

2012 -- S 2487

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL PROCEDURE - ARREST

Introduced By: Senators McCaffrey, and Lynch

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-7-22 of the General Laws in Chapter 12-7 entitled "Arrest" is
2 hereby amended to read as follows:

3 **12-7-22. Electronic recording of custodial interrogations task force.** -- (a) In order to:

4 (1) Minimize the likelihood of a wrongful conviction caused by a false confession; and

5 (2) Further improve the already high quality of criminal justice in our state, the general
6 assembly creates a taskforce to investigate and develop policies and procedures for electronically
7 recording custodial interrogations in their entirety.

8 (b) The task force shall be comprised of the following or their designees:

9 (1) Attorney general;

10 (2) Public defender;

11 (3) Superintendent of the Rhode Island state police;

12 (4) President of the Rhode Island police chiefs' association;

13 (5) Head of the municipal police training academy;

14 (6) President of the Rhode Island bar association;

15 (7) President of the Rhode Island association of criminal defense lawyers;

16 (8) Public safety commissioner of the city of Providence;

17 (9) Chief of police of a department with less than forty-five (45) sworn officers and

18 which does not currently have an established policy concerning the electronic recording of
19 custodial interrogations, to be agreed upon by the task force;

1 (10) Chief of police of a department (other than one separately designated herein) that
2 already has established a policy concerning the regular electronic recording of custodial
3 interrogations to be agreed upon by the task force; and

4 (11) Executive director of the Rhode Island commission for human rights.

5 (c) The attorney general and public defender shall serve as co-chairpersons of the task
6 force and have the authority to call for and designate the time and place of meetings. A majority
7 of members shall constitute a quorum, but a lesser number may hold meetings. The task force
8 shall act only on an affirmative vote of a majority of those voting. All departments and agencies
9 of the state shall furnish such advice and information, documentary and otherwise, to said task
10 force and its agents as is deemed necessary or desirable by the task force to facilitate the purposes
11 of this section.

12 (d) The task force, in consultation with whatever experts it may deem appropriate, shall
13 study and make recommendations concerning the establishment of a statewide law enforcement
14 practice of electronically recording custodial interrogations in their entirety. In so doing the task
15 force shall consider, but not be limited to, the following:

16 (1) Models from other federal and state jurisdictions;

17 (2) Current policies, procedures, and practices of law enforcement statewide;

18 (3) Types of crimes, investigations, and settings where custodial interrogations should be
19 electronically recorded;

20 (4) Whether custodial interrogations should be electronically recorded using audio-visual
21 or strictly audio recording;

22 (5) Whether custodial interrogations should be electronically recorded with or without
23 the knowledge of the suspect;

24 (6) Appropriate procedures to be followed when the suspect refuses to be, or exigent
25 circumstances otherwise prevent, the electronic recording of the custodial interrogation;

26 (7) How to most effectively record interrogations in view of an individual police
27 department's fiscal, staffing, and space constraints;

28 (8) Appropriate policies and procedures concerning the transcription of the electronic
29 recordings resulting from custodial interrogation;

30 (9) Appropriate policies and procedures concerning the long-term preservation and
31 storage of the electronic recordings resulting from custodial interrogation; and

32 (10) The desirability of written policies, procedures, training, and/or additional
33 legislation regarding the electronic recording of custodial interrogations in their entirety
34 statewide.

1 (e) The task force shall submit a report on its recommendations concerning the
2 investigation and development of policies and procedures for electronically recording custodial
3 interrogations in their entirety. This report shall be presented to the governor, the chief justice of
4 the Rhode Island supreme court, the speaker of the house of representatives, the president of the
5 senate, and the chairpersons of the judiciary committees of both the house of representatives and
6 the senate no later than February 1, 2012. ~~The task force shall terminate on the date that it submits~~
7 ~~its report.~~ Thereafter, the task force shall meet periodically in order to assess the impact of the
8 recommendations it has made; conduct further research in the area of the electronic recording of
9 custodial interrogations; assess the implementation of written policies in these areas by Rhode
10 Island law enforcement agencies; and determine whether or not any additional legislation
11 regarding the electronic recording of custodial interrogations in their entirety statewide is
12 required. Said meetings shall be called by agreement of the attorney general and public defender.
13 A supplemental report from the task force shall be delivered in the same manner as its initial
14 report and not later than December 31, 2013.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE - ARREST

1 This act would require the custodial interrogations task force meet periodically to assess
2 the impact of their recommendations, to conduct further research and to consider if additional
3 legislation is needed and to thereafter submit a supplemental report.

4 This act would take effect upon passage.

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