



INTERVIEW ROOMS

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I. PURPOSE

The purpose of this directive is to establish procedures and protocol when using rooms designated for witness/suspect interviews.

II. POLICY

The Anne Arundel County Police Department will ensure the safety of all personnel, witnesses, suspects, and arrestees that enter any of the rooms designated for interviews.

III. SCOPE

This policy is applicable to all sworn and non-sworn personnel.

IV. PROCEDURES

A. Weapons Control

1. When an interview of an arrestee, suspect, or a person who could possibly evolve into a suspect is conducted in a designated interview room, ALL weapons must be secured prior to entry into the room.

Weapons will include any and all firearms, knives, expandable batons, OC spray and Conducted *Electrical* Weapons.

2. Detectives in plainclothes must remove and secure any and all badges, police identification cards/lanyards, handcuff cases, handcuffs, ammunition pouches, and ammunition prior to entering the interview room.
3. All firearms will be secured in the appropriate weapons lockers located outside or near the interview rooms.

B. Security Concerns

1. The interview rooms should be considered a safe and secure environment. It is the interviewer's responsibility to search the interview room for any contraband/weapons prior to placing the interviewee inside and also at the conclusion of the interview.
2. It is the interviewer's responsibility to ensure the arrestee, suspect, or person who could possibly evolve into a suspect **IS SEARCHED** prior to placing the individual into the interview room.
3. It is the responsibility of the interviewer to ensure that the arrestee, suspect, or person who could possibly evolve into a suspect will be monitored at all times.

4. The interviewer will ensure the arrestee, suspect or person who could possibly evolve into a suspect will be kept in the interview room only for the length of time necessary to complete the interview, collect items of possible evidentiary value, and/or obtain the official statement.

5. The arrestee, suspect or person who could possibly evolve into a suspect that poses a threat to themselves or others will be restrained as soon as possible and transferred to the proper facility.

C. Personnel

The number of personnel allowed to enter the interview room during the interview of the arrestee, suspect or person who could possibly evolve into a suspect will be limited to two. This will not preclude others from entering the room to provide additional information, take photographs or provide for the collection of evidence.

D. Methods of Summoning Assistance

When immediate response for assistance is required, an interviewer can call for assistance by requesting aid over the building's paging system, via telephone/cell phone, and/or via police radio.

For safety purposes, during the interview of an arrestee, or a person who is being interrogated in a custodial setting, two detectives/officers should be present in the interview room at all times. An exception to this will be when the interview is being audio/video recorded and officers/detectives are monitoring the recording equipment in real time. When a second detective/officer is not available, the interviewing detective/officer must carry his/her police radio into the interview room and notify Communications of the location of the interview room he/she is utilizing.

E. Use of Video and Audio Recording Equipment

It is the public policy of the State of Maryland that a law enforcement unit that regularly utilizes one or more interrogation (interview) rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audiovisual recording of a custodial interrogation of a criminal suspect in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree. Additionally, a law enforcement unit that does not regularly utilize one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audio recording of a custodial interrogation of a criminal suspect in connection with a case involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree, whenever possible (Criminal Procedure Article Title 2-402).

An audio or audiovisual recording made by a law enforcement unit of a custodial interrogation of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act (Criminal Procedure Article Title 2-403).

1. *Conspicuous notices will be posted at all entrances to police facilities utilizing interview room audiovisual recording that all persons who enter the building are subject to audio and video recording.*

2. *Interview rooms equipped with audiovisual monitoring and recording capabilities, if available, will be used for custodial interrogations of criminal suspects in connection with cases involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree; and may be used for custodial and non-custodial interviews and interrogations of suspects, witnesses and victims in connection with other criminal investigations.*

3. *If an interview room equipped with audiovisual monitoring and recording equipment is not available, a portable audio recorder, if available, will be used for custodial interrogations in connection with cases involving murder, rape, sexual offense in the first degree, or sexual offense in the second degree; and may be used for custodial and non-custodial interviews and interrogations of suspects, witnesses and victims in connection with other criminal investigations.*

4. *If the interview or interrogation takes place at a location that has not been conspicuously posted advising persons who enter the facility that they may be subjected to audio and visual recording, consent to record non-custodial interviews must be obtained from all parties, unless the crime being investigated is one of the crimes enumerated in Courts & Judicial Proceedings Article Title 10-402, and the investigator is a party to the conversation. If consent is obtained, the consent should be verbally documented as part of the audio recording.*

5. *It is the standard practice of the Criminal Investigation Division that when possible, forensic interviews of victims of child abuse will be conducted and audio-visually recorded at the Department of Social Services Child Advocacy Center, utilizing the Center's designated room(s) and the Center's audiovisual monitoring and recording equipment.*
6. *Privileged communication between an attorney and their client will not be audio or audio-visually recorded.*
7. *Only departmentally approved equipment will be used to make audio or audiovisual recordings.*
8. *Only those persons who have been properly trained will operate or use audio or audiovisual recording equipment.*
9. *All audio and audiovisual recording equipment will be checked before and after use to ensure that the equipment is in proper working order. Any malfunction of the equipment that occurs during an interview must be documented in the investigator's report.*
10. *When using interview rooms equipped with audiovisual recording capabilities, the recording should start as soon as the subject of the interview enters the interview room and should not be stopped until the subject of the interview leaves the interview room and is not expected to return. The exception is if the subject of the interview or interrogation is having privileged/private communication with their attorney. In this case, the recording will be stopped and the privileged communication will not be monitored or recorded. The recording will resume when the privileged/private communication ends. The investigator should make a note of what time the recording stopped and what time it was started again, along with the reason why, to account for any gaps in the recording.*
11. *A logbook will be maintained in each audiovisual monitoring room that documents the use of the audiovisual monitoring and recording equipment. An investigator participating in the investigation will enter certain information into the logbook each time the audiovisual recording equipment is used. The logbook will capture information such as the date, room number, times, case number, offense type, interviewee name, detective name, date the recording was downloaded, and the date the recording was downloaded and copied to a DVD.*
12. *Interviews and interrogations recorded using interview room audiovisual recording systems should be downloaded from the audiovisual recording system's main hard drive to DVD-R discs within seven (7) days. This is to prevent recorded interviews from being "lost" or written over due to limited data storage capacity on the local system.*
13. *The following copies of audiovisual recorded interviews and interrogations will be downloaded and "burned":*
 - A. *One (1) burned to a "Gold Archival Grade DVD-R disc. This copy will be cataloged and will be permanently stored/archived following the police department's records retention policies.*
 - B. *One (1) burned to a standard DVD-R disc for the investigator's case file.*
 - C. *Two (2) burned to a standard DVD-R disc for the State's Attorney's Office.*

F. Equipment or Items to be kept in Interview Room Area

The interview rooms should contain, at minimum, a table, three chairs and instruments needed to document the interview (paper, pens, pencils, etc.) Additional equipment may be brought into the interview room as needed, such as a laptop computer, Computer Voice Stress Analyzer, camera, etc.

G. Access to Restrooms, Water, or Comfort Breaks

1. Interviewees will be provided access to water, restrooms, and other needs that may arise during the interview. It will be the responsibility of the interviewer to ensure the interviewee is monitored during these times. It will be the responsibility of the interviewer to document such actions.
2. The interviewers need to be cognizant of the time elapsed during an interview to ensure that the interviewee's restroom needs and other breaks are being met.

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V. **PROPONENT UNIT:** CID Major Crimes Section.

VII. **CANCELLATION:** This directive cancels Index Code 1824, dated 01-28-16.