



**Law Office of the
COOK COUNTY PUBLIC DEFENDER**

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Amy P. Campanelli • Public Defender

September 14, 2020

U.S. House of Representatives
Committee on the Judiciary
Crime, Terrorism, & Homeland Security

Re: Support for H.R. 7636 Custodial Interrogation Recording Act

Dear Chairman Nadler and Members of the Committee:

My name is Amy Campanelli and I am the Public Defender of Cook County, Illinois, which is home to one of the largest unified court systems in the country. I am writing to express my support for H.R. 7636 Custodial Interrogation Recording Act, which will authorize the Attorney General to provide grants to states and units of local government for the video recording of custodial interrogations and to take whatever steps necessary to achieve the complete and accurate recording – both by audio and video – of every custodial interrogation within the state or unit of local government.

Over the past several months, our country has grappled with the horrors of police misconduct and abuse which far too often leads to injury or worse – death – of innocent people, predominantly black men, at the hands of police officers. This grim reality is not new to those of us who have worked in the criminal court system, defending innocent men and women who have suffered at the hands of police for several years. The world is just now getting a glimpse of this prevalent injustice thanks to the constant presence of camera phones and social media posts documenting it for the world to see.

I have been a public defender for over 30 years. In that time, I have repeatedly seen misconduct, abuse and the miscarriage of justice at the hands of the Chicago Police Department (“CPD”). My office regularly receives false police reports from CPD that don’t match the evidence or the testimony at trial. We constantly attack the use of these false reports that never should have been written in the first place, reports that contain alleged statements made by my clients confessing to crimes that they did not commit.

In the past, when such abuses happened to my clients, I advised them not to complain because the systems that were put in place to address allegations of police misconduct did nothing to help. Instead, they ensured that my clients suffered for having the audacity for coming forward.

According to the National Registry of Exonerations, between 1989 – 2011, Illinois had more exonerations than any other state. Since 1989, there have been a total of 330 people exonerated in Illinois, 98 of these individuals were wrongfully convicted at least in part because of a coerced false confession. In 2019, a total of 30 people were exonerated in Illinois, far more than any other state in the country with Pennsylvania and Texas tying for second place with 15 exonerations each. Similarly in 2018, Illinois by far, had the most exonerations with a total of 49, with Texas and New York tied for second having a total of 16 exonerations each. The numbers speak for themselves. We have a documented history in this country of innocent people being wrongfully convicted for crimes they did not commit based on coerced false confessions. This is especially true in Chicago which has developed a reputation for being the false confession capital of the world.

The Custodial Interrogation Recording Act is an important step to putting an end to coerced false confessions. Video and audio recording of the entire interrogation process will greatly diminish law enforcement's ability to continue the practice of coercing false confessions from innocent people through the use of abusive interrogation tactics. Perhaps even more importantly, video recording every interrogation will help to ensure that the constitutional rights of countless people will be protected and potentially save innocent people from serving lengthy prison sentences for crimes they did not commit. In those instances where police abuse and misconduct occur during the video recorded interrogation, criminal defense lawyers will be better equipped to seek justice on behalf of their clients while holding the police officers accountable for their misconduct.

For the past two years, I have filed legislation before the Illinois General Assembly and City of Chicago City Council seeking to clarify an arrested person's rights to have access to a phone to call their family members or attorney within one hour of arriving at a police station. This is a battle that I will continue to fight until this becomes a clearly articulated right as a matter of law. The Custodial Interrogation Recording Act would work in conjunction with my proposed state legislation to further protect the rights of the accused during an interrogation, which is one of the most critical stages of any criminal case.

Several clients have told me over the years that they asked for an attorney or a phone call from police, but their requests fell on deaf ears. Not until the interrogation and intimidation was over, and the clients had confessed were they allowed to reach out for help. Families would tell me how they sat at the police station for hours, requesting to see their loved one, only to be shunned away, or emphatically lied to that their loved one was not in custody. This is simply unacceptable. The Custodial Interrogation Recording Act will be a significant step towards finally ending the culture of police abuse, which has plagued this country and my great city of Chicago for far too long. Therefore, I whole-heartily support the Custodial Interrogation Recording Act.

Thank you for considering this important issue. If you have any questions or would like additional information from my office, please do not hesitate to contact my Deputy of Legislative Affairs, Era Lauder milk at Era.Laudermilk@cookcountyil.gov.

Sincerely,

A handwritten signature in blue ink that reads "Amy P. Campanelli".

Amy P. Campanelli
Public Defender of Cook County