

VILLAGE OF WALDEN
POLICE DEPARTMENT
ONE MUNICIPAL SQUARE
WALDEN, NEW YORK 12586

Jeffry Holmes
Chief of Police

GENERAL ORDER **NO: 11.13**

Issue Date: 9/01/2011	Effective Date: 9/01/2011
Revises:	CALEA:
Subject: Electronic Recording of Interviews	
Distribution: All Personnel	STATE:
Reevaluation Date: 1/01/2014	Page: 1 of 3
Issuing Authority: Chief Jeffry Holmes	

PURPOSE:

The purpose of this General Order is to establish guidelines for the electronic recording of interviews and the associated use, management, preservation, and evidentiary dissemination of such recordings.

I. POLICY:

- A. This policy sets forth the requirements for recording interviews with suspects, victims, and witnesses. Officers/detectives will record all suspect interviews for specific crimes as defined by the order. Supervisors will have the discretion to authorize other suspect, victim, and witness interviews. All video and audio recording of subject interviews shall be conducted in a manner which will enhance the investigative process while preserving the rights of the persons being interviewed.

II. DEFINITIONS:

Interview - Communication between a police officer and another person that requires skills that will allow the police officer to attempt to objectively obtain accurate and truthful information from the other person.

Suspect Interview - A custodial or non-custodial interview conducted by a police officer investigating an alleged crime with a person who is, based on the evidence developed to date, thought to be involved in the crime. It includes all conversation between the detective/officer and the suspect during the rapport building phase, obtaining the Miranda waiver, the interrogation phase, and the taped interview.

Video Recorded Interview - Use of video camera to capture both the audio and video of an interview.

Privileged Conversation - Any private conversation between a suspect and a lawyer, a member of clergy or a spouse.

III. PROCEDURES:

A. Video recorded interviews will be conducted with suspect interviews involving:

1. Any Class A, B, or C Violent Felony Offense as defined in Section 70.02 of the New York State Penal Law.
2. Any Homicide in violation of Article 125 on the Penal Law.
3. Any interview at the discretion of a supervisor.

B. Video recorded interviews will take place in rooms designated for recording by the agency.

1. The entire video recorded interview will be recorded from start to finish. Recordings will be continuous and uninterrupted.
2. The suspect will not be informed that he or she is being recorded nor should the topic of the recording be discussed.
3. In the event that either the suspect or the interviewers leave the interview room, the recording will continue to operate without interruption.
4. Recordings will include the preparation of any written statement that the subject is willing to provide to the investigator. Video recorded interviews should supplement, not replace, an attempt to obtain a written statement.
5. A suspect involved in a privileged conversation must be moved from the video recorded interview room to a room that is not recorded to ensure privacy for the suspect during the privileged conversation. Once the privileged conversation ends, the suspect will be placed back into the recorded interview room.
6. At the conclusion of the interview the duplicate original DVD recordings shall be appropriately labeled as evidence. One duplicate original shall be sealed and safeguarded as evidence by the agency. Two duplicate originals will be furnished to the District Attorney for the case file and in order to provide appropriate copies to defense counsel as well as the Court.
7. Police must notify the District Attorney's Office regarding the existence of video recorded interview(s) so that proper notice can be provided pursuant to Section 710.30 of the Criminal Procedure Law.
8. A video recorded interview of a victim or witness may be conducted at the discretion of a supervisor.
9. The use of audio/video recording of statements is subject to the operability of the equipment, the availability of the operators for the equipment, and any other exigent circumstances. Deviations from the above policy may be necessitated by field conditions, common sense and practicality. In those cases, a decision to deviate from the policy may be made by an appropriate supervisor. A consultation with an assistant district attorney shall take place if deemed appropriate by the supervisor. Great deference shall be given to the decisions made in the course of an investigation regarding video and audio recording by the personnel directly involved in the criminal case.

C. Retention Period and Notification

1. The retention period for any video recorded interviews on the hard drive will be 30 days.
2. Any officer/detective who utilizes the video recording system will notify a supervisor so the recording can be processed according to this order.

A handwritten signature in black ink that reads "Jeffry Holmes". The signature is written in a cursive style with a long horizontal stroke at the end.

Jeffry Holmes,
Chief of Police