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FISCAL IMPACT STATEMENT

LS 6997

BILL NUMBER: HB 1302

NOTE PREPARED: Jan 10, 2008

BILL AMENDED:

SUBJECT: Custodial Interrogation Recording.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a statement made by a defendant during a custodial interrogation conducted by a state or local law enforcement agency is inadmissible as evidence (subject to certain exceptions) in a felony prosecution unless a video recording of the statement was made and other requirements are met. It also requires law enforcement agencies to retain copies of custodial interrogation recordings for certain periods.

Effective Date: July 1, 2008.

Explanation of State Expenditures: The Indiana State Police (ISP) reports that its officers conduct roughly half of all custodial interrogations with electronic recording equipment.

The Indiana State Police have 18 districts across the state. If all interrogations leading to possible arrest are conducted with electronic recording equipment, then ISP may incur some startup costs in purchasing video cameras and adding one-way mirrors in the interrogation room. Some additional training may be needed to develop protocols for interrogating suspects.

Background Information: As an illustration of volume, ISP reported 3,568 case reports for various crimes in 2006. Most of the offenses that ISP reported on were theft, battery, and burglary.

Initial Case Reports – 2006								
Arson	Battery	Burglary	Murder	Rape	Robbery	Theft	Vehicle Theft	Total
21	907	450	23	168	224	1,541	234	3,568

Explanation of State Revenues:

Explanation of Local Expenditures: Depending on current practices, this bill could result in minimal to moderate costs to local law enforcement agencies. The cost to county sheriffs should be minimal since most county sheriffs record interrogations using electronic equipment. Electronic recording of interrogations is standard operating procedure for municipal police departments in larger urban areas in Indiana. Consequently, these agencies should already be able to comply with this legislation.

Local law enforcement agencies which do not currently use electronic recording equipment in custodial interrogations could incur the following expenses:

- Acquisition of necessary equipment (video cameras are relatively inexpensive, ranging from \$150 to \$1,500.
- Restructuring interview facilities to allow for one-way mirrors in interrogation rooms.
- Training personnel in equipment use and interrogation techniques.
- Adding or reassigning employees who operate the equipment and transcribe the tapes.
- Careful storage of tapes and discs.
- Time and expense of personnel in observing or listening to playbacks, in preparing excerpts of recordings for courtroom use, and in making copies for defense lawyers, courts, and juries.

As a minimum, potential cost savings and related benefits could include:

- Reduction in time of officers preparing reports from handwritten notes, with the risk of important omissions.
- Saving time and costs of lengthy contested pretrial and trial hearings about what occurred during custodial interrogations, since recordings make extensive testimony unnecessary.
- Reduction in post-conviction claims of false confessions and wrongful convictions, in investigations into charges of police misconduct, and in civil litigation with the risk of large damage awards.

(Source: *Police Experiences with Recording Custodial Interrogations*)

Municipal police departments in smaller cities and towns may have a more difficult time complying. However, these smaller departments can probably have access to the equipment at the headquarters of another department. There are 454 municipal police departments in Indiana.

Background Information: In a study published in 2004, the following local law enforcement agencies in Indiana reported using electronic recording equipment in custodial interrogations. The study did not contact all local law enforcement agencies in Indiana, so this list likely underreports the number of agencies that use this type of equipment.

Local Law Enforcement Agencies Using Electronic Recording Equipment in Custodial Interrogations	
<u>Police Departments</u>	<u>Number of Years Using Equipment</u>
Auburn	7
Carmel	15+
Cicero	3
Elkhart	15
Fishers	8
Ft. Wayne	20+
Greensburg	20
Noblesville	5
Sheridan	16
Westfield	10+
<u>Sheriff Offices</u>	
Hamilton County	12+
Hancock County	7
Johnson County	4
Steuben County	5
Source: <i>Police Experiences with Recording Custodial Interrogations.</i>	

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected: County sheriffs, municipal police departments.

Information Sources: Indiana State Police, *Annual Report, 2006*; *Police Experiences with Recording Custodial Interrogations*, Thomas P. Sullivan, Summer 2004, Center on Wrongful Convictions, A Special Report Presented by Northwestern University School of Law.

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