

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PROCEDURAL INSTRUCTION	12-24-13	12-24-13	13-05
SUBJECT			AMENDS	
Internally Recorded Audio/Video Records				
REFERENCE		RESCINDS		
PPBM Retention Schedule		PI 10-09; DM 9-11; 11-04; 13-03; 13-06 PBM 05-01; IBM 05-01		

I. INTRODUCTION

The purpose of this written directive is to address all recordings and reproductions of video generated on department-owned equipment.

II. POLICY

- A. All recordings generated on department-owned equipment are the property of the Kansas City Missouri Police Department. Copying or reproduction of any video generated by the Kansas City Missouri Police Department for use outside the Kansas City Missouri Police Department is prohibited by any member not assigned to the Digital Technology Section (DTS). Distribution of videos generated by the Kansas City, Missouri Police Department in any format or for any purpose must follow the rules in Annex E of this written directive.
- B. All video recordings will be retained as specified in the Missouri Police Clerks Records Retention Schedule.
- C. A copy (for internal use only) of any video or segment of any video generated by the Kansas City, Missouri Police Department may be requested as outlined in Annex E of this written directive. If a copy is provided, the video will not be reproduced or altered in any way except by members of DTS.
- D. All acquisitions of video related equipment and supplies must be coordinated through the DTS and approved by the Digital Technology Committee.
- E. Any department element with existing video recording equipment will report it to the DTS with an explanation of its use and retention schedule(s).

III. PROCEDURE

This directive has been arranged in annexes for easy references.

Annex A In-Vehicle Video Camera Procedures

Annex B Specialty Camera Operations

Annex C Recording Custodial Interrogations

Annex D Video Hold Releases

Annex E Requests for Duplication of Videos

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2013.

Alvin Brooks
Board President

DISTRIBUTION: All Department Personnel
Public View Master Index – Internet
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Policy Acknowledgement SyStem

IN-VEHICLE VIDEO CAMERA PROCEDURES

A. Log-in Procedure and Pre-check – Beginning Tour of Duty

1. Any member operating a camera equipped vehicle, will make every attempt to turn on the camera system while utilizing the vehicle whether on-duty or involved in any police action while off-duty or during off-duty employment.
2. Members will ensure the date and time are correct. The time may be changed during the log-in process. If the GPS system is active, the date and time should be correct.
3. Members will press the record button and record a video with audio. All microphones will then be tested to see if they are working with the system. When working in a patrol wagon, the rear microphone installed in the roof of the middle compartment, should be tested as well. The video should then be stopped and played back to determine if the system is functioning correctly.
4. Members will confirm the GPS coordinates are displayed in the lower right corner. If not displayed, the vehicle should be taken to Communications Support.
5. If one or more equipment systems do not properly function, the member will immediately notify the Help Desk of the specific problem and immediately check with the member's immediate supervisor to determine whether another vehicle may be issued to the member prior to beginning his/her tour of duty. The Help Desk will document the telephone call and/or electronic mail. The Help Desk will forward the request to fleet maintenance.

B. Operating Guidelines

1. Video and audio are required to be recorded during all self-initiated activity and calls for service.
2. Members will not place items in the front of any camera lens that may interfere with the recording of video.
3. The mute function may be used for private conversations, out of the auditory range of non-department members.

4. The recording may be stopped while working traffic control or crime scene while the red lights are still functioning. Should a significant event arise while the camera is not in full recording mode, the officer should immediately turn on the camera via the transmitter or the record button on the overhead console.
 5. Video and Audio are required to be recorded during all prisoner or citizen transports.
 - a. Patrol wagons should record front and back cameras simultaneously.
 - b. Members transporting prisoners or citizens in a police car will start the interior camera recording prior to placing the individual in the vehicle.
 - c. If the member pulls into a department facility that is recorded, such as the headquarters garage or a division sally port, they may then turn off their camera system prior to exiting the vehicle.
 - d. To provide adequate lighting for the video equipment in a patrol wagon, the rear interior lights should remain on. The interior camera in a patrol car is infrared and does not require additional lighting.
- C. The department will provide the appropriate video evidence on all cases submitted for charges when video is available. Members will check the appropriate hold in Records Management System (RMS) for any internally recorded video which needs held, regardless of type, if a video system was operating during any of the following events:
1. All DUI Arrests
 2. All Drug Arrests
 3. All CCW and FIP Arrests
 4. All Felony Eluding Arrests
 5. All Non-Warrant State Arrests
- D. Members will be required to state in the narrative of their primary report whether or not video of the event exists and the fact that it was held. If it is reasonably expected that video should exist and it does not, the officer must explain in the narrative as to why there is no video (i.e., no video system installed in vehicle).
- E. Any member recording video from a vehicle system, which is of evidentiary value, will enter the associated CRN in the COBAN system; either in the vehicle or after upload at any computer with COBAN software installed.

