



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Recording Suspect Interviews

Eff. Date 1/23/2024

Purpose

The purpose of this standard operating procedure is to establish guidelines for recording interviews of suspects. The Madison Police Department (MPD) uses electronic recording systems to provide accurate documentation of events, actions, conditions, and statements made during law enforcement interviews. The use of electronic recording systems 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. The MPD recognizes that in some circumstances, victim/witness statements may be electronically recorded.

All custodial interviews of juveniles shall be recorded when questioning occurs at a place of detention. Any police facility, including MPD District Stations, MPD vehicles equipped with in-car video systems, the Juvenile Reception Center, and any in-patient treatment facility will be considered a "place of detention." 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 recording may be audio only, or both audio and video. Interviews requiring recording may occur in the field or at MPD facilities. Miranda warnings shall be provided in accordance with MPD policy.

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 prior to the conclusion of the interview. Recordings, reasons for any interruptions/microphone muting, and times of the break(s) and resumed recordings shall be documented within official reports or narratives of citations.

Custodial interviews taking place in an MPD facility can be recorded using the dictation system (with either a handheld device, landline speakerphone, or cell phone) or using the electronic video and audio recording systems available in the interview rooms. Upon completion of a recording in an interview room, it is necessary to preserve the interview video as evidence by either completing a Lab Request Status Report and forwarding that report to the PD Lab Request email group or by requesting a detective or supervisor access the recording in the Arbitrator program and assign the officer's initials, case number, and the correct classification tag to the recording.

Custodial interviews conducted within a squad car can be recorded using the squad's in-car video system. Officers shall refer to the In-Car Video System SOP for protocols related to that system. Upon completion of a recording in a squad car using the in-car video system, **officers shall select the applicable classification tag** from the available menu of the Arbitrator program and also provide a case number to accompany the saved interview. Officers or sergeants shall not close the recording window on the Mobile Data Computer (MDC) without making a selection from the classification choices.

Noncustodial interviews of suspects may be recorded in accordance with this policy.

EXCEPTIONS

The following are exceptions to the recording requirements listed above:

1. The suspect requests that the recording be stopped, or refuses to provide a statement if it is recorded. The officer must audibly record the request/refusal and/or document the request/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.

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