
SUBSTITUTE HOUSE BILL 2813

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Flannigan, Mastin, Pettigrew, McCoy, Jarrett, Lantz, Moeller, Newhouse, Clibborn, Hudgins, O'Brien, Kirby and Chase)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to a recording of custodial interrogations pilot
2 project; adding a new section to chapter 43.101 RCW; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW
6 to read as follows:

7 (1) The recording of custodial interrogations pilot project is
8 created. The purpose of the pilot project is to study the use of audio
9 and video recording of interrogations of arrested persons as a means to
10 ensure the most accurate gathering of evidence for use in criminal
11 proceedings, increase accountability and credibility of all
12 participants in the criminal justice system, and potentially reduce or
13 avoid costs to the criminal justice system.

14 (2) The criminal justice training commission shall administer the
15 pilot project. The criminal justice training commission shall fund the
16 purchase of digital audio and digital video recording equipment for use
17 in the pilot project, establish procedures for the preservation of
18 recordings and the methods for making recordings available to
19 defendants, and develop a training program and provide training on the

1 methods and technical aspects of conducting recordings of
2 interrogations to law enforcement officers from agencies participating
3 in the pilot project. In administering the pilot project and
4 developing the training program, the criminal justice training
5 commission shall consult with other jurisdictions within the state, or
6 in other states, that have experience with recording of law enforcement
7 interrogations.

8 (3) The commission shall select for the pilot project no more than
9 three law enforcement agencies that agree to participate in the pilot
10 project. To the extent possible, the commission shall select a police
11 department in a small jurisdiction, a police department in a medium or
12 large jurisdiction, and a county sheriff's office.

13 (4) Interrogations of arrested persons recorded as part of the
14 pilot project created under this section are not subject to the
15 provisions of RCW 9.73.090(1)(b).

16 (5) The criminal justice training commission shall submit a report
17 on the results of the pilot project to the legislature by December 1,
18 2007. The report shall include information on how often interrogations
19 of arrested persons were recorded, why any unrecorded interrogations
20 were not recorded, how many of the arrested persons were criminally
21 charged, how many criminal charges ended in a guilty plea, the trial
22 outcomes of persons whose interrogations were recorded and those whose
23 interrogations were not recorded, how many recorded interrogations were
24 subject to a suppression hearing and were suppressed as a result of the
25 suppression hearing, and cost estimates on implementation and ongoing
26 expenses of the pilot project.

27 (6) This section expires July 1, 2008.

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