



Seattle Police Department Policy Manual



7.110 – Recorded Statements

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7.110-POL

This policy applies to all employees in the creation and preservation of audio recorded statements.

This policy does not apply to technologies governed by the issuance of a search warrant (see manual section [6.185 – Search Warrants](#)).

Sworn employees trained in the use the Axon Capture may use this mobile application on department-issued smartphones to create and preserve audio statements. Sworn employees will upload audio recorded statements into Evidence.com.

This policy does not apply to in-car and body-worn video (see manual section [16.090 – In-Car and Body-Worn Video](#)).

1. Definitions

Custodial Interrogation: Questioning or other actions or words which are reasonably likely to obtain an incriminating response from a subject when a reasonable person in the same circumstances would consider themselves in custody.

Place of Detention: A fixed location under the control of law enforcement such as a patrol car and, for juveniles, schools.

2. Sworn Employees May Take Recorded Statements

Sworn employees may take recorded statements from people involved in an investigation in accordance with [RCW 9.73](#) and manual section [6.060 – Collection of Information for Law Enforcement Purposes](#).

3. Sworn Employees Will Record Certain Statements

Per RCW [10.122.030](#), sworn employees are required to record custodial interrogations of juveniles and custodial interrogations related to felonies.

Exceptions:

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- The safety of the individual would be compromised, or to protect the individual's identity ([RCW 10.122.090](#)).
- When exigent circumstances make recording the custodial interrogation not feasible. Sworn employees will record an explanation of the circumstances before conducting the interrogation, if feasible, or as soon as practicable afterward ([RCW 10.122.150](#)).
- The individual being interrogated indicates that they will not participate, or not continue to participate, in the interrogation if it is recorded. If feasible, the agreement to participate without recording must be recorded electronically. Sworn employees may not encourage an individual to request that a recording not be made ([RCW 10.122.160](#)).
- The sworn employee has a reasonable belief that recording the custodial interrogation is not required. The sworn employee has no knowledge of facts or circumstances that would lead them to reasonably believe that the subject being interrogated may have committed an act requiring recording ([RCW 10.122.080](#)).
- If the electronic recording equipment fails, despite reasonable maintenance, and timely repair or replacement. If both audio and video recording are required but there is a technical problem with one system, then the recording may be solely audio or video recorded ([RCW 10.122.100](#)).
- The custodial interrogation occurs in another state in compliance with that state's law, unless the interrogation was conducted with the intent to avoid the electronic recording requirement ([RCW 10.122.070](#)).

The entirety of the custodial interrogation must be electronically recorded, including giving required warnings, the advice of rights, and the individual's waiver of rights.

A custodial interrogation at a jail, police, or sheriff's station, holding cell, or correctional or detention facility must be recorded by audio and video means.

A custodial interrogation at any other place of detention must be recorded by audio means at a minimum.

A sworn employee conducting a custodial interrogation outside a jail, police, or sheriff's station, holding cell, correctional or detention facility or other place of detention will prepare a report as soon as practicable explaining the decision to conduct the interrogation at that location and summarizing the custodial interrogation process and the subject's statements.

The recording requirement does not apply to spontaneous statements made outside the course of a custodial interrogation, or a statement made in response to a question asked routinely during the processing of the individual's arrest.

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If a sworn employee fails to record a custodial interrogation in its entirety, they will document as soon as practicable explaining the reason for non-compliance and summarizing the custodial interrogation process and the subject's statements.

4. Sworn Employees Will Use Axon Capture or Digital Audio Recorders to Record Audio Statements

Sworn employees will use Axon Capture installed on department-issued smart phones or digital audio recorders as the primary recording devices for audio statements.

Audio statements captured with Axon Capture will be tagged with case information and uploaded to Evidence.com (see 7.110 TSK-2).

Audio statements recorded with digital audio recorders will be tagged with case information and uploaded to Evidence.com via Axon Upload XT or the import feature in Evidence.com (see 7.110 TSK-3).

