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Custodial Interrogation Recording Task Force Research Description

On March 30, 2007 at the University of Michigan Law School, members of the Task Force met with researchers from the University of Michigan to design research on the effects of audio/visual recording of interrogations, to be implemented as part of the Task Force's pilot project. Members of the Task Force included Valerie Newman, Chief Ervin Portis of the Jackson Police Department, Donna McKneelan of the Cooley Law School Innocence Project, Nancy J. Diehl of the Wayne County Prosecutor's Office, and Tracie Dinehart of the State Bar of Michigan. The University of Michigan researchers included Professor Samuel Gross of the Law School, Professor Phoebe C. Ellsworth of the Law School and the Psychology Department, and Katherine Knight of the Psychology Department. The following is a summary of the research plan developed at that meeting and adopted by the Task Force Members.

I. Purpose

The goal of the proposed research is to study the effect of audio/visual recording of interrogations on a number of outcomes. While a growing number of jurisdictions now have laws or departmental guidelines requiring that custodial interrogations be recorded, no systematic, scientific study to date has examined the effect of this practice.

II. Types of Data

- A. Police Reports—police reports for the interrogation cases will be consulted in order to obtain information on the number of interrogations, duration of interrogations, type of crime, number of admissions, who conducted the interrogation, where it was conducted, and the number of Miranda waivers. Other information may be obtained from the original police reports, such as background information about the suspect and the victim that may not be introduced during the interrogation but may be helpful in determining patterns of behavior during, and the effectiveness of, interrogations.
- B. Prosecutor Case Files—We will need to “follow the file” for the interrogation cases to the appropriate prosecutor's office. This additional information will allow researchers to connect the audio/visual recording of interrogations to outcomes such as the charges, the number of plea bargains, the number of convictions at trial, the number of Walker

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hearings and their results, the number of motions to suppress, and the use of the recordings at trial

- C. Recorded Interrogation—one primary source of data will be the time-stamped, watermarked DVDs of interrogations. As outlined elsewhere in this proposal, these interrogations will be part of a larger project to support the audio/visual recording of major-crime interrogations in volunteer Michigan law enforcement departments.

III. Research Questions and Research Strategy

The following sections outline variables of interest that will help to determine the effect of audio/visual recorded interrogations on a number of outcomes.

Changes in the number of interrogations

Once volunteering departments are able to begin audio/visual recording, they will be required to record the total number of major crime interrogations. Researchers will consult department records to determine the number of interrogations in a comparable time period prior to audio/visual recording. This comparison will allow us to determine if audio/visual recording increases or decreases the number of interrogations.

Changes in the number of confessions

Records prior to and after the start of audio/visual recording will be studied to compare the number of confessions. This comparison will allow us to determine if audio/visual recording decreases the number of confessions, as some people predict.

Changes in the number of Walker hearings

An important question is whether audio/visual recording interrogations will decrease the number of confessions that are challenged in court. Prosecutors’ records will be examined to see if the number of Walker hearings decrease after the implementation of the audio/visual recording, as well as the outcomes of the hearings.

Changes in the number of charges filed

Records prior to and after the start of audio/visual recording will be studied to compare the frequency of charges being filed against those who are interrogated. This comparison will allow us to determine if audio/visual recording increases or decreases the likelihood of charges being filed following an interrogation.

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Changes in the number of convictions

Records prior to and after the start of audio/visual recording will be studied to compare the number of convictions, both through plea bargains and at trial. This comparison will allow us to determine if audio/visual recording increases or decreases the number of convictions because of the presence of video evidence.

Use of audio/visual recording in court

We will also follow the cases to see how often the audio/visual recording of interrogations are used in court (either by the prosecution or by the defense), and how the use of these audio/visual recordings is related to conviction rates.

Correlational data

We will conduct additional analyses to determine whether any of these outcomes are related to type of crime, background of the suspect and/or victim, length of the interrogation, and number of officers present.

IV. The Special Case of Jackson

The Jackson Police Department offers a unique chance to examine the effect of audio/visual recording interrogations. For a couple of years, Jackson officers have had the option of video recording confessions. We plan to compare the data outlined in **section III** prior to any audio/visual recording in Jackson (2002-03) during the time when some officers were video recording and some were not (2005-06) and finally after all officers were required to begin video recording (2007).

- V.** The current plan is for the researchers and members of the Task Force to meet with participating police agency members to orient them to the research plan. The researchers also plan at least two visits to each police department – the first to talk with each department about its particular constraints and needs and to make sure they are prepared to facilitate the research component of the project; the second after the audio/visual recording equipment is in place, to make sure that the setup is effective and comparable to that in other departments.