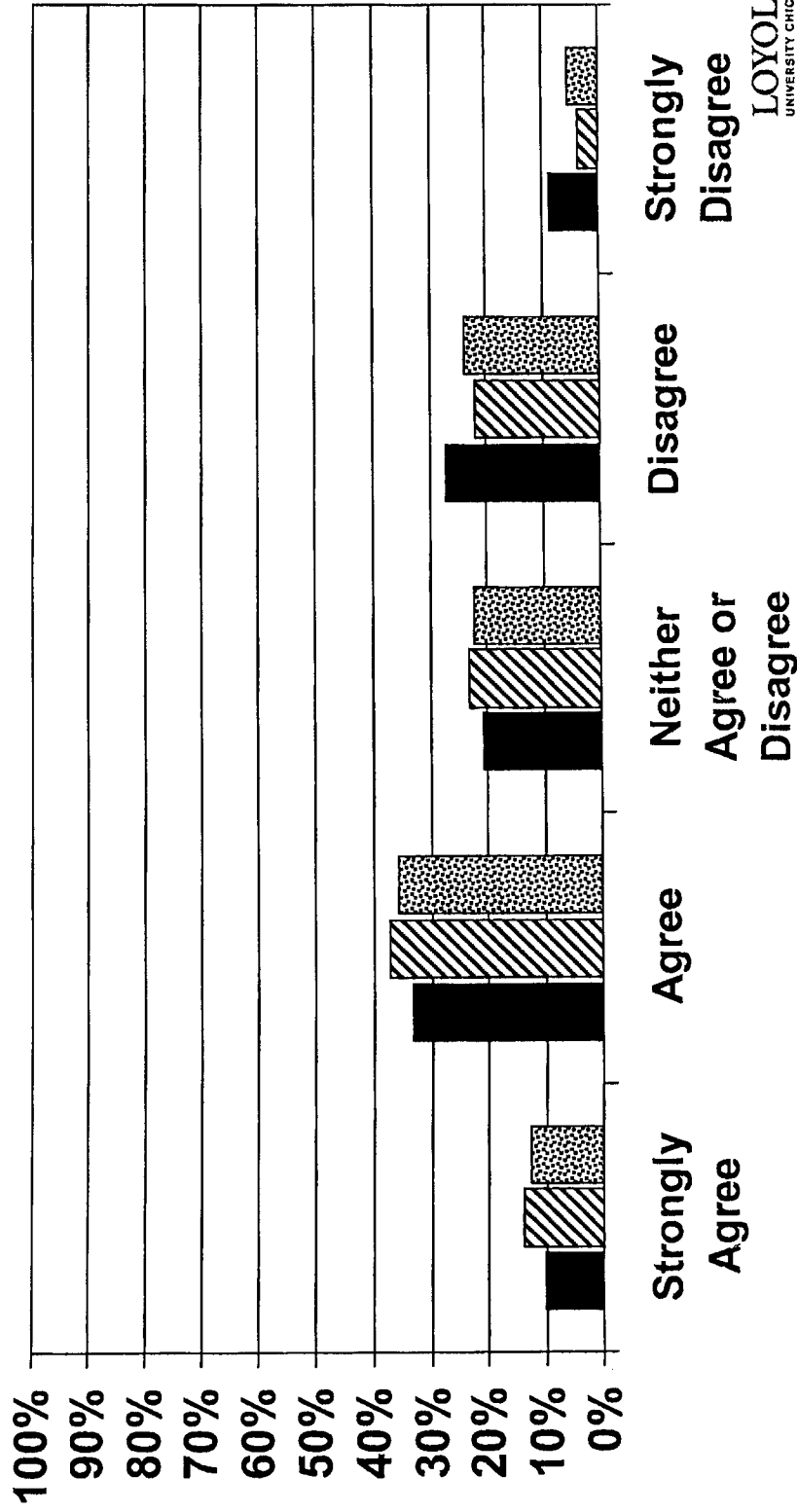
- “It protects the investigators from false accusations of coercion and brutality. It gives integrity to the process. The jurors demand it!”
- “Less note taking, fluid interview process, documentations, prevents suspect from recanting testimony, aids investigation process by displaying statements of multiple suspects.”
- “Jury gets to see and hear defendant describe crime in own words.”
- “If a confession is obtained, the court and/or jury will have a very difficult time discounting them.”



# 27. Electronic recording improves the quality of the interrogation because detectives do not have to take notes. (N=127)



**28. Detectives are apprehensive to use certain interrogation techniques when being recorded, even though these techniques are legal, because of concern over how juries will perceive their methods. (N=126)**



