

*CITY OF CREVE COEUR
POLICE DEPARTMENT*

STANDARD OPERATING PROCEDURE 503-15

EFFECTIVE: FEBRUARY 11, 2015

CANCELS: SOP 503-10

TO: ALL PERSONNEL

INDEX AS: DIGITAL VIDEO RECORDER
IN-CAR VIDEO
MICRO-CASSETTE RECORDER
MOBILE DIGITAL

SUBJECT: OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT

503.01 POLICY:

It shall be the policy of the Creve Coeur Police Department to utilize digital audio/video cameras to enhance the Department's mission and core values. The Department provides audio and/or video recording devices to all Officers and has installed video recording systems in patrol cars and in the Police Department booking and interview rooms, with the expectation that this equipment shall be used to provide a "record" of various citizen encounters occurring during a tour of duty, and to assist in the gathering of evidence against a suspect. Failing to record incidents or any early termination of any recording may cast doubt on the actions of the Officer. Deliberate or repeated failure to record incidents when mandated, stopping the recording early or tampering with any recording, is prohibited.

503.02 PURPOSE:

The purpose of this SOP is to provide Officers with guidance for the use of available recording devices and address security, access, storage and retention of the video and audio data.

503.03 DEFINITIONS: NONE

503.04 AUDIO AND VIDEO RECORDINGS - GENERAL

A. Audio and video recorders provide the means for:

1. Recording evidentiary or copious notes
2. Recording incidents or contacts
3. Protecting Officers against false complaints or allegations

B. Audio and video recorders shall be used in a professional manner at all times and shall not be used to record personal conversations between Officers of the Department, other City employees or officials. The recording of a non-consenting two-party conversation of which the Officer is not a part, or is not within normal hearing range of said conversation, is prohibited by Federal law.

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 2

- C. At a minimum, Officers shall record all official contacts with the public. Some examples are:
 - 1. A uniformed Officer performing official patrol duties such as motorist and pedestrian contacts, field interviews, prisoner transfers, pursuits, arrests and calls for service.
 - 2. A Detective performing his/her official duties such as interviews, interrogations, investigations and calls for service.
 - 3. Any Officer who while performing his/her official duties, becomes involved in a controversial or confrontational conversation or contact.
- D. Officers should activate the recording device at the outset of each contact, unless activating the recording device would be unsafe given the facts and circumstances of that situation. At no time should Officers jeopardize their safety in order to activate a recording device. It is also understood that rapidly evolving situations may delay activation or sometimes prevent activation of a recording device. If the recording was delayed or the incident was not captured, the Officer shall report it to the Watch Commander or their Supervisor as soon as possible. The Supervisor shall instruct the Officer as to whether or not any documentation (e.g. incident narrative, email, memo) is needed.
- E. If the Police car is equipped with an operational in-car video system then Officers shall use the in-car video system, along with its wireless microphone, as the primary means for recording their contacts with the public.
- F. Patrol Officers shall use their Department issued digital audio recorder when:
 - 1. The in-car video system is not operational, or the audio portion is not operational.
 - 2. The Officer is within buildings, structures or at locations that prohibits the in-car recording system from picking up the audio signal. The microphone has a signal strength icon which indicates when the wireless microphone is out of range for recording purposes.
- G. Detectives shall use their Department issued digital audio recorder as the primary recording device, unless they are using another authorized means of recording (e.g. in-car video, iRecord, etc.).
- H. Officers are responsible for the proper care of all recording devices used by and/or issued to them.
- I. AM/FM radios should be turned off when in-car audio/video equipment is activated. Officers are also reminded that audio equipment records virtually all sounds within range, including conversation.
- J. Officers may review their own audio/video data and are encouraged to do so when preparing a report and prior to courtroom testimony.

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 3

- K. Any Commissioned Officer who becomes involved in a controversial conversation or public contact or confrontation, shall bring the incident to the attention of his/her supervisor or the Watch Commander as soon as practical prior to the end of the Officer's shift.
- L. The Supervisor or Watch Commander shall review the recording and determine if it may lead to a complaint or if it contains conversations of evidentiary value. If so, the recording in question shall be retained by the Supervisor. The recording shall be made available for immediate access by the Internal Investigations Commander and the Chief of Police if requested. The Supervisor shall also make the proper notifications per the notification matrix.
- M. The Department reserves the right to request and retain any recordings believed to be of value to an administrative investigation. Recordings shall be stored in a secure area along with a record of the recording's chain of custody.

