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	Issued By: Chief Andre Anderson		CALEA Standards 1.2.3 
Effective: 07/01/2009	Updated: 04/19/2024		
Last Reviewed: 08/06/2024			

I. Purpose



To establish procedures for conducting electronically recorded custodial interrogations in designated places of detention per Public Act 479 of 2012 MCL 763.7-763.11.

II. Policy

- A. This department requires custodial interrogations occurring at the Ann Arbor Police Department of any person suspected of committing a crime listed in this policy be electronically recorded.
- B. Officers are encouraged to electronically record interviews and or interrogations in other incidents.
- C. Officers have no obligation to inform the suspect of the recording. In a major felony criminal investigation, a recording may be made without the individual(s) knowledge or consent and despite the objection of being recorded.

III. Definitions

- A. Custodial Detention: For the purpose of this policy, a custodial detention means an individual's being in a place of detention because a law enforcement official has told the individual that he or she is under arrest or because the individual, under the totality of the circumstances reasonably could believe that he or she is under a law enforcement official's control and is not free to leave.
- B. Interrogation: Includes any questioning in a criminal investigation that may elicit a self-incriminating response from an individual and includes a law enforcement official's words or actions that the law enforcement official should know are reasonably likely to elicit a self-incriminating response from the individual.
- C. Place of Detention: Means a police station, correctional facility, or prisoner holding facility, or other government facility where an individual may be held in connection with a criminal charge that has been or may be filed against the individual.
- D. Major Felony: Means a felony punishable by imprisonment for life, for life or any term of years, or for a statutory minimum of 20 years or more, or a violation of section 520d of the Michigan Penal Code, 1931 PA 328, MCL 750.52d.



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IV. Interview Rooms

- A. Interview rooms 334 and 337 located in the Detective Section may be furnished with a table, chairs and are capable of audio recording. Interview room 338 may be furnished with a table, chairs, a small table and a telephone.
- B. Any damage or malfunction of the audio equipment shall be brought to the attention of a supervisor in the Detective Section.
- C. Sworn personnel may wear their issued sidearm and all other issued equipment while in the interview room.
- D. Officers are discouraged from interviewing a suspect alone and shall not have more than four interviewers in the room while interviewing any given suspect.
- E. Interviewers will verbally summon help or use their prep radio to request assistance if necessary.
- F. Interviewers shall provide adequate comfort breaks for all suspects, including access to water and the restrooms. Interviewers shall summon emergency assistance for suspects if deemed necessary. A command officer shall be notified for any request for medical assistance by a suspect.

V. Procedure

- A. A time-stamped recording shall be made of the entire custodial interrogation conducted by an officer of this agency when the interrogation is related to:
 - 1. Homicide – All degrees and forms
 - 2. Robbery – All degrees and forms including carjacking and assaults with intent to rob
 - 3. Criminal Sexual Conduct – All degrees
 - 4. Any Felony Assaults
 - 5. Any other Major Felony as defined above.
- B. The following are exceptions to the recording procedure. Should one of these exemptions occur during an investigation, documentation shall be made in the report describing the circumstances.

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1. Statements made in response to routine questions at the time of arrest or processing
 2. Spontaneous utterances not made during interrogations
 3. Statements made during interrogation of a less serious crime
- C. The recording may be made with any department authorized audio or audio/visual recording device that is designed to prevent alteration of the recording's audio or visual record. All officers are responsible for being familiar with the operating requirements of the equipment they are using.
- D. Miranda Warnings given during the interrogation shall be part of the recording.
- E. If the person to be interrogated does not speak English, an interpreter should be contacted to aid in the interrogation. If the person is Deaf or Deaf-blind an interpreter shall be called.

Applicable excerpts from The Deaf Persons' Interpreters Act, MCL 393.501, MCL 393.505:

1. (1) If a deaf or deaf-blind person is arrested and taken into custody for any alleged violation of a criminal law of this state, the arresting officer and the officer's supervisor shall procure a qualified interpreter in order to properly interrogate the deaf or deaf-blind person and to interpret the deaf or deaf-blind person's statements.
 2. (2) A statement taken from a deaf or deaf-blind person before a qualified interpreter is present is not admissible in court.
 3. MCL 393.502. (f) "Qualified interpreter" means a person who is certified through the national registry of interpreters for the deaf or certified through the state by the division.
- F. The Ann Arbor Police Department has secured the services of "University Translators Services, LLC" (UTS) for both scheduled and emergency interpretation services. (Attachment 1).

