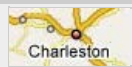


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Valena Beety: Buffey case shows W.Va. must record police interrogations

CHARLESTON, W.Va. -- Eighteen months ago, DNA testing proved that Joseph Buffey did not rape an elderly Clarksburg woman in a 2001 brutal assault. Yet Mr. Buffey continues to serve a 40-year sentence for the crime that science shows he did not commit.

This month, Innocence Project attorneys revealed the DNA matched a different person: Adam Bowers, who is currently incarcerated in West Virginia for another crime. Prosecutors continue to resist releasing Mr. Buffey for one reason: he confessed and pled guilty.

Why would an innocent man confess to a crime he didn't commit? Age, mental capacity, and the length of the interrogation can all play a role. Often, the person simply wants to go home -- he's exhausted and believes he will be released after confessing, and can prove his innocence later. Most of us believe that if someone is innocent, the evidence will show the truth.

Unfortunately, DNA results now confirm that in 25 percent of wrongful convictions, an innocent person falsely confessed to a crime he did not commit and went to prison, allowing the true perpetrator to remain free.

Joseph Buffey was 19 when he was arrested. He "confessed" at 4 a.m. on Dec. 8, 2001, after more than eight hours of repeated interrogation by multiple officers. His "confession" didn't even match the facts of the crime, and he immediately recanted. This was the only time Mr. Buffey stated he had any involvement with the crime. Yet, when he went to court, Mr. Buffey's attorney encouraged him to plead guilty to get a deal. Mr. Buffey has been trying to prove his innocence ever since.

Law enforcement officers routinely obtain valid confessions from individuals in custody through legitimate and legal police work. However, when a rogue officer uses coercive methods, nothing exists to show that an innocent person felt compelled to confess. Recording interrogations assists law enforcement because it captures confessions and statements by offenders; it helps protect innocent citizens by documenting the setting and the interaction. Recording can also deter officers from using coercive and illegal measures to get a confession.

More than 800 jurisdictions, including Alaska, Minnesota, and the District of Columbia, now record police interrogations. Perhaps Mr. Buffey's case will serve as an example of how we, as a state, can prevent future wrongful convictions by requiring that police interrogations be recorded. And perhaps Mr. Buffey will finally be released from prison for a crime committed by another

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Beety is an associate professor of law at WVU, and director of the West Virginia

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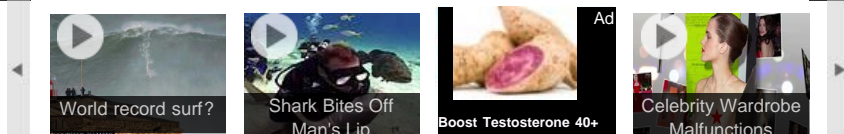
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