

Requiring Electronic Recording of Interrogations

Electronic recording of custodial interrogations in their entirety provides a complete and irrefutable account of what transpired during closed-door sessions, which enhances accuracy and confidence in the criminal justice system. Mandatory electronic recording of interrogations provides a safeguard against wrongful convictions stemming from **false confessions, which contributed to three of nine exonerations in Nevada.**

Benefits to the Innocent:

- Provides a safeguard that can prevent a false confession from becoming a wrongful conviction. Nationally, false confessions contributed to 28% of the 342 wrongful convictions proven with DNA evidence.
- Deters illegal or coercive techniques and ensures defendants' rights are protected during interrogations.
- Protects people who are more vulnerable and susceptible to false confessions, including juveniles and those with mental limitations.

Benefits to Law Enforcement

- Strengthens cases by removing any doubt about the voluntariness of a confession or statement.
- Reduces motions to suppress statements/confessions, and court time for officers to appear at suppression hearings.
- Protects against frivolous complaints and lawsuits related to officer misconduct during interrogations.
- Allows officers to focus on the interview instead of copious notetaking.

Current Practices in Nevada

According to outreach by former U.S. Attorney Thomas Sullivan, the following agencies in Nevada record interrogations in some form: Boulder City, Carlin, Douglas County Sheriff, Elko PD, Elko County Sheriff, Henderson Police Department, Lander County Sheriff, Las Vegas Metro Police Department, Nevada Department of Public Safety, North Las Vegas, Reno, Sparks, Washoe County Sheriff, Wells, and Yerington.

However, **there is no uniform statewide practice**, meaning that individual agencies and officers have discretion over when to record and whether to record the interrogation at all. There is no consequence for failure to record, which provides little incentive for compliance. **Legislation requiring recording of interrogations** for certain crime categories with a remedy for noncompliance is the most effective way to implement this reform.

CASE IN POINT: Cathy Woods

In 2015 Cathy Wood was exonerated after spending 35 years in prison for a murder that she did not commit in Reno, Nevada.

Cathy Woods has schizophrenia and was a patient at a mental hospital when she told a staff member that she murdered a woman named Michelle Mitchell. When police interrogated her she confessed to the crime but also made false statements that she was in the FBI and was being poisoned. She later recanted the confession and there was no physical evidence linking her to the crime, but she was still convicted and sentenced to life in prison without parole.

In 2014 a cigarette butt found at the crime scene was run through the DNA database system and matched to Rodney Halbower, a convicted killer. Halbower's has since been charged with two other murders in California that occurred at the same time as Mitchell's murder.



National Landscape on Mandatory Recording of Interrogations

Nationally, **20 states and the District of Columbia** have mandated that law enforcement electronically record certain custodial interrogations in their entirety either by statute (CT, CO, IL, MD, MI, MO, MT, NE, NM, NC, OR, VT, WI) or court action (AK, IN, MA, ME, MN, NJ, UT). In 2014 the U.S. Department of Justice issued a policy that all federal law enforcement agencies will record interrogations for all crimes.