

Suggested Responses to Arguments against Videotaping Interrogations

Argument: It will cost too much.

Responses:

- Many departments already videotape confessions, drug investigations, traffic stops, etc. and therefore already own the necessary equipment.
- Equipment is relatively inexpensive, and the price continues to drop.
- Videotaping prevents costly criminal and civil litigation involving false confession cases, and saves time and money by reducing frivolous motions to suppress and lengthy appeals.
- Increased faith in the integrity of the criminal justice system, freedom for the innocent, and the safety of a community when the guilty are apprehended are worth the minimal investment.

Argument: Videotaping would be logistically difficult, with storage and training problems.

Responses:

- Many departments already videotape confessions, and therefore have already addressed set-up, storage, and training.
- Minimal training would be involved. Aside from the initial set-up and occasional maintenance, officers would have to push a button to begin and end recording, change the tape, and charge the camera. Most people already know how to operate video equipment or can easily learn with minimal instruction.
- Digital video can be stored on CDs or hard drives, eliminating the storage concern.
- Police already store physical evidence and other documents related to crimes.

Argument: It would expose police interrogation techniques that, although legal, may be viewed as too deceptive or aggressive.

Responses:

- The public knows that police work is not polite and expects cops to be smart and tough. It understands that interrogations are adversarial by nature and want cops to do what's necessary to get criminals off the street.
- Videotaping prevents a handful of cops from crossing the line in the interrogation room.
- Prosecutors in Minnesota explain to jurors that the techniques used are legal and often necessary to gain confessions. Amy Klobuchar, the D.A. in Minneapolis, says that jurors have given police officers much leeway in their tactics and that police and prosecutors have nothing to fear from a taping requirement. (Klobuchar, "Eye on Interrogations: How videotaping serves the cause of justice," *Washington Post*, Jun. 10, 2002.)
- Videotaping can be a powerful tool for police in fighting false accusations of misconduct. It allows interrogators to demonstrate that police brutality is an exceptional event, therefore increasing the level of trust that the public has for law enforcement
- Videotaping gives officers the opportunity to showcase their professionalism.
- Videotaping provides an opportunity for officers to review their own techniques and improve their effectiveness.

Argument: The presence of a camera would make suspects less likely to talk.

Responses:

- No suspect has the expectation that his or her statements in a police station are private — the presence of a camera doesn't change a suspect's behavior.

- Jurisdictions that videotape have generally not found suspects less likely to talk when being videotaped. A sergeant in Denver, where interrogations are videotaped, has stated that videotaping “doesn’t affect what [suspects] say.” (Steve Chapman, “Who’s Afraid of Videotaped Confessions?” *Chicago Tribune*, Sep. 13, 1998, § 1, 19.)
- Even if the subject shows initial hesitation, he/she eventually forgets that a camera is running and speaks freely. A St. Paul, MN, sergeant stated, “Individuals forget about it. I notice no change in suspects’ demeanor whether they know they are being taped or not.” (Based on phone interview).
- Videotaping can be performed surreptitiously if permitted by state eavesdropping statutes.

Argument: **Interrogations not recorded for good reasons will result in the exclusion of valid confessions, and criminals will be freed on a technicality.**

Responses:

- The law will allow exceptions for confessions obtained when a camera is not accessible — at the scene of a crime, in the squad car, when the camera is malfunctioning, etc.
- We all want to help convict the guilty and protect the innocent — not get criminals off on technicalities.

Argument: **Videotaping would allow criminals to see what goes on, revealing the secrets and techniques used by police.**

Responses:

- Videotaping interrogations will do no more to spread information about police techniques than is already disseminated by word of mouth or learned from previous encounters.
- Techniques have already been exposed by television shows and movies.
- Videotaping can showcase police professionalism and combat negative images in TV and movies.
- Tapes will only be viewed by a small audience in the courtroom.

Argument: **Videotaping an entire interrogation will produce hours of tape, and forcing jurors, judges, and attorneys to watch these videos will place a tremendous burden on an already inefficient judicial system.**

Responses:

- Without a video record, judges and jurors are forced to sit through lengthy “he said, she said” testimony.
- With a videotape, judge and jury have the opportunity to see firsthand what went on during the interrogation.
- Judges and juries may only need to watch key parts of the tape to judge the reliability of statements. If it is necessary to watch hours of tape, the system should encourage it.
- Prosecutors have been trying complex cases involving hours of taped conversations for years. The burden is nothing new.