■ No Interrogations  
 ▨ 1 or More Interrogations  
 ▩ Total



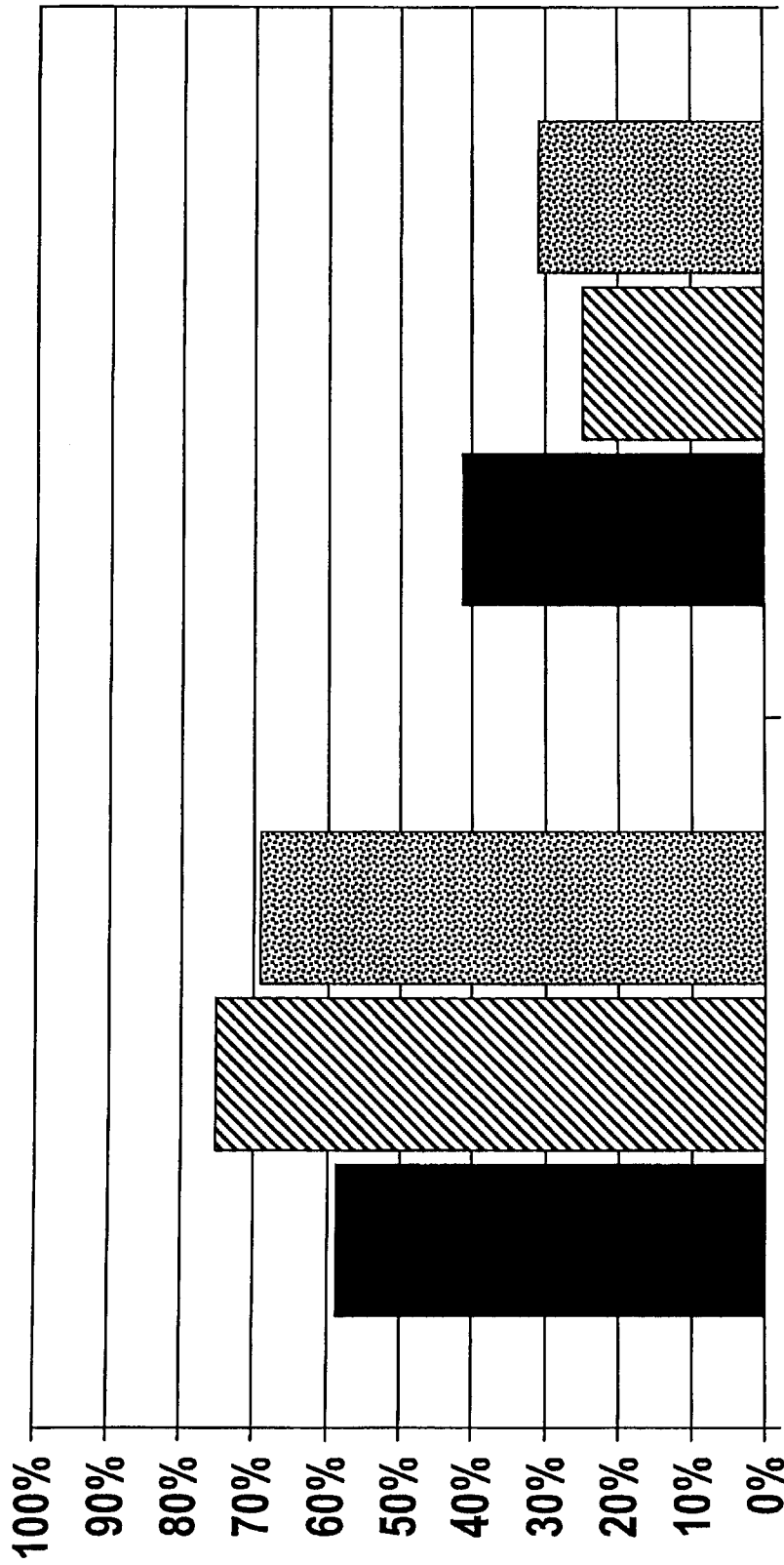


# Recording of Non-Murder Interrogations

- Policy: 45.3% of departments implemented a policy to record custodial interrogations for offenses other than murder
- Frequency of recoding by crime type
  - Attempted Murder (32.8% always)
  - Sexual Assault/Abuse (35.7% always)
  - Robbery (28.2% always)
  - Burglary (24.0% always)
  - Aggravated Violence (17.9% always)
  - Domestic Violence (14.6% always)
  - Child Abuse (28.6% always)
  - Other (17.6% always)

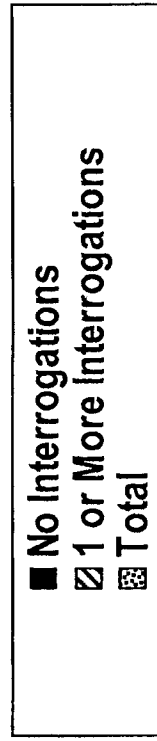


### 39. Has your department had sufficient funds to obtain the proper equipment to record custodial interrogations? (N=126)

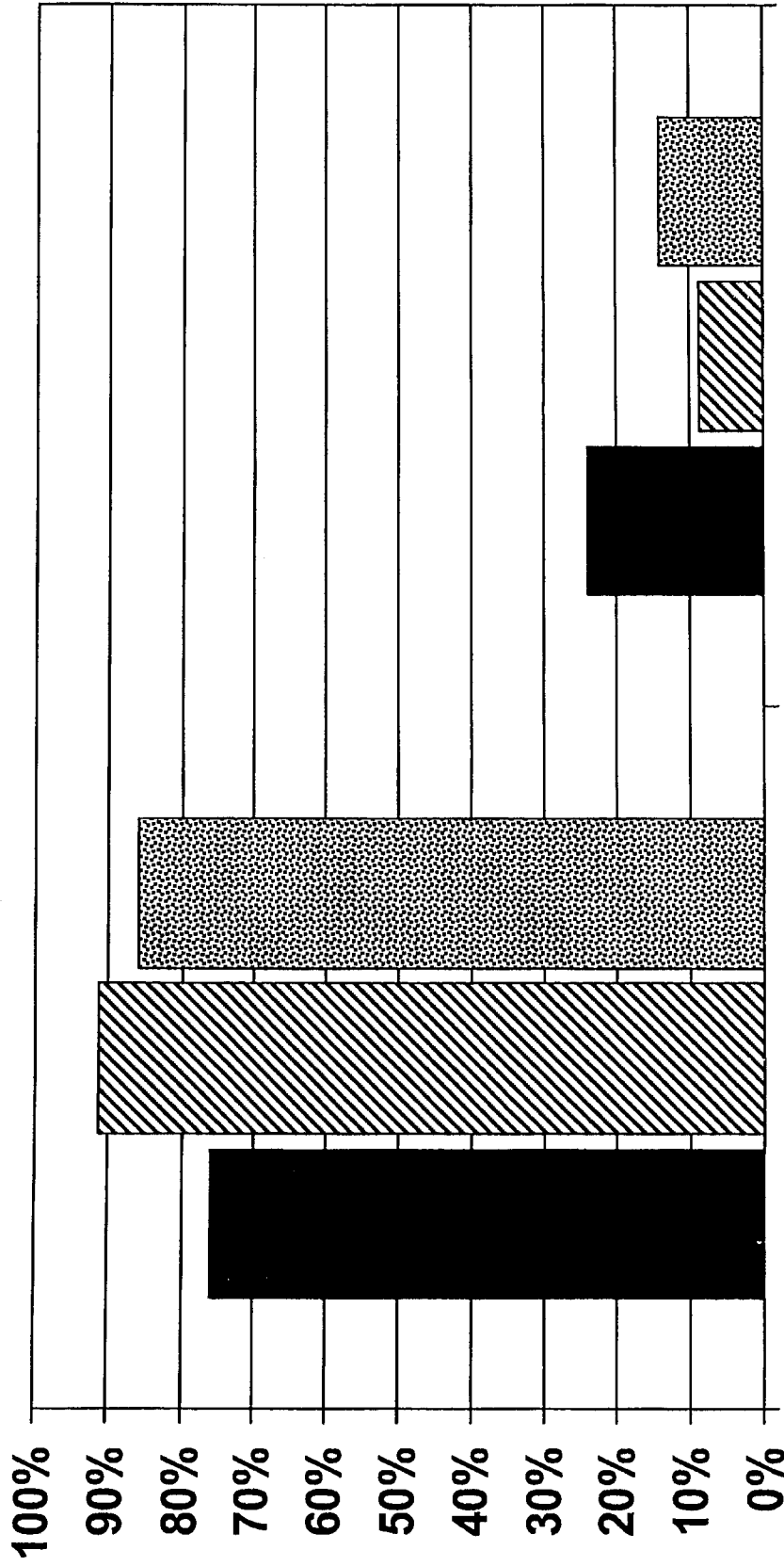


b. No

a. Yes



# 40. Has your department had sufficient funds to cover the costs of making copies of custodial interrogation recordings? (N=126)



