
Watchguard Procedures for CID Interview Rooms

432.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish Kalamazoo Department Public Safety guidelines and procedures regarding when members are utilizing the CID Interview rooms in conjunction with the Watch Guard Recording System. These procedures are to ensure the integrity of the interview, and to remain compliant with MCOLES mandated policies.

Kalamazoo Public Safety may provide members with access to interview rooms that have both audio and video capabilities, for use during the performance of their duties. The use of these rooms is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public during interviews and/or interrogations.

432.2 PROCEDURES

The following procedure shall be followed when a Detective or other approved officers conduct an interview within one of the (4) four interview rooms. Public Act 479 of 2012 requires law enforcement officials interrogating an individual in custodial detention regarding the commission of a major felony to make a time-stamped, audio/visual recording of the entire interrogation. The recording requirement set forth in Public Act 479 of 2012 is a directive to departments and law enforcement officials and is not a right conferred on an individual who is being interrogated.

To assist with identifying and preserving data and recordings, members should ensure they are logged into the Watch Guard Recording System, and/or before transferring the recording, log in and fill in the open fields.

432.2.1 ACTIVATION

1. Prior to initiating an interview/interrogation, each member shall be responsible for making sure that he/she has turned the Watch Guard Recording System to the on position for the respective interview room he/she is using. Members **shall** activate the recorder any time an interview/interrogation will be conducted.
2. [REDACTED]
3. When using the interview rooms, the member shall turn the system to the “on” position, then using the Watch Guard control station, log into the system using their name.
 - a. Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recording system malfunctioned or the member deactivated the recording.
 - b. Members should include the reason for the deactivation.

Kalamazoo Department of Public Safety

Procedure Manual

Watchguard Procedures for CID Interview Rooms

432.2.2 CESSATION OF RECORDING

Once the interview/interrogation is complete, and the room is empty, the member shall turn the Watch Guard Recording System off, ensuring they have log out of the system. Members should ensure the switch outside of each interview room is also turned to the off position.

432.3 POLYGRAPH RECORDINGS

The Polygraph Examiner shall conduct their interviews / examination utilizing the provided recorded interview room. The examiner shall follow the same recording guidelines set forth in this procedure. Once the exam is complete, the examiner shall notify the Criminal Investigation Division command staff to have the interview placed under restriction, preventing viewing. If the examiner needs the recording opened to view for his/her report, CID commands staff will un-restrict the recording.

432.4 SOFT INTERVIEW ROOM

Members of Kalamazoo Public Safety are authorized to use the Soft Interview Room located in the Administrative hallway. This room is intended to allow members the ability to interview victims in an area offering a neutral calming atmosphere. Officers interviewing victims of CSC's or children involved with criminal/non-criminal cases can utilize this room. The soft interview room shall not be used for any interview/interrogation of suspects with a violent history, or any other interview/interrogation dealing with suspects involved with violent or assaultive crimes.

432.5 PROHIBITED USE OF SYSTEM

1. Members are prohibited from recording any interviews/interrogations for personal use.
2. Members are prohibited from making personal copies of the recordings.
3. Members are prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department recording systems, or department-issued / personally owed recorders.
 - a. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.
 - b. Members shall not download any recordings to any media device (i.e. hard drive, thumb drive, DVD, etc.) unless specifically requested by the prosecutor or ordered by the court.
4. Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Captain of the Criminal Investigation Division. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this procedure, including retention and release requirements, and should notify the on-duty supervision of such use as soon as reasonably practicable.
5. Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

432.5.1 SURREPTITIOUS RECORDING

Kalamazoo Department of Public Safety

Procedure Manual

Watchguard Procedures for CID Interview Rooms

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Public Safety or the authorized designee for the purpose of conducting a criminal or administrative investigation.

432.5.2 MEMBER PRIVACY EXPECTATION

All recordings made by the members in any one of the Department's interview rooms, while acting in an official capacity of this department, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

432.6 REVIEW OF RECORDED MEDIA FILES

The viewing and/or copying of any recordings shall only be done for official departmental use. When preparing written reports, members should review their recordings as a resource. (See the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing a member's performance.

432.6.1 RESTRICTED ACCESS

Members conducting sensitive interviews/interrogations may contact one of the Criminal Investigation command staff to have the recording restricted. This restriction will prevent any viewing of said recording unless authorized by CID command staff. The restriction will also prevent the member from being able to review the recording. If a review is needed to complete reports, CID command can un-restrict the recording so review can be completed. Once the review is complete, restriction shall be reinstated unless it is determined by CID command that there is no longer a need to restrict the video. Restriction rights are authorized by the Chief of Public Safety or authorized designee.

432.7 RELEASE OF AUDIO/VIDEO RECORDINGS

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy should not be publicly release unless disclosure is required by laws or order of the court.

Kalamazoo Department of Public Safety

Procedure Manual

Watchguard Procedures for CID Interview Rooms

There will be times, a member will be asked by the Prosecutors Office to burn a copy of an interview. Members shall follow the procedures set forth for burning interview copies below.

432.7.1 BURNING INTERVIEW DVD'S FOR INVESTIGATIONS

1. Members shall only burn DVD's for presentation to the Prosecutor for major cases. All other requests by the prosecutor for copies of interviews shall be made through the Quartermaster.
2. Members shall use the computer designated for burning such discs.
3. Members are to complete the open fields in the Watch Guard Evidence Library when preparing to burn a copy of their interview. These fields ensure a complete and accurate audit can be conducted for each copied interview.
4. Members shall document in their reports what copies were made and for what purpose.
5. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes.

432.8 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 63 days, unless the recording is linked to a Homicide or investigation that requires the recording to be retained indefinitely. Those recordings required to be saved indefinitely shall be marked as such in the Watch Guard Recording System. Documentation shall be sent to the Evidence Custodian in charge of the Watch Guard Evidence Library.

All recordings that are the subject of ongoing criminal, administrative or civil investigation or legal proceedings shall be retained until the completion of the investigation or proceeding (MCL 780.316). All recordings shall be treated as evidence and stored within the Watch Guard Recording System Evidence Library pursuant to the retention schedule adopted by the City of Kalamazoo.

432.9 AUDITS

The Criminal Investigation Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with the Watch Guard Recording System and

Kalamazoo Department of Public Safety

Procedure Manual

Watchguard Procedures for CID Interview Rooms

any applicable state and federal law. At least once every twelve months, the Office of Professional Standards shall conduct an audit of all duplicated recordings for the purpose of accountability.

432.10 SYSTEM MALFUNCTION REPORTING REQUIREMENTS

If the recording system is not in working order or the member becomes aware of a malfunction at any time, the members shall promptly report the failure to CID Command Staff. The member shall, if possible, move to an interview room that is working properly. At a minimum, the member shall use a body-worn camera in the Watch Guard Recording System's place. Members are not to use the interview rooms having knowledge the system is currently in repair status.

432.11 TRAINING AND TESTING

All interview room recording equipment shall be tested and verified annually by the Criminal Investigation Division command for operational readiness. A complete review of this procedure will be conducted annually by CID command. Any updates and training will be completed within the Division annually.