



# GENERAL ORDER

DURHAM POLICE DEPARTMENT  
DURHAM, NC

NUMBER:

4078 R-2

## ELECTRONIC RECORDINGS OF INTERVIEWS

Effective Date: 11/30/2011

Revision Dates: R-1 11/03/2014; R-2 09/28/2023

### INTRODUCTION

The Durham Police Department (DPD) maintains rooms designated for conducting interviews, polygraphs, and voice stress analysis. Officers may choose to create an electronic record of custodial or noncustodial interviews of suspects, victims, or witnesses in any type of criminal investigation. If officers create such a record, to ensure compliance with discovery and to prevent the loss of any evidence, the procedures listed in this general order (G.O.) 4078 will be followed.

### DEFINITIONS

*Electronic recording:* An audio recording that is an authentic, accurate, and unaltered record; or a visual recording that is an authentic, accurate, and unaltered record.

*In its entirety:* An uninterrupted record that begins with and includes a law enforcement officer's advice to the person in custody of that person's constitutional rights. It ends when the interview has completely finished and clearly shows both the interrogator and the person in custody throughout. If the record is a visual recording, the camera recording the custodial interrogation must be placed so that the camera films both the interrogator and the suspect. Brief periods of recess, upon request by the person in custody or the law enforcement officer, do not constitute an interruption of the record. The record will reflect the starting time of the recess and the resumption of the interrogation.

*Place of detention:* A jail, police or sheriff's station, correctional or detention facility, holding facility for prisoners, or other facility where persons are held in custody in connection with criminal charges.

**The terms "interrogation" and "interview" are used synonymously in this policy**

### UTILIZATION OF ALL INTERVIEW ROOMS

The intent of these procedures are to establish safe conditions for the various situations members may encounter when conducting interviews in an interview room. The following procedures shall apply to anyone who utilizes an interview room:

- The transporting officer is responsible for the safety and security of persons brought to the interview rooms until relieved by another officer assuming responsibility for the individual.
- All persons in custody shall be thoroughly searched for weapons and contraband before being placed in an interview room. See G.O. [4003 Transporting & Handling Prisoners](#).

- Officers should use discretion and abide by applicable laws to conduct protective frisks of persons not in custody.
- Officers will thoroughly check the interview room for the presence of weapons and contraband before placing someone inside the room and immediately after their removal from the room.
- Officers may wear department-approved weapons in the interview rooms if the weapon is secured in an approved holster. If an officer elects not to wear a weapon in the interview room, the weapon must be locked in a secure location, such as the officer's desk, outside the presence of the interviewee.
- Handcuffs may be removed at the discretion of the officer having physical custody of the individual. If there is any doubt as to officer safety, the handcuffs will remain in place. At no time will anyone be secured to a movable or immovable object in the interview room.
- If an officer is not inside the interview room, visual contact will be maintained through an open door, or by utilizing the audio/video recording equipment installed in a room.
- Noncustodial interviewees such as witnesses, victims, and other persons not in custody should not be left alone in the interview rooms for extended periods. If an officer needs assistance, they may utilize their two-way police radio, their cell phone, or by calling out to other personnel on the floor. Additional security measures have been established at headquarters interview rooms.
- A remote monitoring system is available in the interview rooms that allows others to watch the interview remotely, in real-time. Any time an officer is interviewing an individual with a heightened or unknown risk of violence, the monitoring system should be utilized.
- The Criminal Investigations Division (CID) has a panic alarm installed. Key fobs are available outside of the interview rooms. Any time a CID interview room is being used, including evidence collection activities, a DPD member in the room must have the key fob on their person and be available if they need to summon assistance.
- Officers will ensure that the basic needs of persons placed in the interview rooms are met, including access to restrooms and water.
- For fire safety reasons, cigarette lighters and matches will be removed from individuals placed in an interview room. In the event of a fire in an interview room area, officers should be aware of the location of the nearest fire extinguisher. If an evacuation becomes necessary due to a fire alarm or actual fire, the individual will be taken out of the building according to the evacuation procedures in the [Emergency Action Plan](#) for the facility involved.
- The number of officers/department personnel allowed in the interview room at one time is at the discretion of the lead interviewer or their supervisor.

## **MAINTENANCE OF INTERVIEW ROOMS**

Interview rooms shall be left clean. Necessary paper forms may be kept in the room for ease of access; however, office supplies should be limited for safety reasons.

Any failure of the audio/video recording devices or damage to any equipment or other property shall be reported to a supervisor immediately.

The interview rooms are equipped with a table and chairs. Only items necessary to conduct the interview and provide for the safety or comfort of both the officer and the person being interviewed are allowed in the interview room. If an officer determines that any items in the room pose an officer safety concern, they may remove the item(s) for the duration of the interview at their discretion.