Exception: Sworn employees who have been issued a body-worn camera, and who have completed body-worn video training, may utilize body-worn video to record statements in exigent circumstances when Axon Capture and digital audio recorders are unavailable. The exigency will be documented in the report.

Exception: Sworn employees who have completed in-car video training may use the system to take recorded video statements of people placed in the rear passenger seat. Sworn employees will not use the in-car video system to record statements outside of the vehicle.

If statements are collected via one of the above exceptions, sworn employees will tag the video with the related report number, document in the report that the statement was collected via in-car or body-worn camera and bookmark the time within the video when the recorded statement began.

5. Once Audio Files Have Been Uploaded into Evidence.com, Employees May Temporarily Store Working Copies on a Department Computer

Once the recorded statement is entered into the appropriate storage system, it may be temporarily stored on a department computer to meet an operational need. Once the statement is no longer needed, the employee must remove the statement from the department computer.

6. Employees May Accept Audio Evidence in Digital or Physical Form

Employees may accept audio from outside the department in the following ways:

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- Employees may use Axon Citizen to send a link to upload audio files directly to Evidence.com (see 7.110-TSK-5).
- Employees may upload audio clips received via link or email attachment into Evidence.com.
- Employees may receive audio files on physical media such as a USB drive, CD/DVD, etc. In this case, employees may use the import features of Evidence.com or Axon Upload XT to upload the files. Once the files are uploaded, employees will submit the physical media, containing the original files, into evidence.

7. Employees Will Not Create or Store Audio Recorded Evidence on Personally Owned Devices

Use of personal devices to record audio statements or sensitive material is strictly prohibited.

Exception: In case of exigent circumstances, a sworn employee may use a privately-owned device to capture a recorded statement.

Employees are reminded that public disclosure laws may apply to personally owned devices when utilized for official department business and correspondence (see manual section [12.040 – Department-Owner Computers, Devices, and Software](#)).

All evidence captured on sworn employee personal devices must follow evidentiary guidelines set forth in this policy.

If a recorded statement is captured by a sworn employee on a privately-owned device, the sworn employee will not download the media card onto a department computer or other device (see 7.110-PRO 1).

8. Sworn Employees Will Include Specific Information in the Recorded Statement

Statutes and best practices require sworn employees to include certain elements in recorded statements. Refer to 7.110-TSK-1 for specific language that sworn employees must include in the recording.

9. Sworn Employees Will Upload Audio Recorded Statements to Evidence.com

Exception: If Axon Capture is not functioning or rejects the audio recorded statement (see 7.110-TSK-4).

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Exception: If the recorded statement is captured using a privately-owned device (see 7.110-PRO-1).

10. Sworn Employees Document in the Appropriate Report that an Audio Statement Was Created and Indicate the Device Used to Create the Statement (e.g., Axon Capture, Digital Recorder, Body Worn, In-Car Video)

11. Sworn Employees Will Make Reasonable Efforts to Avoid Inadvertently Capturing Conversations and Utterances Unrelated to the Specific Investigation on Audio Recordings

12. The Photo/Video Units Control Restriction, Retention, and Disposition of Audio Statements

To restrict access to audio evidence, the lead investigator or a supervisor from the investigating unit will email a Photo/Video Unit supervisor to provide the report number and a list of employees who may access the restricted digital evidence.

7.110-PRO-1 Submitting Audio Recorded Evidence when Captured by a Sworn Employee Using a Non-Department Owned Device

Sworn Employee

1. **Documents** in the report that a non-department device was used and the reason for the use and exigent circumstances in a report, statement, or supplement.
2. **Responds** to the Video Unit in person with the device.

Photo or Video Unit

3. **Transfers** the audio recordings captured on the device to Evidence.com.
4. **Returns** the device to the submitting employee.

