

This **Revised Resolution** was arrived at through the combined efforts of criminal defense and prosecution interests, and reflects an effective strategy for dealing with the funding and implementation challenges of adopting a statewide policy and legislation on electronic recording of custodial interrogations:



The Representative Assembly finds the following concerning the recording of custodial interrogations:

- A complete and accurate record of a custodial interrogation furthers justice by aiding law enforcement officers, judges, and juries in assessing the truthfulness of a confession.
- A precise record of the circumstances of a custodial interrogation and any waiver of constitutional rights reduces false claims that can arise concerning the content or context of an interrogation.
- Audio and video electronic records are the most effective way for the prosecution to meet its burden of demonstrating a free, knowing, and intelligent waiver of the right to remain silent, to refuse to answer questions, to refuse to respond during a custodial interrogation, to have an attorney present during questioning, and to have an attorney provided if the person cannot afford an attorney, as provided by the Constitution of the United States and the Constitution of Michigan.

THEREFORE, the Representative Assembly supports in principle the use of video and audio recording of custodial interrogations as the best method of securing a precise and accurate record of custodial interrogations, and calls for the appointment of a State Bar Custodial Interrogation Recording Task Force consisting of State Bar members in the criminal defense, prosecution, judicial and law enforcement communities, to develop and promote legislative, court rule, and funding changes that advance the use statewide of audio and video electronic recording of custodial interrogations.

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