503.05 IN-CAR VIDEO RECORDERS

- A. As part of their field training, newly Commissioned Officers shall be trained on the in-car video system and this policy. A printed copy of the in-car video system user's guide is kept in the Watch Commander's office and a PDF copy is kept on the Police server.
- B. In-car video recorders are automatically powered on when the vehicle is started and automatically shut off approximately 20 minutes after the vehicle is powered off.
- C. Unless already documented on the vehicle equipment problem log as being out of service, Officers shall verify that the in-car video recorder is working properly at the beginning of their shift and when the vehicle is being operated. Officers shall notify their Supervisor and the Administrative Support Services Assistant of any deficiency with the system as soon as possible. Officers shall not attempt to repair malfunctioning in-car video equipment.
- D. Officers shall log into the system at the start of their shift and logout of the system at the end of their shift.
- E. Recordings or "events" are created by:
 - 1. Crash impact of the Police vehicle
 - 2. Activation of the emergency lights
 - 3. Driving in excess of 75 miles per hour
 - 4. Pressing the record, "REC", button
 - 5. Activation of the system's covert mode
 - 6. Activation of the microphone switch

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 4

- F. Officers must manually stop the recording at the conclusion of the incident being recorded and use the appropriate label/tag for the event (e.g. Traffic Stop, Prisoner Transfer, DWI, Suspicious Auto, etc.). Just turning off the emergency lights, or the remote microphone does not stop the recording.
- G. Whenever Officers have a prisoner in a Police vehicle, they shall use the front and rear video cameras to record the prisoner's presence. If the car is not equipped with an in-car video system, or it is inoperable, then he/she shall use their digital audio recorder.
- H. Officers shall use the both in-car video cameras to record the transfer of prisoners to and/or from the Creve Coeur Police Department holding facility and another agency, location or facility. The recording shall be saved under the event label/tag of Prisoner Transfer. If the in-car video system is inoperable, or one is not present, then Officers shall use their digital audio recorder to record the transfer.
- I. Officers shall not turn the recording or camera off before the conclusion of the incident unless nothing useful is being recorded. Some examples are:
 - 1. Waiting for a tow truck
 - 2. Road closings
 - 3. Routine traffic direction assignments or traffic control
- J. Officers shall be held strictly accountable if events indicate that the in-car video recorder should have been activated, or the recording continued, but the Officer manually terminated the recording.
- K. Any Officer who becomes involved in a noteworthy incident that was recorded or should have been recorded shall bring the incident to the attention of the Watch Commander prior to the end of the Officer's shift. The Officer may be directed to respond to the Station and park the vehicle in the video downloading area for the video to be downloaded to the in-car video server.
- L. An Officer involved in an auto accident or other noteworthy incident not already being recorded, shall activate the video system as soon as possible.
- M. The in-car and video recordings are downloaded from the vehicle electronically (wireless) to the appropriate server where they are stored in a secure area of the Police Department.
- N. All video recordings are kept for a minimum of 62 days and then automatically purged from the system. The length of time a video file is kept is determined by how it is labeled or tagged by the Officer or a Supervisor.
- O. The system is password protected and allows Officers "view only" of their recorded data. Supervisors are allowed to view, copy, archive or restrict the data from being automatically purged.

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 5

- P. A Supervisor can view and flag for future reference any video deemed to be significant. Flagged files may be copied to a portable media device and saved for an internal investigation or packaged as evidence.
- Q. The system has the ability to create a recording “after-the-fact” (RATF). These “RATF” recordings do not contain audio and can only be created by a Supervisor
- R. Each month, Watch Commanders shall spot check at least two citizen contacts per Officer to confirm proper Police behavior, tactics, and adherence to Department policy/procedure.

503.06 USE OF DIGITAL AUDIO RECORDERS

- A. The Department issues to each Officer a digital audio recorder. Uniformed Officers and Detectives have the responsibility of carrying the digital audio recorder for the reasons outlined in 503.04A. To ensure immediate accessibility, digital audio recorders shall be carried on the Officer or Detective as standard equipment.
- B. Audio recordings of evidentiary value shall be downloaded to a CD and packaged as evidence.
- C. Audio recordings used for complaints and internal investigations shall be downloaded to a flash drive. Flash drives may be obtained from the Administrative and Support Services Division.
- D. All Commissioned Personnel shall keep an audio recording for a minimum of 14 days after the date of the recording (example: A recording on January 1 may be deleted no earlier than January 16).
- E. All Commissioned Personnel shall be responsible for the downloading and/or storage of any recordings if they have a digital recorder needing file download.