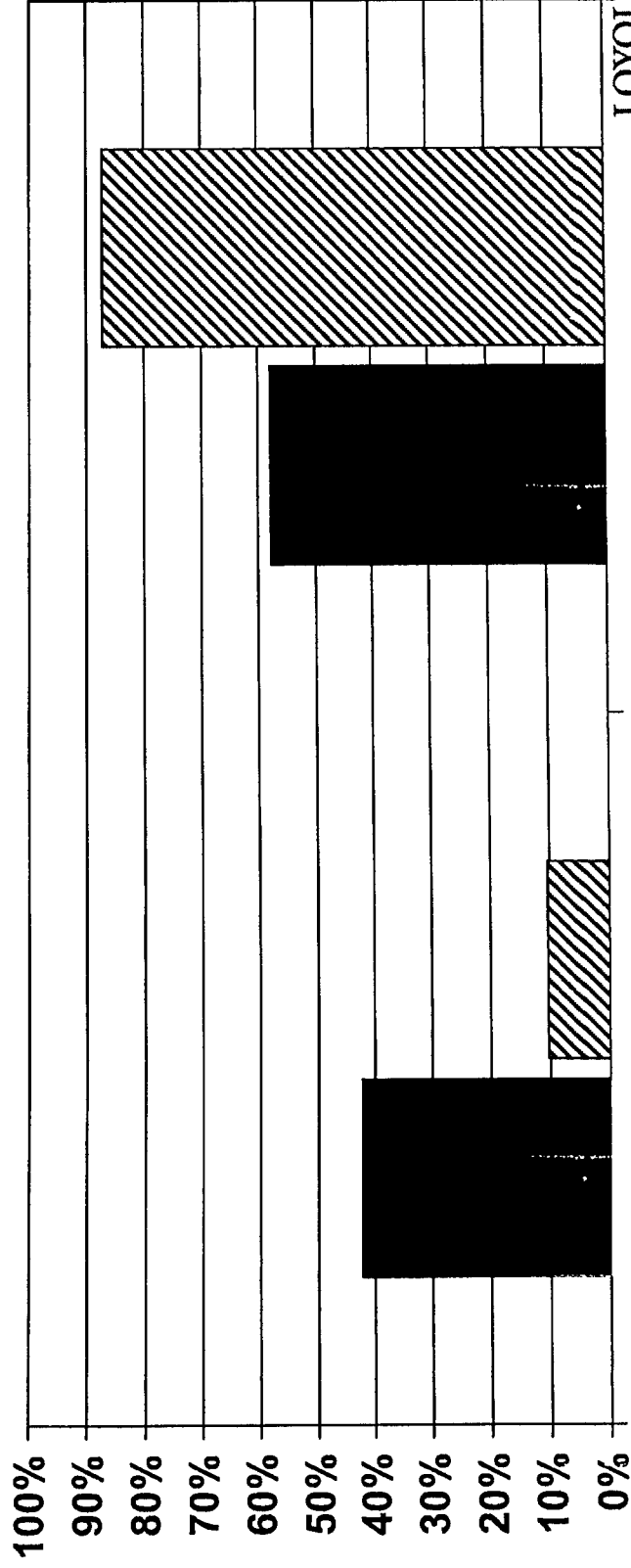
b. No

a. Yes

- No Interrogations
- ▨ 1 or More Interrogations
- ▩ Total

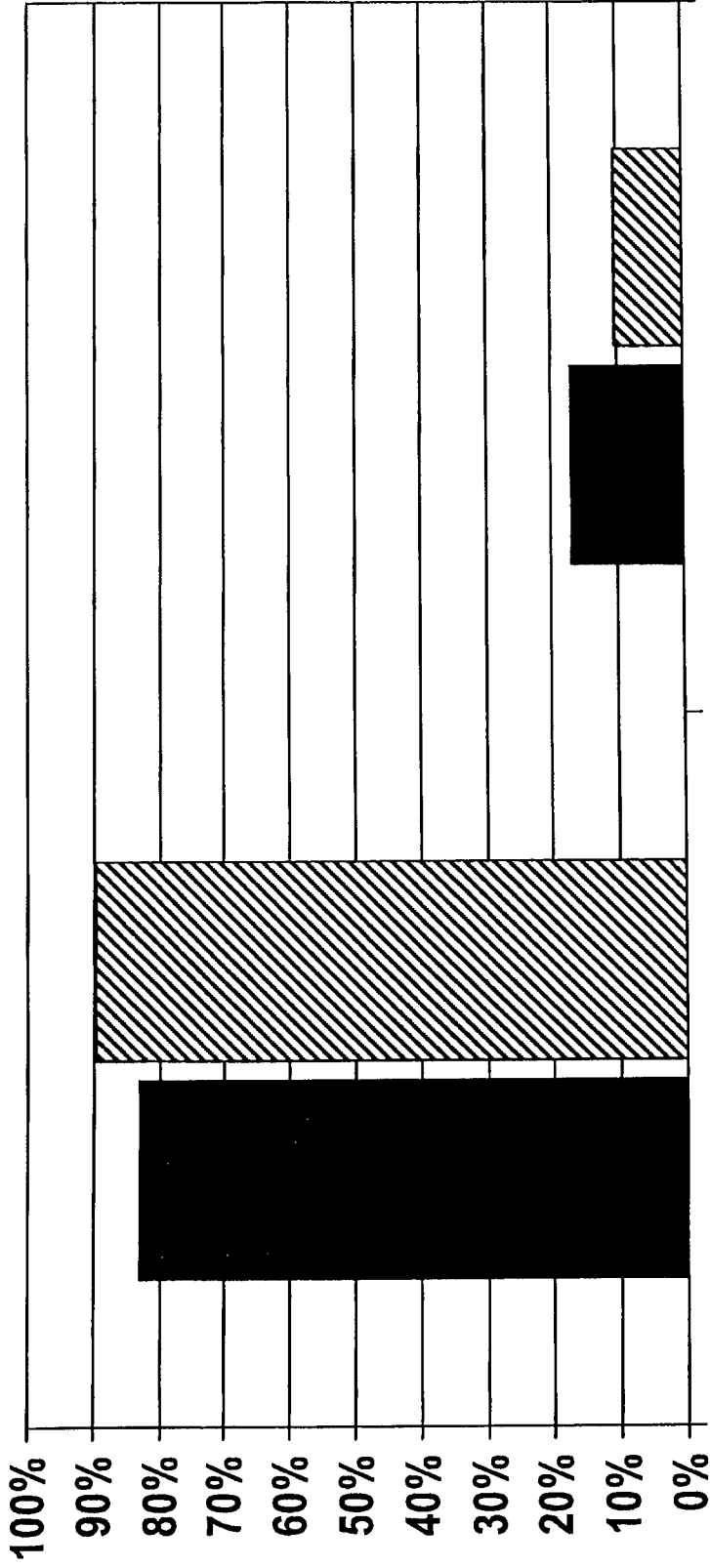
**41. Since the requirement to record custodial interrogations of murder suspects, were any technical problems/failures experienced with your recording equipment? (N=78).**

