

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To require the Chief of Police to develop and implement a General Order establishing procedures for the electronic recording of interrogations by the Metropolitan Police Department.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electronic Recording Procedures Act of 2002".

Sec. 2. Procedures for electronic recording of interrogations.

(a) Within 180 days of the effective date of this act, the Chief of Police shall develop and implement a General Order establishing procedures for the electronic recording of interrogations by the Metropolitan Police Department.

(b) The General Order required by subsection (a) of this section shall include a requirement that the Metropolitan Police Department electronically record, in their entirety, and to the greatest extent feasible, interrogations of persons suspected of committing a dangerous crime or a crime of violence, as those terms are defined in D.C. Official Code § 23-1331(3) and (4), when the interrogation is conducted in Metropolitan Police Department interview rooms equipped with electronic recording equipment.

(c) In developing the General Order required under subsection (a) of this section, the Chief of Police should consider, but not be limited to, the following topics:

(1) The policies, informed by legal constraints, as to whether, and under what circumstances, the person being questioned must be advised that the questioning will be electronically recorded, and if the person is so advised, whether, and under what circumstances, the recording may take place without the person's express consent;

(2) The extent to which the interrogation of persons suspected of committing crimes other than those defined in subsection (b) of this section and the questioning of victims, witnesses, persons of interest, and other persons not immediately suspected of committing a criminal offense shall be electronically recorded;

(3) The procedures for insuring the maximum feasible electronic recording of interrogations conducted at locations other than interview rooms equipped with electronic recording equipment;

(4) The procedures to be followed when recording equipment fails to operate correctly, including the use of alternative recording equipment;

(5) The procedures for reporting, repairing, or replacing faulty electronic recording equipment;

(6) The procedures for storing the records of electronic recording, including the format in which the recordings shall be stored, the locations where the records shall be stored, and the manner of indexing the recordings for later retrieval;

(7) The procedures to be taken to prevent or to detect any tampering with the recordings; and

(8) How long the recordings shall be retained.

(d)(1) The Chief of Police shall keep relevant annual statistics on interrogations conducted pursuant to the General Order required under subsection (a) of this section. The statistics shall include, but not be limited to:

(A) The total number of interrogations conducted;

(B) The number of interrogations required to be recorded by the General Order that were recorded;

(C) The number of persons interrogated who did not consent to having their interrogations recorded; and

(D) The number of interrogations recorded without the consent of the person interrogated.

(2) Beginning in 2004, the Chief of Police shall issue an annual report to the Council on the electronic recording of interrogations conducted pursuant to the General Order required under subsection (a) of this section. The report shall include the statistics kept pursuant to paragraph (1) of this subsection, an evaluation of the benefits of the videotaping, and a description of any disciplinary actions taken as a result of noncompliance with the General Order. The first annual report shall be transmitted to the Council no later than September 30, 2004.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia