

15-17 - Interrogation of Murder Suspects

Los Angeles County Sheriff's Department NEWSLETTER

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INTERROGATION OF MURDER SUSPECTS

Penal Code 859.5 states the interrogation of any person who is in a custodial interrogation in a fixed place of detention and is suspected of committing murder shall be electronically (video or audio) recorded in its entirety.

A "fixed place of detention" is a place under the control of law enforcement (i.e., jail, station, holding cell, interview room, correctional or detention facility, juvenile hall, or a facility of the Division of Juvenile Facilities). The fact that the interrogation must take place at a "fixed place of detention" does not mean the person may not be interrogated while detained at a scene, on a traffic stop, etc., regarding the murder.

The law states the person shall be brought to a custodial facility for interrogation. If this is not possible, such as the person being treated in a hospital, the interrogation shall be electronically recorded in its entirety at the person's location.

There are exceptions to this law where the electronic recording requirement would not apply, including the presence of exigent circumstances, making the recording not feasible. Other exceptions include the person refusing to speak while being recorded or the fact that the recording would result in the disclosure of a confidential informant. In all circumstances where a person's interrogation is not electronically recorded, a supplemental report must be completed to document the reason for not recording the interrogation.

If while interrogating a person regarding another crime, facts are revealed that he or she committed a murder, the continued interrogation shall be electronically recorded. Recording is not required for spontaneous statements made by the person during routine processing and booking.

All electronic recordings of interrogations of a person suspected of murder shall be kept until the conviction and all appeals are exhausted or the prosecution is barred.

All minors detained for a murder interrogation shall be video recorded only.

If there are any questions or concerns regarding whether or not an interrogation should be electronically recorded, contact Homicide Bureau at 323-890-5500.