**42. Did technical problems/failures hamper a murder interrogation that you were conducting? (N=78)  
(Only those that conducted interrogations)**



**■ Question 41    ▨ Question 42**

**46. Does your department have sufficient funds to cover the cost of storage of custodial interrogation recordings? (N=125)**



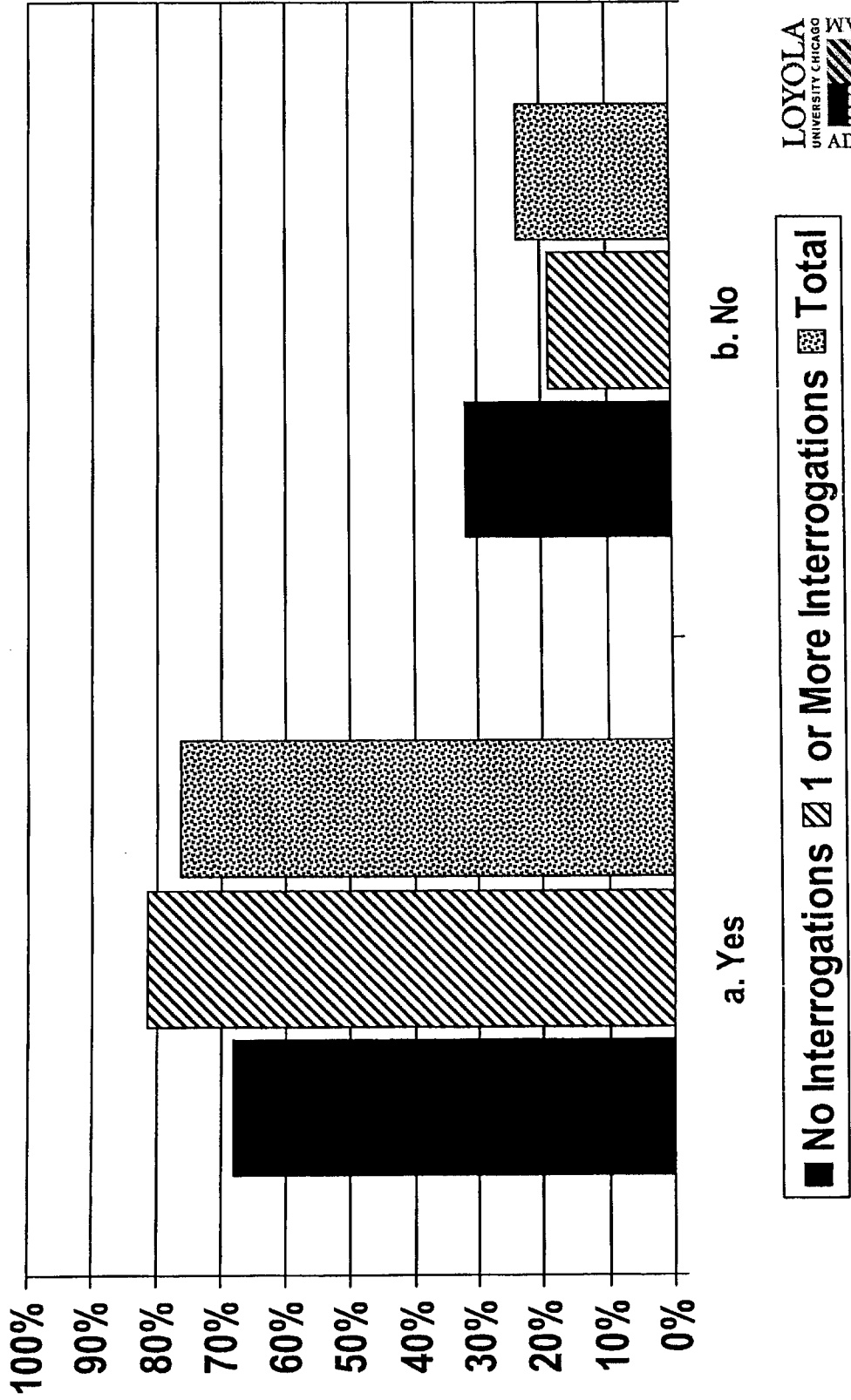
a. Yes

b. No

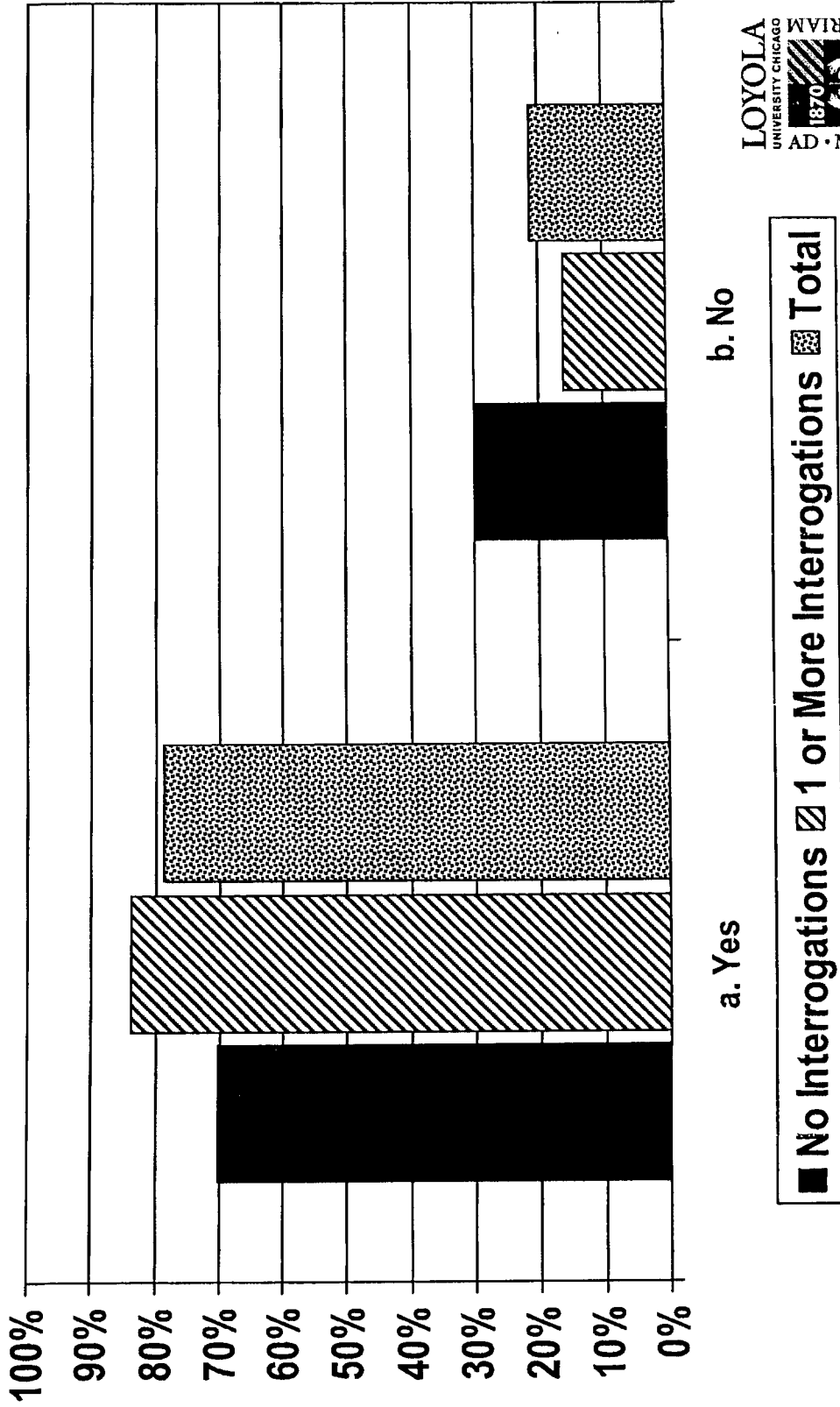