503.07 VIDEO RECORDING ARRESTED SUBJECTS

- A. Statements, interviews or confessions may be recorded at the Booking counter, in the Booking interview room, or an interview room in the Investigations Division. Recordings of interrogations may be conducted with or without the knowledge or consent of the arrested suspect. These shall be recorded and documented using the iRecord system. If the iRecord system is not functioning properly, then another authorized audio/video recording device shall be used.
- B. As part of their field training, new Officers shall be trained on the iRecord system. Copies of the iRecord user’s manual are in the Report Writing Room and the Detective Bureau.

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 6

- C. RSMo. 590.700, mandates that custodial interrogations of persons suspected of committing or attempting to commit the following crimes be recorded, when feasible, through the use of audiotape, videotape, motion picture, or digital recording:
1. Murder in the first
 2. Murder in the second degree
 3. Assault in the first degree
 4. Assault of a Police Officer in the first degree
 5. Domestic Assault in the first degree
 6. Elder abuse in the first degree
 7. Robbery in the first degree
 8. Arson in the first degree
 9. Rape in the first degree
 10. Forcible rape
 11. Sodomy in the first degree
 12. Forcible sodomy
 13. Kidnapping
 14. Statutory rape in the first degree
 15. Statutory sodomy in the first degree
 16. Child abuse
 17. Child kidnapping
- D. Per RSMO 590.700, the following may not always qualify as a custodial interrogation, but they may be recorded:
1. Situations in which a person voluntarily agrees to meet with an Officer/Detective
 2. Detention that has not risen to the level of an arrest
 3. Routine arrest-processing questions
 4. Questioning pursuant to the completion of an Alcohol Influence Report
 5. Questioning during the transportation of a suspect
 6. When the suspect requests the interrogation not be recorded
 7. Interrogation occurring outside the State
 8. During exigent public safety circumstances that prevent recording
 9. When a suspect makes spontaneous utterances
 10. When recording equipment fails
 11. When recording equipment is not available at the place of interrogation
- E. Each Booking cage has a video camera to record independently. Intoxicated and/or uncooperative subjects shall be video recorded during booking, interrogation, and/or chemical breath testing. The subject shall continue to be recorded until he/she is placed in a cell or otherwise removed from the booking area.
- F. Officers/Detectives shall review the video recording to ensure that the video contains a quality recording and shall note in the report a video recording was made and available as evidence.

STANDARD OPERATING PROCEDURE 503-15
OFFICER AUDIO AND VIDEO RECORDING EQUIPMENT
PAGE 7

503.08 SECURITY, HANDLING, DESTRUCTION & DISPOSAL OF AUDIO & VIDEO FILES

- A. Audio and video recordings shall not be shared with anyone outside this Department, without approval of the Chief of Police. Releasing, altering, erasing, or allowing unauthorized sharing of a Department audio/video recording (or portion thereof) shall be grounds for disciplinary action and may expose an employee to personal liability. Internal requests for copies of in-car video recordings shall be directed to the Watch Commander.
- B. If a copy of an audio/video recording is made for evidentiary purposes, it shall be packaged, and handled as evidence.
- C. If a copy of an audio/video recording is made for administrative review it shall be securely maintained by the Police Operations Commander or Investigations Division Commander. Additional copies of audio or video recordings shall not routinely be made.
- D. If an external request for a copy of a video or audio recording is received from an authorized person, the request must be approved by the Chief of Police. Upon approval by the Chief of Police, or his/her designee, a copy of the recording shall be sent and the original video shall be maintained by this Department. The requesting person/agency must acknowledge that the recording shall be used for law enforcement purposes only. The Creve Coeur City Attorney, Creve Coeur Prosecuting Attorney, St. Louis County Prosecuting Attorney, and U.S. District Attorney are exempt from this requirement.
- E. Audio/video recordings entered into evidence shall be retained until final Court disposition, including civil litigation. The Investigations Commander is responsible for directing the destruction and disposal of any recordings no longer needed.
- F. Copies of audio/video recordings that are no longer needed to resolve citizen complaints or for training purposes shall be turned over to the Commander of the Internal Affairs Function for the destruction and disposal of the copies.

BY ORDER OF: _____ DATE _____
Glenn Eidman, Chief of Police