

RENO POLICE DEPARTMENT GENERAL ORDER

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Chief of Police: Jason Soto /s/		
Approving Deputy Chief: Tom Robinson /s/		
General Order No:P-510-20	Issued: Feb 18th, 2021	
General Order Title: RECORDING OF CUSTODIAL INTERROGATIONS		

I. POLICY

NRS 171.1239 requires police departments to adopt written policies regarding the electronic recording of custodial interrogations that are conducted in a place of detention. It is the policy of the Reno Police Department to require sworn personnel to video and/or audio record custodial interrogations

II. DEFINITIONS

The listed terms are as defined in NRS 171.1239.

Custodial Interrogation - any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona.

Electronic Recording - an audio or audiovisual recording.

Interrogation - questioning which is initiated by a law enforcement officer or any words or actions on the part of a law enforcement officer, other than those which are ordinarily attendant to arrest and custody, that the officer should know are reasonably likely to elicit an incriminating response from the person who is being questioned.

Place of Detention - a fixed location under the control of a law enforcement agency of this State where persons are questioned about alleged crimes.

III. PROCEDURES

- A. Officer's Responsibilities** - In accordance with NRS 171.1239, officers are required to ensure Electronic Recordings are made of certain Custodial Interrogations as follows:
- a. Any time an officer is conducting a Custodial Interrogation in a Place of Detention, the officer shall ensure that an Electronic Recording is made of the entire Custodial Interrogation, if the person being interrogated is suspected of committing homicide as described in NRS 200.010 to 200.260, inclusive, or sexual assault as defined in NRS 200.366.

- b. If a person being interrogated chooses to make or sign a written statement during the course of a Custodial Interrogation concerning a homicide as described in NRS 200.010 to 200.260, inclusive, or sexual assault as defined in NRS 200.366, the officer shall ensure that an Electronic Recording is made of the making and signing of the written statement.
- c. Any Electronic Recording made pursuant to this general order must be retained and maintained with the case in accordance with the Digital Records and Evidence general order.

B. Exceptions - The circumstances in which all or a portion of the Custodial Interrogation is not required to be electronically recorded, include, without limitation, when:

- a. An equipment malfunction prevents the Electronic Recording of the Custodial Interrogation in its entirety and replacement equipment is not immediately available.
- b. The officer conducting the Custodial Interrogation fails, in good faith, to record the interrogation because:
 - i. He or she fails to operate the recording equipment properly; or
 - ii. The recording equipment malfunctions or stops recording without the officer's knowledge.
- c. More than one Custodial Interrogation is being conducted simultaneously, thereby exceeding the available electronic recording capacity of the recording equipment.
- d. The person who is being or will be interrogated:
 - i. Affirmatively asserts his or her desire to speak with officers without being recorded;
 - ii. Makes a statement spontaneously and not in response to a question asked during the Custodial Interrogation;
 - iii. Makes a statement during routine questioning during the process of his or her arrest; or
 - iv. Makes a statement at a time when the officer conducting the interrogation is, in good faith, unaware of the person's involvement in a homicide as described in NRS 200.010 to 200.060, inclusive, or a sexual assault as defined in NRS 200.366.
- e. At the time of the Custodial Interrogation, the officer conducting the interrogation is, in good faith, unaware that the type of offense involved is a homicide as described in NRS 200.010 to 200.060, inclusive, or a sexual assault as defined in NRS 200.366.
- f. Exigent circumstances make recording impractical.