

- SB 2376 calls for Legislative Management to study the recording practices of local and state law enforcement during custodial interrogations. This study bill is designed to better understand what recording practices are currently used in North Dakota, gain insight into potential costs or other barriers that may prevent additional agencies from adopting such policies, and determine the potential advantages and disadvantages of North Dakota adopting the Uniform Electronic Recordation of Custodial Interrogations Act, which has been enacted, at least in part, in 30 states. Advocates of recording argue that the practice protects both law enforcement and those in custody from false accusations of improper behavior.
- In 2013, based on legislation introduced at the request of the Uniform Law Commission, a similar legislative management study was completed. No further action was taken by the legislature at that time.
- Over the past decade, however, recording of certain law enforcement activities has become common. For example, body cams are used across the state to record traffic stops for the benefit of both the public and law enforcement officers. Similarly, numerous law enforcement agencies in North Dakota now record certain custodial interrogations – BCI, HP, many of the largest sheriff's departments and police departments. Certain smaller law enforcement agencies also record. But some do not, whether for purposes of costs, training, or philosophical approach to interrogations.
- The purpose of the study is not to lay the groundwork to force a one-size-fits-all approach on all law enforcement agencies. Instead, the intent is to learn what has worked well and what has not worked well from both those agencies already recording and those that do not record.