

SB 2376  
68<sup>th</sup> Legislative Assembly  
House Judiciary Committee  
March 20, 2023  
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, Members of the House Judiciary Committee, for the record my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission respectfully request the committee provide a unanimous DO PASS recommendation.

SB 2376 calls for Legislative Management to study the feasibility and desirability for uniform implementation of recording custodial interrogations. The Innocence Project states more than 1 out of 4 people wrongfully convicted but later exonerated by DNA evidence made a false confession or incriminating statement. This can be caused by everything from perceived intimidation to compromised reasoning ability by the accused and many more reasons. Recording custodial interrogations would serve to protect the accused by allowing their counsel to review their confession in entirety.

Furthermore, recording interrogations can also be beneficial for law enforcement. Recordings allow Law Enforcement to focus on the interview, prevent disputes on how the officer treated the defendant, and capture subtle details that can sometimes be lost.

Lastly, this is a study bill. As many other states move toward enacting custodial interrogation requirements, this bill asks to study it. This would provide an opportunity for our law enforcement, prosecutors, defense attorneys, and Courts to all work with legislators in the interim to find the most practical solution for North Dakota.

Mr. Chairman, for the reasons stated herein, the Commission on Legal Counsel urges a DO PASS recommendation.

Respectfully Submitted:



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Executive Director, NDCLCI