

District of Columbia Official Code 2001 Edition [Currentness](#)

Division I. Government of District.

Title 5. Police, Firefighters, and Chief Medical Examiner. ([Refs & Annos](#))

▢ [Chapter 1](#). Metropolitan Police. ([Refs & Annos](#))

→ [Subchapter VIII-A](#). Electronic Recording Procedures.

→ **§ 5-116.01. Procedures for electronic recording of interrogations.**

(a)(1) The Metropolitan Police Department shall electronically record, in their entirety, and to the greatest extent feasible, custodial interrogations of persons suspected of committing a crime of violence, as that term is defined in [§ 23-1331\(4\)](#), when the interrogation takes place in Metropolitan Police Department interview rooms equipped with electronic recording equipment.

(2) The recording required by paragraph (1) of this subsection shall commence with the first contact between the suspect and law enforcement personnel once the suspect has been placed in the interview room and shall include all subsequent contacts between the suspect and law enforcement personnel in the interview room.

(3) Nothing in this subsection shall prevent the Metropolitan Police Department from recording the actions of the suspect while law enforcement personnel are not in the interview room.

(b) The recording required by subsection (a) of this section shall include the giving of any warnings as to rights required by law, the response of the suspect to such warnings, and the consent, if any, of the suspect to the interrogation. If the required warnings have been given prior to placing the suspect in the interview room, the suspect shall be asked to affirm that he was informed of and waived those rights.

(c)(1) If, after a suspect has been given the warnings as to rights required by law and voluntarily waived such rights, the suspect announces that the suspect will voluntarily speak with law enforcement personnel only on the express condition that the interrogation not be further recorded, the remainder of the interrogation need not be recorded. In such a case, the giving of any warnings, the suspect's response, the suspect's conditional consent, and all events preceding the conditional consent shall be recorded.

(2) Law enforcement personnel shall not expressly or implicitly encourage the suspect to give such conditional consent in lieu of a completely recorded interrogation.

§ 5-116.02. Authority to establish additional procedures.

The Chief of Police may issue a General Order establishing additional procedures, not inconsistent with those prescribed in [§ 5-116.01](#), for the electronic recording of interrogations by the Metropolitan Police Department.

§ 5-116.03. Evidentiary presumption.

Any statement of a person accused of a criminal offence in the Superior Court of the District of Columbia that is obtained in violation of § 5-116.01 shall be subject to the rebuttable presumption that it is involuntary. This presumption may be overcome if the prosecution proves by clear and convincing evidence that the statement was voluntarily given.

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