



City of Racine Police Department
Policy and Procedure

Number: 1124

Subject: Recording Custodial Interrogations		
Date Issued: 09-23-05	Effective Date: 12-14-11	Revision Number: 2

POLICY:

Felony custodial interrogations of adults, any interview where officers give the Miranda Warnings during a felony investigation and all custodial interrogations of juveniles must be electronically recorded where feasible, and without exception when questioning occurs at a place of detention. This recording requirement governs the admissibility of a statement or confession into evidence. Unless a failure to tape is excused for good cause, unrecorded interrogations and any resulting written statement or confession will be inadmissible as evidence in court. This requirement applies to all delinquency or criminal proceedings in circuit courts. (Although it is not necessary to record interrogations pertaining to adult misdemeanors or ordinance violations, members should consider whether or not the investigation could lead to a felony charge or criminal matter as with an O.V.W.I case). Members may determine other situations when recordings are appropriate.

DEFINITIONS:

Juvenile for the purposes of this policy means any person who has not attained the age of 17 years.

Place of Detention - to guarantee the admissibility of juvenile confessions, a place of detention should be broadly construed to mean any location where a law enforcement officer conducts a custodial interrogation of a juvenile.

Custodial Interrogation is defined the same way it is defined for Miranda purposes - questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of their freedom of action in any significant way. (Any situation where a reasonable person would feel or believe they are not free to leave).

PROCEDURE:

When conducting a custodial interrogation:

1. Audio recording is sufficient to satisfy the requirement; however, videotaping, when equipment is available, may provide an even more complete picture of what transpired during the interrogation. If practical the MVRE can be used for this purpose. The recording is not a substitute for taking a written statement. If possible, have the suspect write and sign a statement. Officers/Investigators should still take notes in case there is a problem with the audio recording.
2. Officers should advise the subject beforehand that the interrogation is being electronically recorded.
3. At the beginning of the recording state:
 - a. The date and time.
 - b. Complaint Number.
 - c. Location.
 - d. Name and payroll number of the Officer conducting the interview and the name of the person being interviewed. Names of all present during the interview, including the rank of officers and titles or positions of other persons of authority (i.e. parents, school staff, store security, attorneys, etc.)
4. There should be no pauses during a recording. (Recordings should not be paused unless leaving the interview room for an extended period to exceed 30 minutes). At pauses state:
 - a. The date and time of pause.
 - b. Reason for temporarily stopping recording.
 - c. Ask the suspect on the recording to confirm those reasons.

- d. The date and time recording begins again.
- e. Any changes in location or persons present.
5. At the end of the recording state:
 - a. The interview is over.
 - b. The date and time the recording ends.
6. One copy of the original recording shall be inventoried.
 - a. Copies may be made for the officer's use prior to inventorying the original.
7. Summarize the interrogation with a written report (indicate on the report the interview is summarized).

**RELATED
STATUTES:**

Miranda v. Arizona, 384 U.S. 436, 444 (1966)
State of Wisconsin v. Jerrell C.J., 2005 WI 105)

**RELATED
POLICIES:**

[1111 – Miranda Warnings During Suspect Interviews](#)
[1201 – Property Inventory – Excluding Motor Vehicles](#)
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