



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 426	Effective Date: March 12, 2021
Subject: Video Recording of Interviews & Interrogations	
Reference Standards 50.1	
Rescinds: N/A	
Page 1 of 3	Attachments: N/A

I. Purpose

- A. To define department policy regarding video and audio recording of the custodial interview/interrogation of a suspect within the Macedon Police Department facilities.
- B. To outline guidelines for the use of video and audio recording equipment permanently emplaced for the purpose of suspect interview.
- C. To outline guidelines for securing such recordings in removable media for storage, case review, and prosecutorial review.

II. Policy

- A. Members of the Macedon Police Department shall, when practicable, record custodial interrogations of suspects. Such interviews will be conducted in the Interview Room or in the Patrol Room within the police department and follow the procedure set forth below.
- B. Video recording may, and generally should, be accomplished covertly. The suspect does not need to be advised of the fact that the interrogation is being recorded, even if the suspect asks whether the interview is being recorded.
- C. Recording can be accomplished with a Body Worn Camera pursuant to General Order 538 or by utilizing the hardwired recording equipment in the interview room.
- D. Recording should begin before the suspect is taken into the interview room. It should include the advisement of Miranda warnings. If Miranda warnings were previously given, and a valid waiver was obtained prior to the suspect being brought into the room, officers

are encouraged to attempt to have the suspect reiterate their waiver at some point during the recorded interview. There is no necessity that the warnings be repeated solely for the purpose of video recording.

- E. Once the recording is started, it should continue without interruption for the entirety of the interrogation. If a suspect leaves the interview room for a brief period of time, such as to use restroom, the recording should continue throughout the period of the suspect's absence. Should the suspect leave the room for a prolonged period of time, such as to leave the facility with officers, the recording may be stopped. Recording should start again once the suspect returns and is interviewed further.
- F. Video recording may not always be possible or practical. If video recording equipment is malfunctioning or other circumstances make recording not practical, then interviews and interrogations will be reduced to written statements pursuant to General Order 425. The reason that the statement was not recorded should be included in the officer's report.
- G. Should a suspect refuse to have his/her interview recorded, the recording may be suspended or continued covertly.

III. Procedures

- A. Video recording will be accomplished electronically using the computer and software installed in the tech office expressly for that purpose.
- B. The date, start, and end time of the recording should be recorded by the officer conducting the interview, or other investigative personnel present, and checked against the times retrieved from the video software. The start and end times should be documented in the officer's report.
- C. If practical, at the start or conclusion of the interview, interviewing personnel should appear on the video and state their names, and the suspect's name.
- D. The function of the video recording system will be checked during every use to ensure proper operation. If the system fails, the Administrative Sergeant shall contact the equipment vendor or the Information Technology Company for repair.

IV. Storage procedures

- A. After an interview has been recorded, the video and audio recording must be transferred to a DVD for storage and review. The interviewing officer will ensure that three (3) copies of the interview are recorded onto DVDs unless otherwise requested by the District Attorney's Office. An original copy must be recorded using the video recording software. Additional copies may be recorded using the video recording software, or another video transfer software program. All DVDs will be labeled using an indelible ink pen. The date,

name of the person interviewed, CR#, and officer recording the DVD must be written on the DVD.

1. One DVD will be labeled "Original" and be retained in the case file.
 2. Two DVDs will be labeled "DA Copy" and be forwarded along with any other paperwork or reports to the Wayne County District Attorney's office upon completion of the case.
- B. The name of the officer who downloads the recording to DVDs should be noted in the report to be included in the investigative package.
- C. Video obtained utilizing a Body Worn Camera will be stored in accordance with Axon procedures and General Order 538.

By Order of the Chief of Police

John P. Colella

John P. Colella (Mar 12, 2021 09:54 EST)

John P. Colella

Chief of Police

Dated this 12th day of March, 2021