## **MANDATORY RECORDINGS**

In accordance with N.C.G.S § [15A-211](#), any officer conducting a custodial interrogation at any place of detention is required to make an electronic recording of the interrogation, in its entirety, when the investigation is of a juvenile, or the investigation relates to any felony offense. The electronic recording shall be both an audio and video recording whenever reasonably feasible. It will take place in a department-dedicated interview room when the suspect is in the custody of the DPD or can be removed from their place of detention to DPD property.

N.C.G.S. §15A-981 requires all interviews of in-custody informants by a law enforcement officer to be recorded. An “in-custody informant” is defined as a person, other than a co-defendant, accomplice, or co-conspirator, whose testimony is based on statements allegedly made by the defendant while both the defendant and the informant were held within a city or county jail or state correctional institution or otherwise confined, where statements relate to offenses that occurred outside of the confinement.

## **ADDITIONAL PROCEDURES FOR DEPARTMENT-DEDICATED INTERVIEW ROOMS**

Officers conducting an interview in accordance with N.C.G.S. § 15A-211 or N.C.G.S. §15A-981 will utilize a Department dedicated interview room to audio and video record the interview, in its entirety, when the suspect is in the custody of the DPD or can be removed from their place of detention to DPD property. The department has established the following additional procedures for the electronic recording of interviews performed in department-dedicated interview rooms:

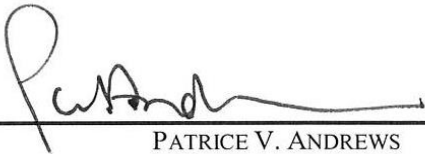
- The department-approved interview rooms are always recorded with the audio and video recording system. This system shall not be turned off at any time unless authorized by the division commander.
- If circumstances do not reasonably allow for both audio and video recordings, then the officer must include a justification in their report for why electronic recordings were not made.
- An officer may conduct an interview without electronically recording if the interviewee refuses to have the interview electronically recorded, and the refusal itself is electronically recorded. In these cases, the officer may turn off the equipment without authorization from the division commander. Once the interview is complete, the officer must turn the recording equipment back on. Unless required by N.C.G.S. § [15A-211](#) or [§15A-981](#), officers assigned to the Organized Crime Division (OCD) may conduct interviews in department-dedicated interview rooms within the OCD without activating the room’s recording equipment.
- It is the responsibility of the officer conducting the interview to ensure that the recording system’s audio and video are operating properly. The officer should check the volume control to ensure that it has not been turned off.
- The camera must record both the investigator and the interviewee. If there are other persons in the room, their entrance and exits should be documented on the recording.
- Video recordings, including copies, will show an empty interview room prior to the investigator and person being interviewed entering the room and will conclude only after the person being interviewed has been permanently removed from the room.
- Officers will record the starting date and time of any recesses taken and the resumption of the interview.
- Video/audio recordings of interviews conducted in the department-approved interview rooms are automatically saved to the recording system hard drive for a short period before they are recorded over by the system.

- The officer conducting the interview is responsible for ensuring that the audio and video portions of the recording have [properly transferred to the dedicated evidentiary data storage system](#) to ensure compliance with discovery and prevent the loss of any evidence.
- In the event an officer discovers that an interview did not properly record due to an equipment malfunction or other reason, the officer shall immediately notify the division commander and technology services in writing, through the investigator's chain of command. A copy of the written notification shall be maintained in the case file.
- The officer will ensure that recordings are clearly labeled with the date and time of the interview, the case IR#, the name of the person interviewed, and the name of the officer conducting the interview.
- To ensure documentation of the interview, in the event of equipment malfunctions, handwritten notes or the use of a backup voice recording device (e.g., digital voice recorder) are required to be made during the interview.
- If the interviewee requests to speak to an attorney and/or their spouse, the parties should be reminded that the room is equipped with audio/video recording devices and given the option of moving to a room that is NOT equipped with audio/video recording devices.

## **LOCATIONS OUTSIDE OF THE DPD**

In the event a custodial interview is conducted at places of detention other than DPD, investigators are required to comply with the requirements of N.C.G.S. § [15A-211](#) and [§15A-981](#), as applicable, and to follow the above procedures to the extent, they do not violate the policies of the facility.

The original recording will be obtained by the officer and will be stored in the DPD Property and Evidence Unit. If the equipment, policies, or practices of the custodian do not reasonably allow the officer to obtain the original recording, the officer will obtain a duplicate of the original in its entirety, which shall be stored in the DPD dedicated evidentiary data storage system. The officer will ensure that copies of the interview are made and distributed to the appropriate prosecutor's office after criminal charges have been filed and the lead investigator for inclusion in the criminal investigative master file.



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