



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Recording Suspect Interviews

Eff. Date 11/09/2017

Purpose

The purpose of this policy is to establish guidelines for recording interviews of suspects. It is the policy of the Madison Police Department (MPD) to use electronic recording systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement interviews. The use of the electronic recording system shall be in accordance with applicable laws and MPD standard operating procedures.

Procedure

WHEN RECORDING IS REQUIRED

All custodial interviews of adults suspected of committing a felony shall be recorded. All custodial interviews of juveniles shall be recorded when feasible, and without exception when questioning occurs at a place of detention. Any police facility, including MPD District Stations, the Juvenile Reception Center and any in-patient treatment facility, will be considered a "place of detention." The MPD recognizes that in some circumstances, victim/witness statements may be electronically recorded. If electing to do so, officers shall adhere to MPD standard operating procedures.

The recording may be audio, or both audio and video. Interviews requiring recording may occur in the field or in MPD facilities. Miranda warnings shall be provided in accordance with MPD policy.

If a custodial interview of a juvenile occurs in the field and is not recorded, the officer shall document in a report the reason the interview was not recorded.

The law does not require that officers recording a custodial interview inform the subject that the questioning is being recorded. If asked, officers should ordinarily disclose whether recording is occurring.

Once a recording of an interview begins the recording should not be stopped. If a break in the interview occurs, record the time the break starts and the time the interview resumes. Any stopping or resuming of recordings shall be articulated in the officer's report.

EXCEPTIONS

The following are exceptions to the recording requirements listed above:

1. The suspect refuses to provide a statement if it is recorded. The officer must audibly record the refusal or document the refusal in a report.
2. The statement was part of routine prisoner processing.
3. The recording equipment did not function properly.
4. The statement was made spontaneously and not in response to questioning.
5. Exigent circumstances prevented recording or made recording not feasible.
6. The officer, at the outset of the interview, reasonably believed that the offense being investigated was not a felony.

Custodial interviews taking place in an MPD facility can be recorded using the Winscribe system (with either a handheld walkabout or a landline speakerphone) or using the electronic video and audio recording systems available in the interview rooms. Custodial interviews conducted within a squad car can be recorded using the in-car data capture system. Officers shall refer to the In-Car Video System SOP for protocols related to that system.

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