



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: Sept 29, 2006	REVISED DATE:	NO. PAGES: 1 of 3	NUMBER: 4.1.11
SUBJECT: ELECTRONIC RECORDING OF HOMICIDE AND DEADLY FORCE ENCOUNTER STATEMENTS			
ASSOCIATED		RELATED ORDERS:	
CHIEF OF POLICE: <i style="text-align: center;">Michael McGrath, Chief</i>			

**PURPOSE:** To establish guidelines monitoring the taking of electronically recorded formal written statements from all suspects by members of the Homicide Unit during all homicide investigations, including formal written statements of Division of Police members involved in investigations under the control of the Cleveland Division of Police Use of Deadly Force Investigation Team.

**POLICY:** Members of the Homicide Unit and the Use of the Deadly Force Investigation Team shall electronically record all formal written statements given by suspects in homicide investigations and members of the Division of Police in fatal deadly force incidents.

All applicable rights afforded under the federal and state constitutions, federal and state statutes and the applicable collective bargaining agreements shall be honored.

**PROCEDURES:**

**I. Homicide and UDFIT Investigations**

**A. Investigator Responsibilities:**

1. When investigators are conducting canvass interviews, they shall follow the Standard Operating Procedures for interviews and document them on a Form-10 report.
2. When circumstances cause an interview to be conducted at a non-Division owned location (hospital, detention facility, etc.), the investigator shall attempt to have a room secured and follow the procedures outlined in this Order regarding taping the interview statement.

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3. If the investigator or their supervisor believes a formal written statement should be obtained, that statement shall be recorded in accordance with the procedures outlined in this policy.
4. Investigators shall not erase or re-use any recorded statement.

## II. Electronic Recording of Statements in All Homicide and UDF Investigations

### A. General Requirements

1. In homicide investigations, there shall be at least one supervisor and two members of the Homicide Unit present when obtaining and recording statements of suspects. The supervisor shall designate a lead investigator.
2. In UDF investigations, there shall be at least one supervisor, two members of UDFIT and appropriate bargaining unit representative(s) present when obtaining and recording statements of members of the Cleveland Division of Police. The supervisor shall designate a lead investigator.

### B. Lead Investigator:

1. Shall make sure the recording device is in proper working condition.
2. Shall record the date, time, location, names of all parties present and Garrity or Miranda warnings given.

### C. Before beginning the recording of a formal written statement, detectives shall obtain a signed waiver from the suspect or member of the Cleveland Division of Police.

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- D. After detectives obtain the signature of the suspect or member of the Cleveland Division of Police, they shall read the contents of the waiver aloud on the recording device and instruct the suspect or member of the Cleveland Division of Police to respond verbally, waiving each section on the form.
- E. The recording shall be marked as evidence and secured according to Division guidelines for future court proceedings.