

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

INTERVIEW ROOM AUDIO/VISUAL RECORDING

Reviewed by: Lt. Timothy Stanesa	Effective Date: August 12, 1998
Authorized by: Chief Dan Donath	Revision Date: October 15, 2019

PURPOSE

The purpose of this SOP is to establish guidelines to ensure that all Interview Room audio/video recording is conducted in accordance with all applicable Illinois State Statutes. This requires either the consent of all parties to the conversation, an authorizing court order, or the existence of an exemption to the Illinois Criminal Code on Eavesdropping (720 ILCS 5/14, et seq.).

In most circumstances, audio/video taping will be done with the consent of all parties. Illinois Attorney General's Opinion 96-035 indicates that consent may be inferred from the fact that the parties continue to speak after being advised the conversation is being recorded.

PROCEDURE

Generally, all interviews and interrogations regarding felony crimes of violence will be video and/or audio recorded when the person interviewed or interrogated has not withdrawn consent to the procedure. Investigators are encouraged to record other felony crime interviews and interrogations to gain experience in the process.

Any interview or interrogation concerning child abuse, sexual abuse, or sexual assault, and specifically those investigations begun at the Child Protection Network, will be video and/or audio recorded unless the person interviewed or interrogated withdraws permission.

Other interviews may be recorded at the discretion of the interviewing officer, or the officer's supervisor, and within legal guidelines and Department policy.

If possible, two officers will be present during the interview. The person to be interviewed should be allowed to use the rest room or get a drink prior to starting the interview.

Signs are posted at each end of the hallway to the CID interview rooms indicating that all interviews are subject to both video and audio recording. When a subject is placed in an interview room, the sign will be brought to his/her attention by the escorting officer. If the investigating officer did not place the suspect in the room, he shall advise the suspect that the interview is being video recorded prior to starting the interview.

If this is a custodial interview, the Miranda Warning shall be read to the suspect while the interview is being recorded, and an affirmative response and waiver must be obtained prior to continuation of the interview.

It is the McLean County State's Attorney's opinion that the defendant's awareness that the conversation is being video/audio recorded should be documented, although obtaining his express consent to the recording is not necessary. If he expressly objects to the recording procedure, such would be satisfactory reason to discontinue the recording of any conversation that occurs thereafter.

When an officer intends to record an interview, an officer will start the recording. The primary officer shall commence the interview with a header including some basic information such as, but not limited to, the following:

1. The date, time and location of the interview;
2. Identification of the person to be interviewed;
3. Identification of all persons present for the interview; and
4. The reason for the interview.

If the person being interviewed withdraws consent for recording the interview, the officer will terminate the recording operation.

Except for the withdrawal of consent, the recording should not be stopped unless absolutely necessary. If it becomes necessary to interrupt the recording, the reason for the interruption is to be recorded prior to the recording being stopped. If recording is restarted, the initial basic information is to be repeated giving the correct time and the reason for the break in recording.

A copy of the recording will be made and will be placed in evidence. Other copies of the recording as requested shall be paid for by the State's Attorney's Office or defense attorney making the request on discovery.

Transcription of recordings is not needed until shortly before trial and will be done only upon the State's Attorney's request. Supplemental reports shall be completed concerning any conversation or interview which is video/audio recorded. The report shall summarize the key matters covered in the recording and any detail the investigator believes is necessary to communicate a key point.

Any officer not making a recording in accordance to this policy shall make a report indicating in detail the reasons for the exception.

MONITORING ROOM

Only supervisors and persons involved in investigating the case being monitored or recorded will be in the monitoring room during interviews. There will be no casual observers unless approved by a supervisor for training purposes. An officer can be placed in the monitor room to observe the interview rooms for the safety of the officers doing the interviews.

If it is not possible to have someone in the monitoring room, the officer conducting the interview/interrogation will check the equipment to make sure it is functioning properly prior to beginning.

When possible, if multiple interviews are being conducted, rooms as widely separated as possible should be used.

Interviews of witnesses and victims may be video/audio recorded in a location other than the hardened interview rooms using available equipment.

OTHER INFORMATION

The McLean County State's Attorney agrees:

- that various lawful investigative techniques may raise some questions or concerns in the minds of judges and/or jurors,
- to aggressively defend the use of all lawful interview and interrogation techniques and practices before the court and/or arguments before juries during trial,
- believes that judges and jurors are sophisticated enough to understand that such techniques are entirely warranted under a wide variety of circumstances, and
- will aggressively defend those techniques.