■ No Interrogations 1 or More Interrogations



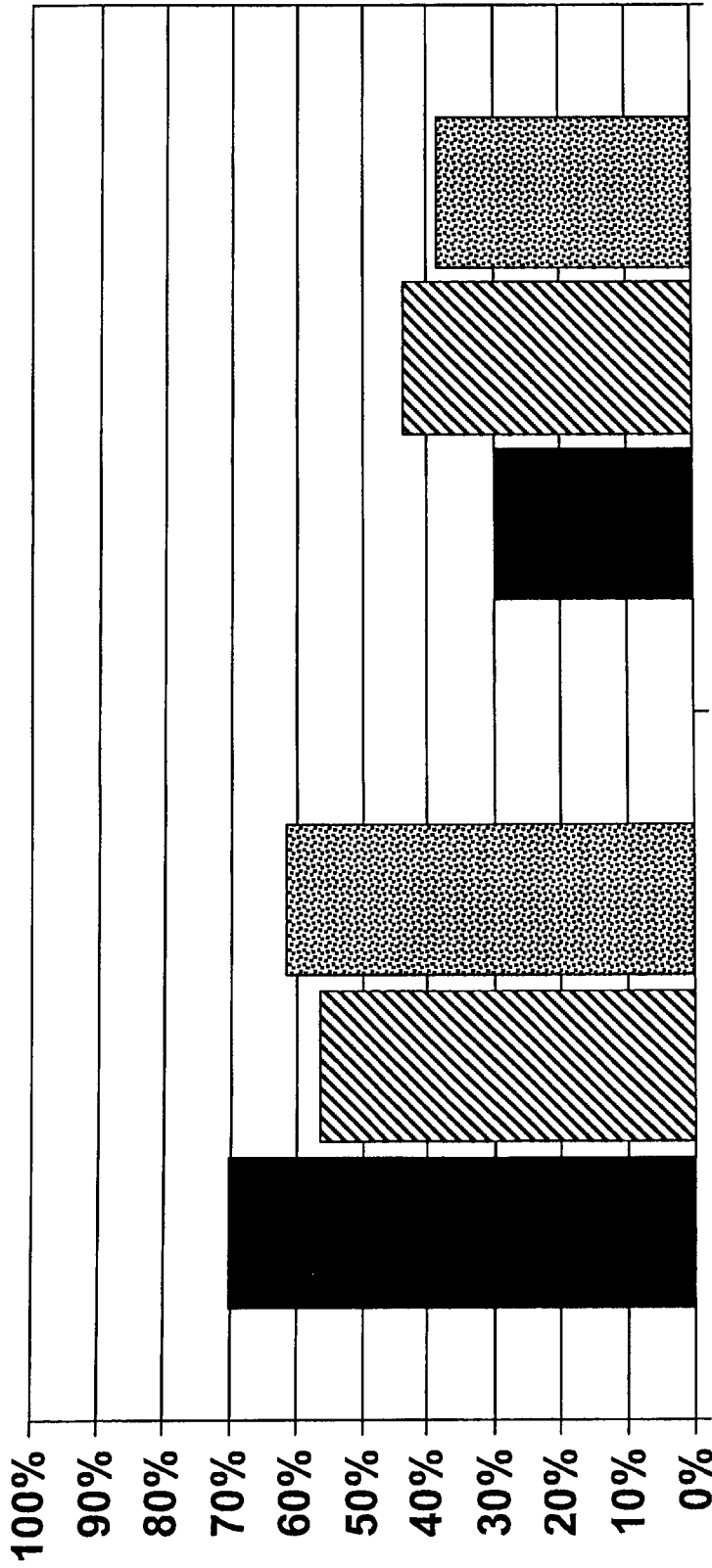
# 50. Do you believe that your detectives have been adequately trained in the use of audio/video recording equipment? (N=127)



# 51. Have your detectives been adequately trained to conduct electronically recorded interviews? (N=127)



# 53. Do you believe that additional training is needed for homicide investigations and custodial interrogations? (N=125)

