

60. (Services) Do any of the Services video tape the interviews of the accused and/or the victim? What are the policy reasons governing those decisions?

USA	<p>All suspect/subject interviews involving critical offenses (e.g., homicide, suicide, undetermined death, at fault traffic fatalities involving a U.S. Government vehicle, kidnapping, rape, sexual assaults, forcible sodomy, aggravated arson, robbery of a business, and high level drug, theft and smuggling offense(s) are required to be recorded.</p> <p>Investigators may elect to audio/visually record interviews of adult victims, with a CID supervisor's approval. Recording of juvenile victim interviews is strongly encouraged as this may prevent future trauma to the juvenile during an Article 32 hearing or court proceedings. Investigators are required to coordinate with the Victim/Witness Liaison, Prosecutor/Trial Counsel and/or Special Victim's Prosecutor, and parent/guardians as appropriate prior to any recording of victims.</p>
USAF	<p>AFOSI records all subject interviews. In accordance with the below AFOSIMAN 71-118V4, General Investigative Matters, 30 April 2009, and Interim Change 4, dated 1 March 2013:</p> <p>4.18.2.1. With few exceptions, all subject interviews will be electronically recorded and the interviews retained as evidence. A decision not to record a subject interview, where the means to do so exist, must be made by the field unit leader unless unique circumstances prevent obtaining approval.</p> <p>4.18.2.2. There are instances when a subject interview may be conducted without recording and without the prior approval of the DetCo [Detachment Commander] or SAC [Special Agent-in-Charge]. These exceptions include interviews conducted outside of an AFOSI facility, utterances made by a subject during transport, when equipment problems develop and cannot be corrected prior to an interview, and rare instances when the DetCo or SAC cannot be reached for approval but where circumstances warrant an interview without recording. Other exceptions may include prohibition under local laws, requests to not record by a prosecuting authority, or joint investigations where the lead investigative agency requests the interview not be recorded.</p> <p>4.18.2.3. To compensate for any equipment malfunction, agents are still required to take written notes during recorded interviews and complete an AF Form 3985 during subject interviews. Retain agent notes IAW AFOSIMAN 71-121 and this manual. Also, subjects will still be asked to provide a written statement if relevant information is obtained during the interview.</p> <p>4.18.2.4. Recording equipment should be left on throughout the entire interview session. This means recording should continue during short breaks (i.e., the interviewee uses the restroom, etc.). Recording may be stopped when an interview is delayed for extended periods of time (e.g., departing the AFOSI facility to conduct a</p>

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	<p>search of quarters/office, to obtain a medical examination, to obtain urine for testing, etc.). If the recording equipment is turned off during the interview and recording is later resumed, the AF Form 3985 [AFOSI interview log] must reflect the time the recording was stopped, the time it was restarted, as well as the event(s) that occurred during the period in which the recording was stopped.</p> <p>4.18.3. Witness and Victim Interviews. Case agents may elect to record interviews of witnesses and victims. Recording witness or victim interviews may be warranted for child interviews and when it is assessed the person being interviewed may not be willing or able to later provide a written statement, or may later decline to further cooperate with investigators. Agents are still required to take agent notes during these interviews.</p>
USN	<p>NCIS policy requires the recording of [suspect] interrogations by overt video or audio means, within the confines of an NCIS facility having the technical capabilities for such recordings, in all investigations involving crimes of violence. Crimes of violence include homicide, sexual assault, aggravated assault, robbery, and crimes involving weapons. A decision not to record may be made by the Special Agent-in-Charge, or his or her supervisory designee, when circumstances of investigative environment dictate that recording would be counterproductive or otherwise impede the interrogation.</p> <p>Beyond specific guidance for suspect interrogations, NCIS policy for recording victims and witnesses states that the recording of an interview or interrogation by overt video or audio means is neither required nor prohibited in the course of an investigation. Such recording should be considered when it is determined that a verbatim record of an interview/interrogation would be appropriate given the investigative and logistical concerns presented by the particular case. Supervisory oversight regarding the use of audio or video recording of interviews/interrogations is suggested. If a decision is made to record the interview/interrogation after evaluating the investigative and logistical considerations of recording an interview/interrogation, the concurrence of the person being interviewed/interrogated must be obtained.</p> <p>The fundamental reason for the recording policy is the acknowledgement that a recorded interview is simply the best record of the interview; free of the subjectivity often associated with written statements or summaries.</p>
USMC	<p>NCIS policy requires the recording of [suspect] interrogations by overt video or audio means, within the confines of an NCIS facility having the technical capabilities for such recordings, in all investigations involving crimes of violence. Crimes of violence include homicide, sexual assault, aggravated assault, robbery, and crimes involving weapons. A decision not to record may be made by the Special Agent-in-Charge or his/her supervisory designee when circumstances of investigative environment dictate that recording would be counterproductive or otherwise impede the interrogation.</p> <p>Beyond specific guidance for suspect interrogations, NCIS' policy for recording victims and witnesses states that the recording of an interview or interrogation by</p>

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USCG	<p>Generally, to date, CGIS has not videotaped any interviews. The exception to this is the CGIS Polygraph Unit that does video tape/audio tape all polygraph examinations regardless of the status of the person being interviewed (e.g. applicant for a new position or clearance; suspect; or, in rare cases, witnesses). CGIS policy dictates that victims are neither asked, offered, nor required to submit to polygraph examination; hence the victim would not be video-taped under current operating policies. CGIS policies are currently under review for updating and are being bench marked against “best practices” as employed by other law enforcement agencies.</p> <ul style="list-style-type: none"> o In September 2013, CGIS purchased 50 recording systems (audio/video) to outfit every CGIS office (regions to RAOs). The units have begun to arrive and are being/will be deployed as follows: <ul style="list-style-type: none"> o An additional new policy directive will be promulgated in the near future mandating recordings. This policy will provide CGIS field agents with guidance on recording statements. o Enough units to fully outfit an entire Region will be sent as the systems are received at CGIS HQ. o Training via the web will be scheduled for each CGIS Region. o Upon completion of distribution of the recording systems, each Region will have the equipment, the policy that outlines procedures for use of the equipment, and the training on how to use the specific equipment.

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