



Representative Phil Plummer
40th House District

Representative Thomas West
49th House District

Sponsor Testimony House Bill 8

Chair Manning, Vice Chair McColley, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for inviting us to testify on House Bill 8. This commonsense bill will require audio or audiovisual recordings of interrogation for most major felonies, and was written with input from ALL major stakeholders, including prosecutors, law enforcement, criminal defense attorneys, and wrongful conviction organizations.

HB 8 will not impede law enforcement agents from doing their difficult jobs and it will not add expenses that taxpayers must bear, and it will increase public confidence in the professionalism and integrity of law enforcement agents.

Moreover, it will decrease the risk of wrongful conviction.

Among other things, recording interrogations helps prevent convictions based on false confessions because objective recordings allow superior officers, prosecutors, defense attorneys, judges and jurors to better understand the dynamics surrounding statements by suspects, including confessions. Dr. Richard Leo, a professor of law and psychology at the University of San Francisco College of Law, has described “[m]andatory electronic recording of police interrogations in their entirety” as “the single most important policy reform available.”

People from all walks of life are vulnerable to the risk of false confession under certain circumstances. But the most vulnerable people among us are particularly at risk of false confessions, and research amply supports that risk for juveniles and people with mental health disabilities and cognitive impairments.

Recording interrogations helps protect all law enforcement officers and agents from false claims of misconduct, coercion, and brutality.

A comprehensive recording of an interrogation is objective evidence of what happened in the interrogation room. The objective nature of the recording protects law enforcement officers from false claims of misconduct during the interrogation.

Recordings also decrease the likelihood of motions to suppress based on misconduct as well as frivolous civil suits against police and municipalities for civil rights violations. That decrease benefits police and prosecutors, but it also protects taxpayer dollars.

In the last ten years, 14 states, including our neighbors in Indiana and Michigan, have enacted similar laws. Eighteen state legislatures have enacted similar statutes, and six other states have required them by judicial rulings. A total of 24 states now have mandatory recording laws.

In other states, similar laws have been supported by prosecutors, police, and criminal defense lawyers, including those in states like Kansas and Texas (which recently enacted similar laws). Since 2014, federal law enforcement agencies, including the FBI and DEA, have recorded interrogations for suspects charged with any federal felony.

It's important to note that an amendment was added to HB 8 in Criminal Justice, which clarified language regarding the shackling of pregnant women. This was a provision put into HB 1 at the end of the 133rd G.A. This language came at the request of the Buckeye State Sheriff's Association and Ohio Prosecuting Attorneys Association.

Last G.A., this bill unanimously passed the House and the Senate Local Government, Public Safety and Veterans Affairs Committee before time ran out. We hope that, with your help, we can get this important reform onto Governor DeWine's desk this year. Thank you, and we will now be happy to answer any questions you may have.