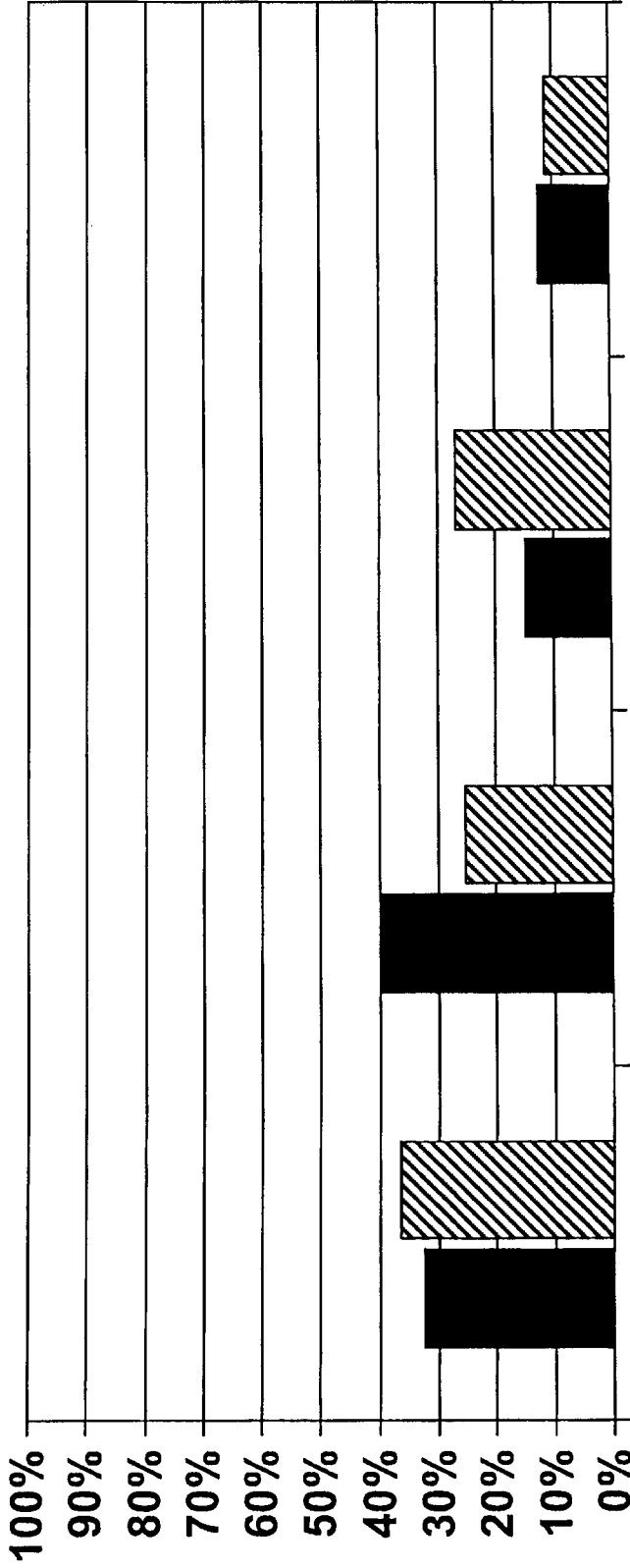


No Interrogations
  1 or More Interrogations
  Total



56. When your department conducts a line-up, which of the following procedures are or would be used:

In-person line-up (N=109)

