

Police agencies vary in confession taping policies

BY LARRY O'CONNOR
STAFF WRITER

agencies differ on whether it's always a *Memorex* moment. During a recent preliminary exam for a man charged in the Livonia Logan's Roadhouse double homicide, a Livonia police investigator was questioned as to why the suspect's crucial confession wasn't recorded by video or audio tape.

The double homicide occurred in the early hours of July 8. Livonia and Westland police do not tape statements. Other agencies like Farmington Hills, Redford and Garden City either videotape or voice record statements, but only in selected cases.

Livonia police officials declined to comment on the issue, noting the double murder case involving Ellis Robinson, who has been charged in the Logan's murders, is ongoing.

The pros and cons of recording interviews or interrogations are many.

Minnesota and Alaska state laws require all police agencies tape interviews while such recordings are a standard practice in Great Britain.

Proponents say the use of video, especially in today's high-tech era, hits home with juries and clears up any perception that defendants may have been coerced.

Subtleties captured

Also by taping, many nuances such as the subject's demeanor or manner of speech can be captured, which cannot be reflected in a written statement.

On the other side, police investigators cite the possibility of the suspect playing to the video camera or the recording equipment failing at a critical time.

In Farmington Hills, police may record or videotape statements, but does not tape them all. There is no written department policy on recording statements.

"It just depends on the case and the circumstances of each case," Nebus said.

In the Westland police detective bureau, the reason not to record is simple.

"If you tape some and not the others, you have defense attorneys and other types asking 'Why didn't you tape this one? You taped the one four weeks ago. You didn't tape this one for a reason,'" said Lt. Marc Stobbe, head of the detective bureau.

"They try to tear the case apart. We don't tape any of them."

To avert later claims of coercion, suspects who give written statements read and initial several sentences that they were not under duress at the time of the interview, Stobbe said.

In the Logan's case, the double homicide signed a similar document while giving his confession.

Selective taping

Like Farmington Hills, Redford and Garden City's police departments do tape interviews in selective cases, more likely those involving serious felonies.

The Redford Police Department has had the capability to present to the jury so they can see that there was no trickery and everything was done correctly," said John Buck, Redford police deputy chief.

In Garden City, a detective in the recent double homicide audio taped an entire interview with the suspect, Steven Maier, who confessed to a Michigan State Police trooper and later to the Garden City investigator.

That's rare, Garden City Lt. Michael Lindman said. An investigator will usually talk to the suspect first before switching on a tape recorder in order to clarify pertinent details.

Rapport disrupted

Lindman and other police officials agreed that some suspects may clam up when the "record" button is pushed - or feel that their trust has been violated.

"You can talk about all kinds of things that have nothing to do with the crime," Lindman said. "Sometimes you want to build a rapport with them. You don't want all that kind of stuff on tape."

Hills Assistant Chief Nebus agreed.

"There are many times that people, if you put a tape recorder in front of them, they won't talk to you," Nebus said.

A former Wayne County prosecuting attorney sees merits to both sides.

Michael Reynolds, who now works in private practice, recalled a solid written statement was enough to win convictions in felony cases when he was in the prosecutor's office from 1989-94.

Still, Reynolds doesn't think it's a bad idea to record a suspect's statement whenever possible.

For one, the electronic recording equipment is more affordable. "People are more used to seeing things on TV today," Reynolds said.

In the future, the state attorney might step in to make videotaping statements mandatory, if only to maintain consistency, Reynolds said.

A videotaped confession is not foolproof, suggest some in the legal profession.

An Ohio University psychology professor did a study that found the camera angle can skew a juror's perception.

If the camera lens is focused only on the confessor, there was a heightened sense of guilt, the professor reported.

The same held true if the camera was only pointed at the interrogator, who was more likely to be perceived as pressuring the subject into confessing.

The professor suggested his findings pointed to a need for a national standard for videotaping police interviews.

"Virtually anything you do can be subject for criticism," Reynolds said.

Staff writer Heather Needham contributed to this story.

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