

## **5.8 Videotaping**

### **I. POLICY**

It is the policy of the Johnstown Police Department to follow the provisions of this general order. All laws of the Commonwealth of Pennsylvania, including the Rules of Criminal Procedure and the Pennsylvania Wiretap Laws, as well as the existing policy shall be strictly adhered to in obtaining statements.

### **II. PURPOSE**

To be utilized by the Johnstown Police Department to record statements of suspects in cases through videotaping. Videotape recording shall be used to supplement the investigation into a possible criminal incident.

### **III. PROCEDURES**

The Johnstown Police Department is subject to the Pennsylvania Wiretap Law and such procedures regarding consent shall be adhered to closely.

#### **A. General Provisions**

1. When a written statement is obtained from a suspect, the assigned detective shall seek to obtain a videotaped statement for the suspect and may do so if the suspect consents to be videotaped.
2. Detectives shall follow all existing procedures regarding the questioning of suspects.
  - a. Informing them of their Miranda Rights and having them sign the form
  - b. The statement shall be in writing and signed by the suspect
3. When obtaining a written statement the detective shall seek to obtain the suspect's consent to be videotaped.
4. Only one suspect will be interviewed in any one interview room at a given time. The suspect shall be seated in view of the video camera.
5. All persons within the interview room shall be in view of the video camera. No one is permitted to be present in that room outside of the view of the video camera.
6. At the beginning of each videotaped statement the detective will start by:
  - a. Giving the location of the interview and exact date and time as indicated on the video recorder.
  - b. Identifying all of the persons present and name the detective operating the video equipment if applicable.
  - c. The session shall be initiated by the suspect being asked to repeat his/her consent to be videotaped.

**5.8 continued**

- d. The video must be run without interruption unless a break is required by extenuating circumstances.
  - i. In the event of an interruption is required, the detective shall announce the exact time and the fact that the videotaped statement is going to resume.

**B. Special Circumstances**

Investigative circumstances may arise where an immediate videotaped statement may be impractical or impossible when or if a written statement is signed by a suspect. These circumstances may include conditions in which a suspect is being treated at a medical facility or is present in an area where video devices are prohibited.

- 1. When these circumstance are encountered, the detective should attempt to secure a videotaped statement as soon as practicable. Commonsense and good judgment should be utilized at all times when encountering these circumstances.

**C. Sample Video Introduction**

I am Detective \_\_\_\_\_. Also present is Detective[s] \_\_\_\_\_ of the Johnstown Police Department and [ If needed other departments ]. This statement is being taken from \_\_\_\_\_.

This statement is being recorded at the Johnstown Police Department in the detective bureau, third floor interview room. I \_\_\_\_\_ am operating the recording device for this interview. It is now Day – Date – Time.

- 1. Review “Consent to Videotape”
- 2. Review “Rights Form”
- 3. Review “Statement” [if applicable]

Effective Date:

Date: August 24, 2016

By Order of:

Craig R. Foust  
Chief of Police