- F. Supervisors will ensure these reporting requirements have been met prior to approving the report.
- G. The case detective in any state or federal case or potential state or federal case will be responsible for determining whether any in-vehicle cameras were operating at the scene or other video was recorded. If in-vehicle cameras were operating, the case detective will determine whether the district officer has held the video in the incident report. If the district officer has not held the video, the case detective will ensure that a progressive is taken, holding the video. This is to be done even if the case detective does not respond to the scene, and even if it is not believed that there is significant information on the video.
- H. Placing Hold on Video
 - 1. Notification to the Digital Technology Section to hold video will come from the video type and video hold check boxes on the "Incident" tab, "Report Supl" sub-tab of the incident report (original or supplemental) once the report is frozen and transferred to RMS. Members will mark the appropriate video type and video hold check boxes indicating the type of video and the appropriate unit/section to be held for.
 - a. VIDEO TYPE
 - (1) VIDEO TYPE – In Car Camera
 - (2) VIDEO TYPE – Non-Department Video
 - (3) VIDEO TYPE – HQ Detention
 - (4) VIDEO TYPE – Div. Detention
 - b. VIDEO HOLD
 - (1) VIDEO HOLD – Homicide
 - (2) VIDEO HOLD – Intelligence
 - (3) VIDEO HOLD –O.C.C./Legal
 - (4) VIDEO HOLD –Narcotics
 - (5) VIDEO HOLD – CPD Property
 - (6) VIDEO HOLD – MPD Property
 - (7) VIDEO HOLD – EPD Property

- (8) VIDEO HOLD – NPD Property
- (9) VIDEO HOLD – SPD Property
- (10) VIDEO HOLD – SCPD Property
- (11) VIDEO HOLD – Robbery
- (12) VIDEO HOLD – Special Victims
- (13) VIDEO HOLD – T.I.S.
- (14) VIDEO HOLD – Self/City Level

- 2. The incident report requesting video be held, with the appropriate video check box marked, **cannot** be marked as a confidential report.
- 3. For an incident where the officer has not marked the video to be held, an investigative element can request the video be held by completing a supplemental report to the original using the Nature of Call “HOLD VIDEO GEN-Hold Video” and marking the appropriate video type and video hold check boxes on the “Incident” tab, “Report Supl” sub-tab. No offense should be entered on the “Offense” tab of this report.
- 4. To request a video hold for any incident where no incident report has been completed, an original incident report with the Nature of Call “HOLD VIDEO GEN-Hold Video” must be completed with the appropriate video hold check boxes on the “Incident” tab, “Report Supl” sub-tab. No offense should be entered on the “Offense” tab of this report.

I. Removing the Hard Drive – Completion of Tour of Duty

- 1. The hard drive will be utilized throughout the duration of the shift, unless directed by DTS personnel. At the end of the shift, the hard drive should be returned to the division designee for uploading.
- 2. The Patrol Bureau Commander or designee may approve special exceptions regarding the frequency of upload.
- 3. Department video equipment such as hard drives, or hard drive cradles will not be plugged into a non-authorized computer.
- 4. Non-department equipment will not be connected to any department video system.

J. Replacement Vehicles from Fleet Operations

1. When a replacement vehicle is issued, the officer will place the hard drive in the replacement vehicle and log-in, changing the vehicle number.
2. Transmitters will not remain with the vehicle as they are assigned to the division.
3. When a replacement vehicle is not issued, the member will remove the hard drive from the vehicle and deliver it to the designated upload specialist at their division station. Transmitters will be returned to the patrol division station.

