

# SPRINGFIELD POLICE DEPARTMENT

## Standard Operating Guideline

|  |   |                                |                    |
|--|---|--------------------------------|--------------------|
| <b>Effective Date:</b><br>04/20/2018       | <b>Supersedes Policy Dated:</b><br>08/15/2013 | <b>Rescinds:</b>               | <b>SOG Number:</b> |
| <b>Accreditation Index:</b> 84.1.2, 42.2.8 |   |                                | <b>413.2</b>       |
| <b>Part Title:</b> Operations              |   | <b>Chapter Title:</b> Evidence |                    |
| <b>Chief of Police:</b>                    |   |                                |                    |

## Audio/Video Recorded Evidence

### I Policy <sup>1</sup>

The collection of video and audio evidence is often a useful tool in the prosecution of criminal cases. Video and audio recording equipment may be used to record confessions, witness statements, covert operations, video surveillance needed for follow-up investigations or building security, and incoming phone calls to the police department. Recordings can be used as a protection from civil actions involving a criminal investigation, to corroborate testimony, and to refresh one's memory at a later date. A recording is also a means of documenting a person's physical condition and demeanor at the time of the recording. Recordings may also be of benefit to review and critique interview skills. Officers are encouraged to record these acts and collect video evidence when available.

### II Definitions <sup>2</sup>

**Recording/Recorded** – Any form of audiotape, videotape, motion picture, or digital recording.

### III Procedure

#### 1 INTERVIEW RECORDINGS (CALEA 42.2.8(e))

- 1.1 All statements made by suspects of a felony offense to police officers during a custodial interrogation while at Police Headquarters, the South District Station, or the Greene County Jail shall be video or audio recorded when video capabilities are available. <sup>3</sup>

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1 Policy Statement revised, sentence restructured, per Policy Change Order 17-060.

2 Definitions section revised, unnecessary definition deleted, per Policy Change Order 17-060.

3 Section 1.1 revised, sentence restructured, per Policy Change Order 17-060.

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1.1.1 Exceptions to the recording of statements shall include:

1.1.1(a) Routine arrest-processing questions;

1.1.1(b) Questioning pursuant to the completion of an Alcohol Influence Report.

1.2 Operating Instructions

1.2.1 If the recording equipment fails during the interrogation, this shall be documented in the officer's report.

1.2.2 If the recording equipment is intentionally deactivated during use, the officer shall properly document the reason for this action.

1.2.3 Officers shall not alter or manipulate recordings.

1.2.4 If available, a date/time stamp shall be used as the recording is made.

1.2.5 All completed recordings shall be properly labeled and identified prior to being submitted as evidence with the following:

1.2.5(a) Date;

1.2.5(b) Time;

1.2.5(c) Interview participants;

1.2.5(d) Case Number.

1.2.6 All completed recordings shall be reviewed to ensure content prior to submission as evidence.

1.2.7 Employees shall not place two interviews or incidents on one recording.

1.3 Reporting

1.3.1 Officers shall indicate in a supplemental report when audio or video recordings were made.

## 2 SURVEILLANCE RECORDINGS <sup>4</sup>

2.1 Uniform Operations Bureau

2.1.1 Officers should collect and log any video evidence that is readily available when the officer is on scene.

2.1.2 When video evidence is not readily available, officers should not request that businesses make copies of the video.

2.1.2(a) Officers should note in their reports:

2.1.2(a.1) If it is likely the incident was captured on video;

2.1.2(a.2) How long the business will retain the video.

2.1.3 Officers should advise businesses that the Criminal Investigations Division (CID) will contact them if a copy of the video is necessary.

2.1.3(a) Officers should not request businesses call CID when video is ready for pickup.

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<sup>4</sup> Section 2 revised; minor rewording, terminology updated, and punctuation correction; per PCO 17-060.

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- 2.1.4 Patrol officers will be dispatched to collect video evidence when no limited-duty officer is available to do so.
  - 2.1.4(a) Requests for UOB assistance will come from the Investigative Services Specialist (ISS) or CID supervisor.
  - 2.1.4(b) Officers will be responsible for:
    - 2.1.4(b.1) Obtaining the video evidence from victims/businesses;
    - 2.1.4(b.2) Delivering the video evidence to the ISS for logging and report writing.
      - 2.1.4(b.2.1) UOB officers are not responsible for writing supplemental reports or logging evidence for CID-related requests for video.
- 2.2 Central Records
  - 2.2.1 When taking original or supplemental reports where victims/businesses indicate video is potentially available, records employees should not contact CID in regards to video pickup, but instead, document the following in their reports:
    - 2.2.1(a) Video is potentially available;
    - 2.2.1(b) How long the video will be retained;
    - 2.2.1(c) The name of a contact person with the business (if known).
  - 2.2.2 Records employees should advise victim/businesses that they will document the information provided in a police report and CID will be responsible for obtaining any video necessary for follow-up investigations.
  - 2.2.3 Any unsolicited video brought to the front desk of Headquarters or the South District Station should be accepted by front desk personnel.
    - 2.2.3(a) The employee accepting the video will be responsible for logging it into the Property Room as evidence and writing a supplemental police report to document chain of custody, using the original case number if known.
      - 2.2.3(a.1) Under no circumstances should video, or any other evidence be placed in the CID mailbox or left unattended at any CID workstation.
  - 2.2.4 If video is brought to the front desk of either police station and the reporting party indicates the video is for a specific member of Criminal Investigations, front desk personnel should contact that investigator to personally accept the video.
    - 2.2.4(a) If the investigator cannot be located or is unavailable, it will be the responsibility of front desk personnel to accept the video, log it into the Property Room, and write a supplemental report to document their actions for the chain of custody.
- 2.3 Criminal Investigations Division
  - 2.3.1 CID detectives will be responsible for obtaining video for cases they are assigned.
  - 2.3.2 For any other case in which video surveillance has been deemed necessary for follow-up investigation, ISS personnel will be responsible for:

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- 2.3.2(a) Contacting businesses to arrange for video to be picked up;
  - 2.3.2(b) Maintaining a log of surveillance video that is ready to be picked up;
  - 2.3.2(c) Arranging for a limited-duty officer to pick up the video or contacting Dispatch if no limited-duty officer is available;
  - 2.3.2(d) Logging video and writing supplemental reports to document chain of custody;
  - 2.3.2(e) Disseminating quality video to others within the department for assistance with suspect identification.
- 2.3.3 Any unsolicited requests for video pickup from victims/business of unassigned cases should be referred to a Criminal Investigations Division supervisor.

## **3 RECORDING CONTROL AND MANAGEMENT**

- 3.1 Recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence.
- 3.2 Chain of custody shall be maintained and documented as detailed in SOG 305.1 – Property.<sup>5</sup>
- 3.3 Copies of recordings will not be released to another criminal justice agency without prior approval of the prosecutor’s office having jurisdiction of the case.
- 3.4 Duplicate recordings may be made for the prosecutor, investigative agency and defense attorney.

## **4 EVIDENCE STORAGE (CALEA 84.1.2)**

- 4.1 All audio and video recordings shall be stored in the evidence room in an area a minimum of five feet away from magnetic devices (stereo speakers, etc.) or as electronic storage.
  - 4.1.1 This does not apply to video/audio recordings stored on network servers, such as those from the Mobile Video System and interview rooms at Police Headquarters, the South District Station, and the Greene County Jail. For procedures concerning video/audio evidence stored on network servers, see SOG 413.4 – Mobile Video Systems.<sup>6</sup>

## **5 RECORDING OF TEMPORARY DETENTION AREAS AND POLICE BUILDINGS<sup>7</sup>**

- 5.1 Audio and/or video recording systems are in use to document citizen interaction with department personnel and to maintain security for the buildings.
- 5.2 Audio and video system shall not be used for indiscriminate review of recordings by staff.

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<sup>5</sup> Section 3.2 revised, wording change, per Policy Change Order 17-060.

<sup>6</sup> Section 4.1.1 revised, updated to address storage of digital recordings, per Policy Change Order 17-060.

<sup>7</sup> Section 5 revised; minor rewording, reorganization, and video retention period updated; per PCO 17-060.

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5.2.1 The telephone recording system may be used by appropriate department personnel to evaluate employee performance.

5.2.1(a) Records supervisors will routinely review telephone recordings for evaluation of employee behavior. These reviews shall be documented on a Recorded Telephone Call Review Log (SPD Form # 10-SP-0597).

### 5.3 Responsibility

5.3.1 The Support Operations Section Lieutenant, or designee, shall have overall responsibility to ensure the audio and video recording systems are functioning properly and to report malfunctions to the City Information Systems Department.

5.3.2 Video recordings shall be maintained by the City Information Systems Department for 60 days prior to disposal.

5.3.3 Permission to review these recordings shall be given by a command officer with proper documentation of the reason.

5.3.4 In the event of a noteworthy or significant incident occurring in the coverage area, a commander shall review the recording and document the circumstances in writing.

5.3.4(a) The recording shall be secured following the same guidelines for handling recordings of evidentiary value.

5.3.5 Phone recordings shall be maintained by the Police Services Administrator for a period not less than 30 days.

## 6 IN-CAR AUDIO/VIDEO EQUIPMENT <sup>8</sup>

6.1 Audio or video equipment can be used to document any type of evidence (DWI driving behavior, evidence at crime scenes, etc.)

6.2 If the audio/video system records a criminal event or an event involving the use of force by an officer, the recording shall be preserved as evidence.

6.3 Recordings that become evidence will be preserved following the procedures in SOG 413.4 – Mobile Video Systems.

## **IV Attachments**

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<sup>8</sup> Section 6 revised, unnecessary wording removed, per Policy Change Order 17-060.