The list of languages that UTS can provide an interpreter for are listed in Attachment 1 and include American Sign Language (ASL)

1. Contact from 9am-5pm 734-665-7295

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2. Contact After 5pm until 9am 734-604-9140
 3. To make a request for an interpreter go to <http://univtrans.com/> and select interpreter request. After selecting interpreter request, fill out the following fields: requested by, day & date, request information, location of service, billing information, and then select submit. The submitted electronic form will be disseminated to all staff at UTS. If UTS does not confirm the receipt of the electronic request in one (1) hour, then call the afterhours number (734) 604-9140.
- G. If the accused objects to being recorded, the objection shall be documented on the recording when possible or the individual's signature on a document stating the objection.

VI. Officer Responsibilities for Reporting



- A. The officer leading the interrogation is responsible to ensure proper reports are filed and for the preservation of all recordings, notes, and any other evidence obtained during the interrogation.
- B. Reports, recordings, notes, evidence, or any other records of the department related to any incident will be distributed and released according to department policy and at the direction of the Chief, Deputy Chief, or designee.
- C. All recording devices shall be maintained as required by department policy. It is each officer's responsibility to ensure the equipment they are using is operating properly.
- D. Officers will note on the recording anytime the device is stopped, the time of the stop, and the reason. When the recording resumes officers will note the break has ended and the time of the restart.

VII. Departmental Use and/or Release of Audio/Visual Recordings

- A. The department retains all property rights, including copyright, to all images recorded by or on behalf of the department, including released copies.
- B. Duplication or release of department audio/visual recordings is prohibited without a court order or the authorization of the Chief, Deputy Chief or designee (except for copies made for prosecutor and defense attorney).

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- C. Use of audio/visual recordings is intended only for official departmental business. Any other use is expressly prohibited without the authorization of the Chief, Deputy Chief or designee.
- D. All recordings, while in the performance of an employee's duties or on departmental audio/visual equipment shall remain the property of the department and in their original state and shall not be altered or erased except as covered by this policy.
- E. The preview of recordings is intended for official department business. Officers shall not allow anyone other than authorized employees of the department to view recordings produced in the performance of their duties or by a departmental recorder except when authorized by the Chief, Deputy Chief or designee.
- F. The police report shall make note of the existence of a recorded interrogation.
- G. Original recordings will not be released. The exception to this practice is an original recording that is evidence and is being released to the court. In those cases, a duplicate recording will be labeled as duplicate and securely maintained.
- H. The Chief, Deputy Chief or designee, documenting the release, shall keep a record and return from secured storage of the original of the recorded interrogation. The record is to contain the following information of all media:
 - 1. Identification of the recording released
 - 2. Name of person authorizing and releasing the recording
 - 3. Reason for release
 - 4. Name of person to whom the media is released
 - 5. Date and time of release/return of the media
 - 6. Name of person releasing/receiving the media
- I. Any original media copy and/or segment released outside the department shall be appropriately identified as property of the department. The original recording and/or segment shall be labeled as to its contents including date and time of recording. These recordings shall remain the property of the department.

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- J. A record of all duplicate recordings and to whom they are given shall be maintained.
- K. Prior to conviction or acquittal, a recorded statement under this statute is exempt from disclosure under the Freedom of Information Act.

VIII. Requirements For Compliance



- A. Recordings made by an audio/visual system of this department are considered official reports of the department. Any abuse, misuse, alteration, sabotage, intentional obstruction or intentional destruction, theft, intentional misplacement, of any recording or recording device is prohibited and will result in disciplinary action. The editing or distribution of any recording device or recording assigned to an officer without the consent of the Chief, Deputy Chief or designee will be considered a falsification of an official police record, evidence tampering, or other rule violation that will result in disciplinary action up to and including dismissal.
- B. Any recording made, no matter what the method or electronic device used, by an employee of this department while in the performance of their duties or when acting in the capacity of their employment, is considered as an official record of the department. Any theft, misuse, intentional misplacement or destruction, alteration, sabotage of any recording device or recording is prohibited and will result in disciplinary action up to and including dismissal. The distribution or editing of any media recording device or a recording assigned to an officer without the consent of the Chief, Deputy Chief or designee will be considered a falsification or an official police record, evidence tampering, or other rule violation that will result in disciplinary action up to and including dismissal.
- C. Violations of this policy, or portions thereof, may result in disciplinary action.