K. Investigative Call Out

1. Under no circumstances are hard drives allowed to be removed from the patrol division or crime scene by the investigative element without the approval of the Information Services Commander or designee.
2. Vehicles damaged in a vehicular, or other action causing a power failure, will be transported to Fleet Operations or a location designated by the investigative element. The hard drive will be given to the designated upload specialist at their division. No attempt will be made to turn the unit back on during an investigation where the power has been cut, without consulting the on-call DTS personnel.
3. DTS personnel may be called out to recover or make an immediate copy of a video if requested by the investigative commander or supervisor at the scene, if it is not possible or practical to wait for the next business day.

L. Replacement of Lost or Stolen Camera Equipment

The requesting division shall forward the original request for replacement through the chain to their Bureau Office, and forward a copy of the request to the DTS, via interdepartmental mail.

M. Desk Sergeant/Operation Sergeant Responsibilities

1. Will ensure that any new transfers of personnel have been issued the appropriate equipment and received training on the current in-vehicle video system, prior to assignment on the daily roster.
2. Shall ensure the timely, continuous uploading of hard drives by the designated upload specialist, to ensure adequate supply of useable drives is maintained.

N. Division Commander's Responsibility

1. Will appoint an Inventory Specialist responsible for auditing serialized video related equipment, (i.e., camcorders, transmitter packs, hard drives.)
2. Will ensure the Inventory Specialist coordinates with DTS and conducts two or more inventories of serialized video related equipment on June 1st and December 1st of every year. The results will be submitted through the chain of command to the ISD.

SPECIALTY CAMERA OPERATIONS

- A. All helicopters in the Patrol Support Division, Helicopter Section, are equipped with a video recording system.

- B. The video recording system enables the helicopter to broadcast a live video feed which enables a person on the ground to see what the helicopter is viewing. The system may also be utilized to record incidents without the live feed option. The system may be utilized to record several types of day and night time incidents including but not limited to:
 - 1. Area searches:
 - a. Missing persons
 - b. Prowlers
 - c. Shots fired
 - d. Outside disturbances

 - 2. Stationary situations:
 - a. Structure fires
 - b. Roof-top checks
 - c. Vehicular crashes
 - d. Chemical/Hazardous spills

 - 3. Mobile incidents:
 - a. Vehicle pursuits
 - b. Pedestrian pursuits

 - 4. Tactical Operations
 - a. Operation 100's
 - b. Barricaded person(s)

 - 5. Critical Incidents

- C. Due to the limitations of the speed of the helicopter during deployment of the antennae, live feed broadcasting is not ideal for vehicle pursuits.
- D. Any member may request the video recording system to be utilized during an incident. However, the final determination will be at the discretion of the helicopter crew in order to maintain safe operation of the helicopter and its systems. A member's request to the helicopter to "deploy video" will be made over the air. When the video recording system is utilized during an incident, the pilot or observer will advise the requesting member of such at the conclusion of the incident for inclusion in any corresponding incident reports. DTS will be responsible for the storage and retention of video from this system.
- E. Questions regarding the deployment of the camera or recording system should be directed to the Helicopter Section.
- F. Tactical Response Teams (TRT) will record all search warrants with the department's digital cameras after the building is secured.
- G. Department Cameras
 - 1. All department owned handheld video cameras will be uploaded as directed by DTS.
 - 2. Members will not use Department handheld video cameras until trained by DTS personnel on the operation of equipment and recovery of videos.

RECORDING CUSTODIAL INTERROGATIONS

- A. Recordings include any form of audio tape, videotape, motion picture, or digital media. Detectives will record custodial interrogations, when feasible, of persons suspected of committing or attempting to commit:
1. Murder
 2. Assault in the first degree
 3. Assault of a law enforcement officer in the first degree
 4. Domestic assault in the first degree
 5. Elder abuse in the first degree
 6. Robbery in the first degree
 7. Arson in the first degree
 8. Forcible rape
 9. Forcible sodomy
 10. Kidnapping
 11. Statutory rape in the first degree
 12. Statutory sodomy in the first degree
 13. Child abuse
 14. Child kidnapping
- B. Detectives may record an interrogation with or without the knowledge or consent of a suspect. Detectives will not be required to record an interrogation when:
1. The interrogation occurs outside the state of Missouri
 2. Exigent public safety circumstances prevent recording
 3. The suspect makes spontaneous statements
 4. The recording equipment fails