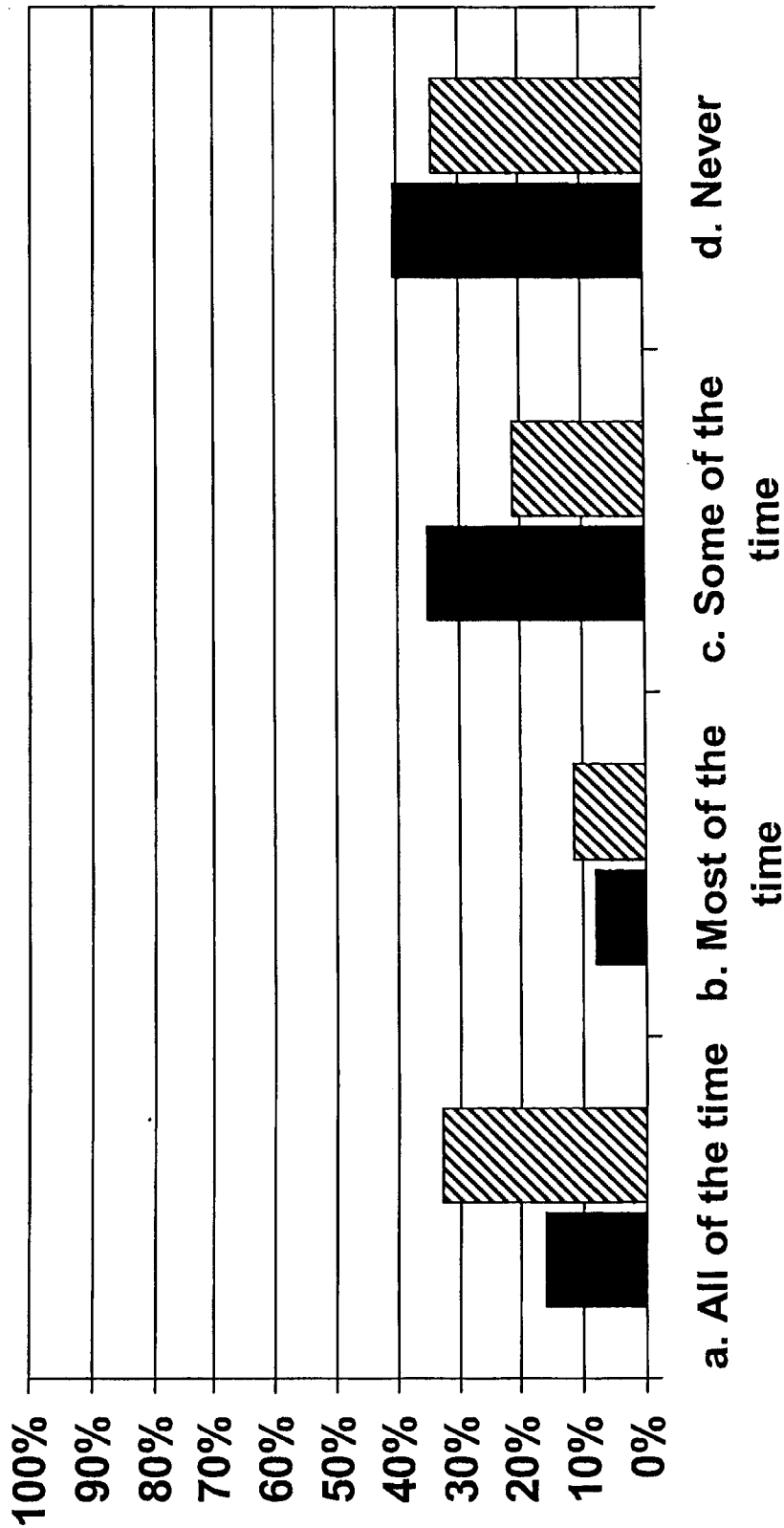


a. All of the time    b. Most of the time    c. Some of the time    d. Never



■ No Interrogations ▨ 1 or More Interrogations

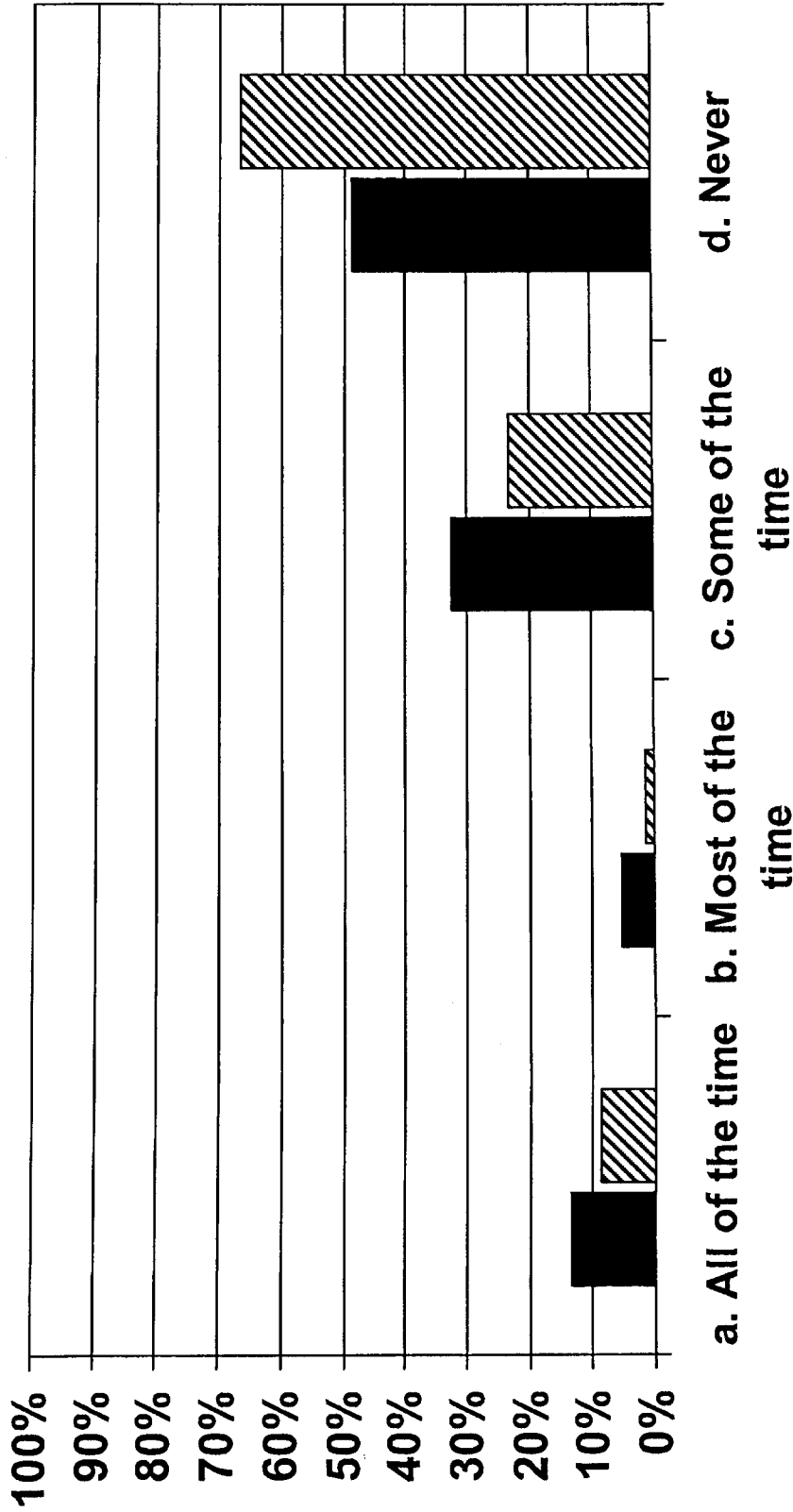
**57. When your department conducts a line-up, which of the following procedures are or would be used: Simultaneous line-up (N=107)**



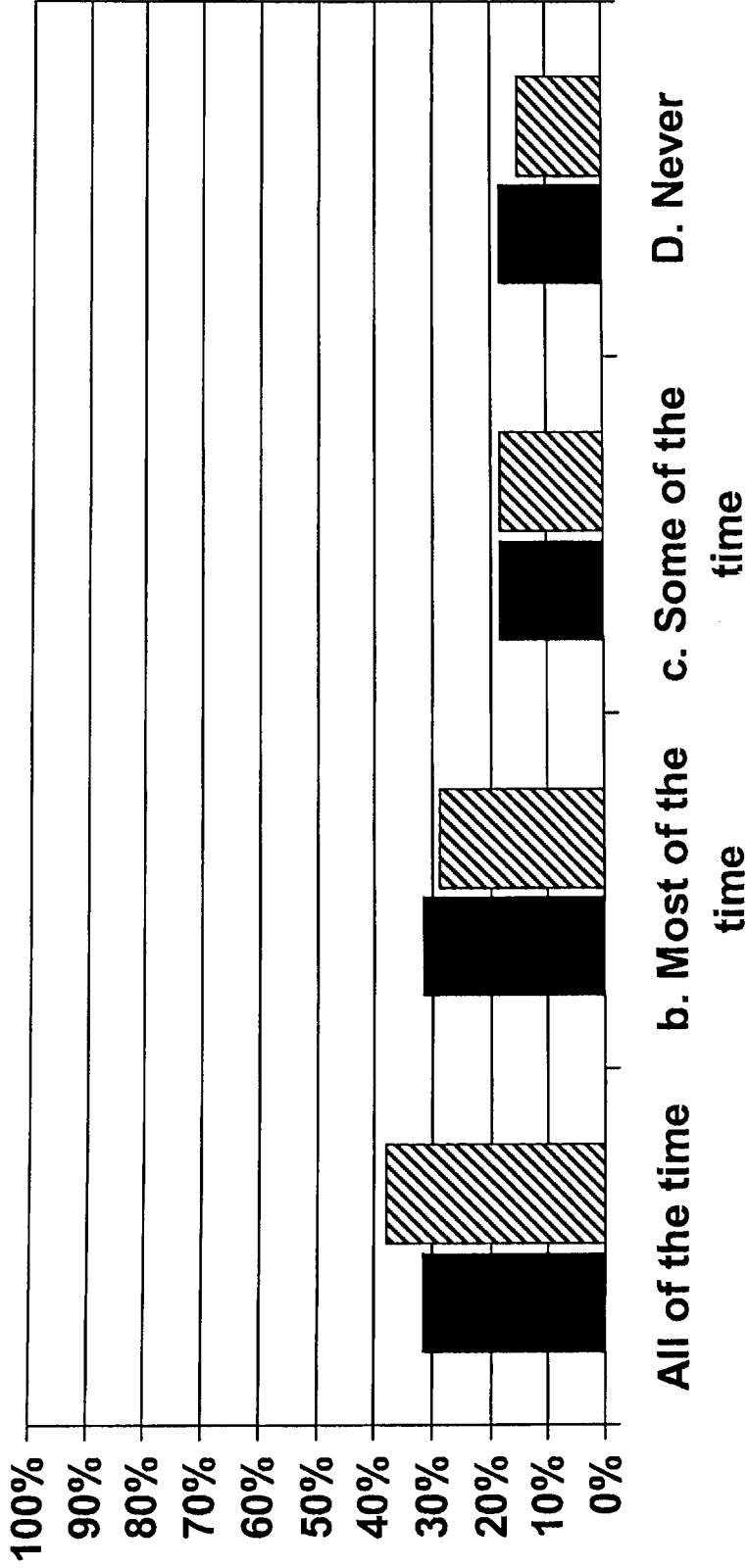
■ No Interrogations    ▨ 1 or More Interrogations



