

TO: Chairman and Members

DATE: November 8, 2012

**SUBJECT: Application Approval for Wrongful
Convictions Demonstration Grant Project**

AGENDA ITEM: H

ACTION: X

INFORMATION:

RESOURCE PERSON: Kimberly Bushard

Summary:

This agenda item seeks the Board of State and Community Corrections (BSCC) approval of the application prepared by BSCC staff for the Wrongful Convictions Demonstration Grant Project. As required by the federal Bureau of Justice Assistance (BJA), BSCC staff submitted this application on September 12, 2012, pending Board approval. If approved, California will receive approximately \$92,000 for Federal Fiscal Year (FFY) 2012-13.

Background:

According to the Innocence Project, over 25 per cent of wrongful convictions overturned by DNA evidence in the U.S. have involved some form of false confession. One of the principal recommendations for avoiding false confessions is the recording of custodial interrogations. Many police organizations currently embrace the practice. Several states have mandated the practice by law. One challenge to the recording of interrogations is the cost of recording equipment to law enforcement agencies at a time when discretionary spending is extremely limited. In order to begin to support law enforcement efforts to record custodial interrogations, BJA is launching a Wrongful Convictions Demonstration Project.

The purpose of the Project is to provide Justice Assistance Demonstration Grants to State Administrative Agencies for use in funding recording equipment for law enforcement agencies to implement programs to record custodial interrogations. Funds must be passed on by State Administrative Agencies to local law enforcement agencies to purchase recording equipment and related technology for recording custodial interrogation of individuals by law enforcement.

Law enforcement agencies awarded funding under this award must have a written policy for recording interrogations of a category or categories of serious crimes determined by the agency. Such policy must conform to best practices including: a requirement that the entire interrogation is electronically recorded; a requirement that the recording equipment be positioned in such a way as to record the suspect and interrogating officer(s) or the interrogating officer(s); and a system for cataloging and retaining copies of recordings for use in related judicial proceedings.

BSCC staff intends to work with the California Police Chiefs Association and California State Sheriff's Association in order to develop a Request for Application (RFA). The focus of this collaborative work will be to identify cities and counties that meet the above requirements and have demonstrated need. It would then be our goal to release the RFA to law enforcement agencies and begin funding the project as quickly as possible.

Recommendation/Action Needed:

Staff request approval of the FFY 2012-13 Wrongful Convictions Demonstration Grant application to the Bureau of Justice Assistance. Staff further request approval to move forward with development, release and funding of the RFA.

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