5. Recording equipment is not available at the location where the interrogation takes place
- C. Detectives are not required to record noncustodial questioning conducted during:
1. Arrest bookings
 2. When a suspect voluntarily agrees to questioning
 3. When suspects are detained and not arrested
 4. Questioning during the transportation of an arrest, this does not apply to patrol officer's transport via patrol wagon.
 5. Questioning for an alcohol influence report.
- D. Detectives will record the interrogation in its entirety. If the detective is made aware that recording equipment is turned off or malfunctions during the interrogation, detectives will document the reasons and notify a supervisor.
- E. If a detective makes a recording of a victim, suspect, witness, and/or arrestee, the recordings will be recovered as evidence in accordance with current department recovered property procedures. Detectives will make copies of the recording to remain in the case file or to provide to a prosecutor.
- F. If required, the applicable Prosecutors Office will handle transcription of recorded interrogations.

VIDEO HOLD RELEASES

- A. Holds placed on videos will be reviewed based on the retention policy.
 - 1. The in-vehicle system will send out a hold release request via electronic notification (e-mail). The e-mail will contain basic information about the video and request a reply stating:
 - a. Yes, the hold can be released for this video only.
 - b. Yes, the hold can be released for this video and all videos associated with this CRN.
 - c. No, the hold cannot be released.
 - 2. The reply will be directed to the e-mail address ReleaseVideos@kcpd.org.
 - 3. Release requests, on a video held for a department member, will be sent to their department e-mail address.
 - 4. Release requests, on a video held for an investigative element, will be sent to the specialized e-mail accounts. The specialized e-mail accounts are located by opening Outlook, Folder List, All Public Folders, Video Hold Release Folder.
- B. Elements for which folders have been established are required to assign at least one element designee the task of checking the element's video release e-mail account and respond to requests within ten working days.
 - 1. Specialized elements may choose to have several designees, i.e. one from each sub-element.
 - 2. The element designee will contact the DTS to be granted the security permissions needed to access their element's e-mail account.
 - 3. Consideration must be given to all prosecutorial, evidentiary retention requirements, and civil liability issues when deciding whether or not to release the hold. Once a release request is handled, it should be deleted from the folder to prevent duplicate replies.
- C. Release of hold requests not responded to will be resent after 30 days. Failure to respond to requests may result in notices being sent to the individual member's or element designee's chain of command.
- D. Requests to release internally recorded videos not recorded by the in-vehicle system will be emailed to releasevideos@kcpd.org. An annual electronic notification will not automatically be sent.

REQUESTS FOR DUPLICATION OF VIDEOS

A. General Requirements

All copies of videos will be produced by the DTS personnel or designee. A copy is defined as a reproduction of the primary vehicle's recording of the "event". The "event" begins when police contact is first initiated and ends when the suspect is removed from the scene of first contact.

B. Types of Requests

1. Federal, State, and Ordinance Violation Prosecutorial Request

- a. Must be submitted directly to the DTS.
- b. There will be no charge for these copies.

2. Federal, State, and Ordinance Violation Defense Attorney Request

- a. Defense attorneys representing clients for ordinance violations and/or state and federal criminal cases must submit requests directly to the DTS.
- b. If the request is for a state or federal level case, the copy must be obtained from the appropriate prosecutor. Only requests for city level cases will be filled by the KCPD.
- c. The Accounting Section will make copies of source documents and file them by the requestor's name.
- d. The cost will be calculated by the DTS, per the current department fee schedule.

3. Civil Case Request

- a. Must be submitted directly to the DTS.
- b. Generally, requests for copies to use in civil cases will only be provided after all criminal charges have been resolved.
- c. The OGC should be consulted when an attorney or any party requests videos for use in cases where criminal charges are pending and/or videos that would otherwise be a closed record.
- d. The Accounting Section will make copies of source documents and file them by the requestor's name.

- e. The cost will be calculated by the DTS, per the current department fee schedule.
 - f. Department member requests for copies of recordings related to civil matters for their own personal use should follow the above procedures under this section. This paragraph does not apply to internal investigations.
4. Department member requests for copies of recordings for criminal cases must be submitted directly to the DTS on the current form.
5. The DTS will not make copies of:
- a. Internal Investigations
 - b. Incident Packets
 - c. Accident Packets
6. If a recording is part of an internal investigation, it may be made available to the Department member and/or his representative in accordance with the current MOU.
7. Other Law Enforcement Agency Request
- a. Must be submitted directly to the DTS.
 - b. Prior to releasing copies to the agency, they will be reviewed.
 - c. There will be no charge for these copies.