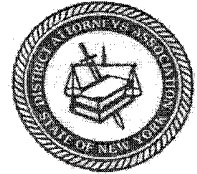


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May 3, 2006

EDC John R. Patterson, Jr.
New York State Department of Correctional Services
1220 Washington Avenue
Albany, NY 12226-2050

RE: Photographic Evidence Policy

Dear Mr. Patterson;

This is in response to your letter of April 28, 2005, wherein you requested the opinion of the New York State District Attorney's Association as to the propriety of eliminating the use of 35mm photographs by DOCS personnel in processing certain crime scenes, and the subsequent reliance upon digital photographs.

This topic was discussed at the recent District Attorney's Association Winter Meeting. The DA's Association recognizes the recent advances in technology and the widespread acceptance of digital imagery by Courts across the nation. Also, we further understand DOCS' responsibility to consistently re-examine existing policy in an effort to reduce the time and money needed to perform regular duties in the prison system.

The DA's Association has no objection to the elimination of 35mm photography in cases where DOCS will be processing evidence on behalf of the New York State Police Bureau of Criminal Investigation, i.e. Aggravated Harassment of an Employee by an Inmate, or other relatively minor incidents. Naturally, as more serious incidents will be investigated by the New York State Police, we are confident that the BCI will make any necessary decisions as to the use of 35mm photographs and/or digital photographs as they see fit. But for routine cases where DOCS is the primary investigatory agency by arrangement with the BCI, the DA's Association is comfortable with DOCS proposed policy to adopt the usage of digital photographs and the elimination of 35mm photographs as good practice.

I thank you for your consideration in this matter

Very truly yours,

Hon. Frank Clark, President

FJC/do