**58. When your department conducts a line-up, which of the following procedures are or would be used:  
Sequential line-up (N=106)**



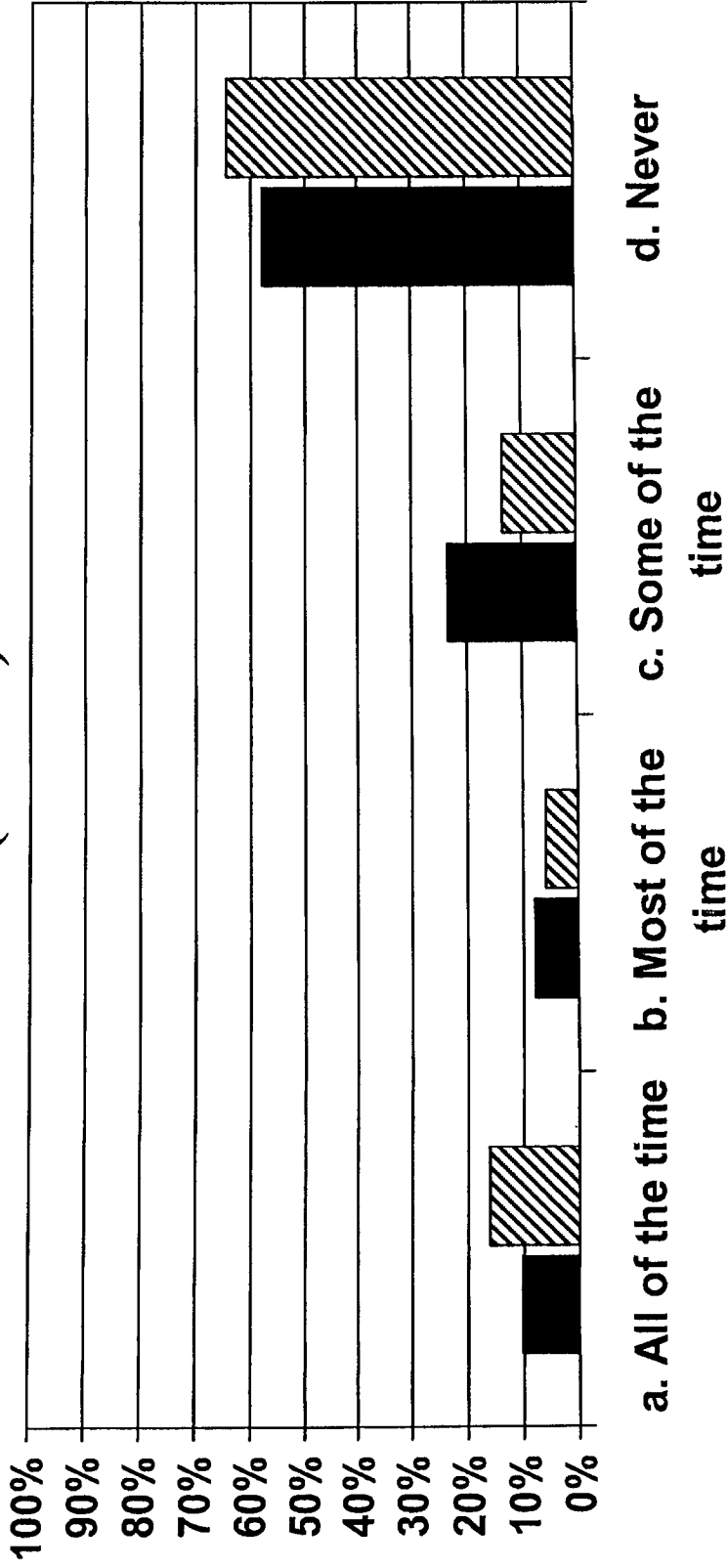
**60. When your department conducts a line-up, which of the following procedures are or would be used: Line-up administrators know the identity of the suspect? (N=104)**



**■ No Interrogations    ▨ 1 or More Interrogations**

**61. When your department conducts a line-up, which of the following procedures are or would be used: Videotape recordings are made of the line-up procedure?**

**(N=105)**



**■ No Interrogations    ▨ 1 or More Interrogations**

**(Only those that conducted interrogations)**

- **71. Do you believe that the 48-hour charging rule allows enough time to investigate complex homicide cases, such as those involving a number of suspects and witnesses?**
  - 87% indicated “No”
- **72. Have you experienced any problems in complying with the requirement that police provide all investigative files, materials, field notes, etc., to the prosecutor in every homicide case?**
  - 89% indicated “No”
- **74. When investigating a homicide, the evidence and lab results are obtained quickly from the crime lab. (N=87)**
  - 61% disagreed

