

## CAMBRIDGE POLICE DEPARTMENT

Title: Custodial Interrogation  
& Recordation

Procedure: 5.107

Date Issued: October 1, 2008

Revised:

### BACKGROUND:

Effective October 1, 2008, Annotated Code of Maryland, Article – Criminal Procedure, Subtitle 4 Custodial Interrogation, 2-401 through 2-404 establishes that a law enforcement unit that regularly utilizes one or more interrogation 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, whenever possible.

### PURPOSE:

To establish policy and procedures for the use of audiovisual equipment to record 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.

### POLICY:

The 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 will be recorded, whenever possible. Only sworn Cambridge Police Department personnel who have been properly trained and authorized may operate Cambridge Police Department audiovisual recording equipment. All personnel will strictly adhere to these procedures for utilizing and maintaining audiovisual recording equipment. This order does not supersede existing

procedures regarding wiretap investigations or third party consent. An audio or audiovisual recording of a criminal suspect is exempt from the Maryland Wiretapping and Electronic Surveillance Act.

### PROCEDURES:

A. Divisions and units that have a room equipped for audiovisual recording of 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.

B. Rooms designated for audiovisual recording will be locked when not in use and will not be used for any other purpose unless the recording system is turned off and not used in any way to monitor or record the activity in such rooms.

C. Annotated Code of Maryland, Courts and Judicial Proceedings, 10-402, permits the audio and visual recording, without consent being given, of an 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, and other enumerated crimes.

D. A logbook will be maintained and completed by the authorizing Criminal Investigation Division Supervisor, documenting each time audiovisual recording equipment is used. The log

will capture the user, date and time, complaint number, offense and approving supervisor.

E. If for any reason the suspect leaves the room the recording equipment may be stopped.

F. All phone calls and conversations considered privileged and protected by law (i.e. attorney, spouse, clergy, psychiatrist, mental health specialist, accountants and interpreters) will not be recorded under any circumstance.

G. Any product of a recording (tape, disk or other media) must be duplicated and the original submitted and maintained as evidence. The working/file copy will be maintained per existing policy.

H. All interrogations will be summarized in a supplemental report and placed in the case file.

I. All recordings will be conducted using only departmentally approved equipment.

J. All equipment used for this activity will be maintained in working order and checked before and after each use by the member utilizing the equipment. EXCEPTION: For other jurisdictions utilizing the recording equipment, a Cambridge Police Department employee who has been properly trained and authorized will inspect the equipment prior to and following its use.

K. The Cambridge Police Department audiovisual recording equipment will be made available for use by other law enforcement jurisdictions conducting investigations. A jurisdiction conducting an interview will be bound by Cambridge Police Department policies and procedures regarding its use.

L. No member of the Cambridge Police Department or any other agency will use recording equipment unless the member has been properly trained and is aware of the law surrounding its use. Unlawful

recording of an interview or interrogation is a violation of the Annotated Code of Maryland Courts and Judicial Proceedings 10-402 and is a felony subject to imprisonment for not more than five years or a fine not more than \$10,000. or both.

This policy cancels and supersedes all other policies, orders and memorandums in conflict therewith.