



Uniform Law Commission

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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WHY YOUR STATE SHOULD ADOPT THE UNIFORM ELECTRONIC RECORDATION OF CUSTODIAL INTERROGATIONS ACT

The Uniform Electronic Recordation of Custodial Interrogations Act (UERCIA) requires law enforcement to electronically record the entirety of an interrogation that occurs in custody. By requiring law enforcement to electronically record custodial interrogations, the Act promotes truth-finding, judicial efficiency, and further protects the rights of both law enforcement and individuals under investigation. It can help decrease both the use of false confessions and frivolous claims of abuse that ultimately waste court resources. The UERCIA should be adopted for the following reasons:

- **Enhanced Investigation Quality** – By electronically recording interrogations, law enforcement will have an improved record of details and nuances that might otherwise be overlooked or later forgotten by witnesses. With recording, interrogators are free to focus on questions and answers, instead of on taking notes, and supervisors are better able to evaluate interrogation techniques in order to make adjustments to their training programs.
- **Promotes Accuracy and Truth-finding** - Furthermore, knowledge that an interrogation is being recorded reduces incentives for both suspects under investigation and law enforcement officials to lie during and after the interrogation, producing a more accurate record and bolstering the community's perception of law enforcement professionalism.
- **Increases Court Efficiency and the Administration of Justice** – Having an electronic record of an interrogation eases the burden on judges by decreasing the number of meritless suppression hearings they must hear. Other hearings are more quickly and easily resolved because the court has access to a detailed and exacting record. The UERCIA helps prosecutors identify questionable confessions and develop compelling evidence. The act also reduces frivolous claims against law enforcement and strengthens legitimate claims of innocence.
- **Adaptable to State Needs** – The act was drafted using optional language in a number of places in order to allow states to mold the legislation to their specific needs. States choose what types of offenses the act applies to, whether the act applies to field interrogations or only to interrogations at a place of detention, and whether the act requires both audio and video recordings. Additionally, states can set standards for the recording process, or they can delegate that rulemaking function to local law enforcement agencies.
- **Increases Public Confidence in the Criminal Justice System** – Electronically recording custodial interrogations strengthens the public's belief in a fair criminal justice system and promote community cooperation.

For further information about the UERCIA, please contact ULC Legislative Program Director Katie Robinson at (312) 450-6616 or krobinson@uniformlaws.org.