IX. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy, if the interrogation is done at the Ann Arbor Police Department.

X. Application

This order constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third part claims insofar as the employer's or employee's legal duty as imposed by the law.

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Attachment 1

UNIVERSITY TRANSLATOR'S SERVICES, LLC
2014 FEE SCHEDULE TO PROVIDE
LANGUAGE INTERPRETING SERVICES FOR THE
ANN ARBOR POLICE DEPARTMENT

Rate for Consecutive Interpreting (Standard Request Rate) \$70.00/hour with a 2 hour minimum

Rate for Consecutive Interpreting (Rush Request Rate*) \$85.00/hour with a 2 hour minimum

*When request is submitted one (1) business day or less in advance of assignment time.

Additional minutes billed in 15-minute increments.

Telephone Interpreting is available and is subject to a one-hour minimum.

Travel Time (first travel hour) FREE OF CHARGE.

Travel Time (after first free travel hour) \$40.00/hour.

Mileage IRS Rate.

Parking If applicable.

Quality Interpreter Guarantee.

University Translators Services will provide a Certified and/or Qualified Grade AA interpreter for your proceeding. If the requested language is not one which the State of Michigan certifies, we will provide you with a Qualified Grade AA interpreter. Qualified Grade AA signifies an interpreter with 10+ years of experience who is in the process of becoming certified with the State of MI. Our staff and interpreters have been providing the educational, court, law enforcement, medical and social service organizations in the State of Michigan with certified, qualified and highly experienced interpreters since 1987.



Cancellation Policy

Cancellations requested one (1) business day prior to assignment or same day are subject to a 100% cancellation fee which is equivalent to the minimum charge.

REQUESTS BETWEEN 9a.m.-5p.m. REQUESTS AFTER BUSINESS HOURS

DONA ATANASOVSKA

Email: dona@univtrans.com

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LAURIE FINCH

Email: lfinch@univtrans.com

Telephone: (734)665-7295 and Fax (734) 665-1345

Attachment 1(cont.)

REQUESTS AFTER BUSINESS HOURS

LAURIE FINCH

(734) 604-9140 (Cell)

University Translators Services, LLC



734/665-7295

LIST OF MOST REQUESTED LANGUAGES

Our most requested languages are listed below; interpreters for other languages and dialects not listed below are available upon request.

African / Asian / Middle Eastern / Northern, Eastern, & Southern European / Oceania

Albanian	Gujarati	Norwegian
Amharic (Ethiopia)	Hebrew	Oriya
Arabic	Hindi	Polish
Armenian	Hmong	Punjabi
Assamese	Hungarian	Romanian
Bahasa Indonesian	Ivo (Igbo) (Nigeria)	Russian
Bengali (Bangladesh)	Japanese	Serbian
Bosnian	Kannada	Sinhala
Bulgarian	Kazakh	Slovak
Burmese	Korean	Slovenian
Byelorussian	Kpelle (Liberia)	Somali
Chaldean	Lao	Swedish
Chinese/Mandarin/Cantonese	Latvian	Tagalog
Croatian	Lithuanian	Tamil
Czech	Macedonian	Telugu
Danish	Malay	Thai
Dari (Afghani)	Malayalam	Turkish

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Dutch	Mandingo	Ukrainian
Estonian	Mandinka	Urdu
Farsi (Persian)	Marathi	Uzbek
Finnish	Moldavian	Vietnamese
Greek	Nepali	Wolof

Attachment 1 (cont.)

Western European / Central & South American / Caribbean

French (France & Canada) German Italian
Portuguese (Brazil & Portugal) Spanish

Interpreting Services for People Who are Deaf or Hard of Hearing

Sign Language Interpreters
Oral Interpreters
Cued Speech Interpreters
Computer Assisted Real-Time Transcription (CART)