7.110-TSK-1 Taking an Audio Recorded Statement

When taking an audio recorded statement, the **sworn employee:**

1. **States** at the beginning of the recording:
 - Sworn employee's name and includes, "of the Seattle Police Department"

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- Incident number or report number
 - Date and time of the recording
 - The name of the interviewee
 - The name of all persons present during the interview
2. **Asks** the person to respond to the question, "Do I have permission to record this statement?"
 3. **Gives** Miranda warning when required. Ends questioning if attorney is requested.
 4. **Asks** the person to state their full name.
 5. **Conducts** the interview.
 6. **Asks**, for DV statements only, "Do you declare under penalty of perjury under the laws of the State of Washington that what you have stated in this statement is true and correct?"
 7. After the interview, if the person is a victim, witness, or complainant, **asks** the person:
 - "Do you wish to have your personal information Disclosed or Not Disclosed?"
 8. **Announces** the end of the recording with the date and time.
 9. **Uploads** the audio statement to Evidence.com (see 7.110-TSK-2 and TSK-3).
 10. **Documents** the recorded statement in the appropriate report.

7.110-TSK-2 Submitting Audio Recorded Evidence Via Axon Capture on Evidence.com

When submitting audio recordings to Evidence.com, a **sworn employee**:

1. **Opens** the Axon Capture mobile application on a department-issued smartphone.
2. **Captures** the audio recording.
3. **Uses** Axon Capture to tag and associate the case number using YYYY-123456 format (no padded zeros).
4. **Assigns** appropriate crime offense category to the statement.

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5. **Verifies** audio recordings are successfully uploaded to Evidence.com via Axon Capture.
6. **Documents** in the report that audio recordings were taken with Axon Capture and uploaded into Evidence.com.

7.110-TSK-3 Submitting Audio Recorded Evidence Via Handheld Digital Recorder on Evidence.com

When submitting audio recordings to Evidence.com via a handheld digital recorder, the sworn **employee**:

1. **Connects** the handheld digital audio recorder to the USB port of a computer.
2. **Logs** in to Evidence.com.
3. **Clicks** on "Evidence" in the upper left-hand corner.
4. **Clicks** on "Import Evidence".
5. **Clicks** on "Drag and Drop" and chooses files to upload.
6. **Adds** Case Number information (if case number is unknown use NOCASENUMBER).
7. **Clicks** on "Edit all IDs" and adds the case number using YYYY-123456 format (no padded zeros). If no case number exists, adds "NOCASENUMBER" as the ID.
8. **Clicks** "Edit all Categories" and selects the appropriate category from the drop-down menu.
9. **Ensures** that the Title, ID, and Category have been selected for all files.
10. **Clicks** Upload.
11. **Confirms** that each file says "UPLOAD COMPLETE" in the status column. Note: All digital media clips must be complete before leaving the page.
12. **Returns** to Evidence.com once the files have completed uploading.
13. **Documents** in the report that audio recordings were taken with a handheld audio recorder and uploaded into Evidence.com.
14. **Notifies** the Photo or Video Unit by phone or email if audio recordings cannot be uploaded to Evidence.com.

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7.110-TSK-4 Sworn Employees Handling Audio Recorded Evidence When Axon Capture Fails to Upload Audio Recordings

When Axon Capture fails to upload audio recordings to Evidence.com, the sworn **employee**:

1. **Checks** smartphone and ensures device has a cellular signal or is connected to secure Wi-Fi.
2. **Ensures** Axon Capture is logged into seattlepd.evidence.com.
3. **Uses** city email address (e.g., john.doe@seattle.gov) and password to log in.
4. **Notifies** the Video Unit by phone or email (SPD_Video@seattle.gov) if the Axon Capture upload process continues to fail.

7.110-TSK-5 Sending Axon Citizen Upload Submission Links Via Axon Capture

When collecting digital photos and videos evidence from outside the department, the **sworn employee**:

1. **Opens** the Axon Capture mobile application on a department-issued smartphone.
2. **Clicks** on Citizen.
3. **Enters** the report number using YYYY-##### format in the ID section.
4. **Assigns** appropriate category.
5. **Obtains** the community member's cellular phone or email address.
6. **Enters** the cellular phone or email address into Citizen.
7. **Enters** the first and last name of the community member.
8. **Clicks** Send to generate and send the upload link.
9. **Documents** in the report that an Axon Citizen upload submission link was sent to the community member.