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## State should pass law mandating recording of confessions

### Mercury News Editorial

Innocent individuals sometimes do confess to -- and go to prison for -- crimes they didn't commit. They are often young, mentally disabled or mentally ill and break down under prolonged, pressured questioning and threats of long sentences.

One guard against false confessions and convictions based on them is to record the full interrogations of those facing charges for serious crimes. That's what the California Commission on the Fair Administration of Justice is recommending that all police agencies be mandated to do. And that's what SB 171, sponsored by Sen. Elaine Alquist, D-San Jose, would require.

The Legislature should quickly pass the bill, which has languished for a year. It should also help train police and prosecutors on how to recognize and avoid coerced confessions.

Three dozen sheriffs and police departments in California already tape some felony suspect interrogations. They include every department in Santa Clara County; three years ago, District Attorney George Kennedy and Assistant District Attorney Karyn Sinunu persuaded local chiefs to make audio recordings of suspects of violent crimes standard protocol.

A year earlier, Kennedy's office saw the dangers of false confessions firsthand. Based on incriminating statements in a police interview, prosecutors charged an 18-year-old Palo Alto man with raping a 94-year-old woman. Though Palo Alto police had taped the interview, the DA's office hadn't looked at it before filing charges. (It does so now.) DNA evidence eventually exonerated the man, but not before he spent several devastating months in jail.

Some police departments have cited the cost of equipment and of storage as reasons not to videotape suspects. But with cheap digital technology, that's become a lame excuse. Smart chiefs and prosecutors understand that recording jailhouse interviews can help the police defend against false claims of misconduct.

Kennedy is among the commission's members, who, with one abstention, voted unanimously to encourage video recordings and mandate audio recordings of suspects of serious felonies. If the police failed to tape the full interview, juries would be instructed to view the evidence with caution, according to the commission's recommendation.

Taping interviews is no guarantee against a false confession, but it will serve as a protection for the vulnerable and as a check against officers who'd bully or intimidate if the mike weren't on.

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