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SUBJECT: DIGITAL VOICE RECORDING DEVICES

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AMENDS/SUPERSEDES: March 30, 2006 version; November, 8, 2007 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version.

IACLEA STANDARD: 9.1.7

CSU POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINE – NO

APPROVED: Anne P. Glavin, Chief of Police

I. PURPOSE

This policy is intended to provide police officers of the California State University, Northridge Police Department with instructions on when and how to use digital recording devices so that officers may reliably audio record their contacts with the public in accordance with state and federal laws.

II. POLICY

All sworn personnel of this Department shall use department-issued digital recorders. A police officer may surreptitiously record conversations when such use is appropriate to the proper performance of his/her official duties, where the recordings are consistent with this policy, and as long as the person that is being recorded would have no reasonable expectation of privacy about the conversation. This policy does not govern the use of surreptitious recording devices used in undercover operations.

III. DEFINITIONS

- A. Digital Recorder: A recording device that uses digital technology to record and store audio files.
- B. Penal Code 632: Prohibits an individual from surreptitiously recording a conversation in which any party to the conversation has a reasonable belief that the conversation is private or confidential.

- C. Penal Code 633: Expressly exempts a law enforcement officer from this prohibition when acting within the scope of his/her authority.

IV. PROCEDURES

- A. This agency has adopted the use of the digital recorder to accomplish several primary objectives:

1. Digital recorders allow for accurate documentation of statements made during police/public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Voice recordings also enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
3. The digital recorder may also be useful in documenting crime and accident scenes or other events to include the confiscation and documentation of evidence or contraband.

- B. When and How to Use the Digital Recorder

1. The digital recorder shall be activated and remain activated in order to ensure the integrity of the recording unless the contact involves an area restricted by this policy (see Section C, below).
2. If an officer fails to record the entire contact or interrupts the recording, the officer shall file a written report explaining why the recording was interrupted or terminated.
3. Incidents in which an officer should activate his/her digital recorder include but are not limited to:
 - a. Traffic stops
 - b. Arrests
 - c. Contacts in which the contacted party is argumentative, unresponsive or otherwise hostile.
 - d. Anytime the officer reasonably believes that such a recording may be of use in documenting the incident or contact, provided the incident is within the course and scope of their duty as stated in Penal Code section 633.

- C. Restrictions on Using the Digital Recorder

Digital recorders shall only be used in conjunction with official duties, including but not limited to the investigation of crime or other violations of the law. Officers may not activate digital recorders for personal use or to surreptitiously record:

1. Communications with other police personnel without the permission of the Chief of Police.
2. Conversations that concern matters over which the person being recorded would have a reasonable expectation of privacy.

D. Procedures for Digital Recorder Use

1. Digital recording devices are issued primarily to uniform personnel as authorized by this Department. Officers who are assigned digital recorders must utilize such equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only recorders issued by this Department.
3. Assigned digital recording devices are the responsibility of the individual officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
4. Officers shall inspect and test their assigned digital recorders prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
5. Officers shall ensure that they have an adequate supply of memory on their digital recorder to complete their tour of duty.
6. Officers shall not in any manner alter digitally recorded audio files.
7. Officers are encouraged to inform their supervisor of any audio-recorded sequences that may be of value for training purposes.
8. Officers shall note in incident, arrest, and related reports when audio recordings were made during the incident in question.
9. Officers shall download recordings made during their shift to the Department's storage file and copied onto a CD-R prior to their end of watch. (Instructions in Appendix A).
10. All CD-R discs will be stored in the Department's Records Division.

E. Control and Management

1. Audio files containing information that may be of value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded in the same manner as other forms of evidence. Master copies shall not be released without authorization of the Chief of Police or her/his designee. Duplicate copies may be made and released for review by prosecutors and others with a right or authorization to review such information by court order or by permission from the Chief of Police.
2. Audio files identified for use in criminal or civil cases shall be maintained for at least six months after the statute of limitations has expired and in criminal cases until there has been a final disposition or as otherwise directed by court order.
3. Audio files not identified for use in court proceedings or adversarial or departmental uses shall be maintained in secure storage for two (2) years at which time they'll be purged from the records system. All other audio files will be maintained a minimum 2 years and will continued to be stored so long as they are deemed needed for a specific purpose by the Captain, Special Services. All files shall be maintained in the Department's Record's Unit in a manner that allows for efficient identification and retrieval.

4. All recorded interviews of suspects should include the date, approximate time, names of the involved officers, location of the interview, and type of incident. This information should be stated by the officer at the beginning and ending of each recording.
5. Any time that an officer reasonably believes that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact, etc.), the officer shall place the recording onto the appropriate storage media (CD-R).
6. Under the circumstances listed above in Item 5, the officer shall notify a supervisor of the existence of the recording as soon as practicable. The supervisor shall note the information on their supervisor's daily synopsis. Such notation shall be titled "Digital Recording" and note the nature of the recording.
7. All CD-R discs shall be filed by CR number or, in the event that the incident is not noted by CR number, filed under the officer's name and should include the date, time, and name of the individual recorded, if known.

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that officers are equipped with digital recorder devices and utilize them in accordance with the policy and procedures defined herein.
2. At least on a monthly basis, supervisors will randomly review digital recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required. Said reviews will be noted on the Supervisor's Equipment Checklist as per the Department's *Uniform and Personal Appearance Policy (06-P.A.-005)*, Section III.B, Inspection Checklist.

V. APPENDIX

A. Instructions for the OLYMPUS Digital Voice Recorder

Instructions for the OLYMPUS Digital Voice Recorder

The purpose of this directive is to instruct all sworn officers on how to record, playback and download voice recordings. This is broken down into ten basic procedures: Inserting Batteries; Hold; Setting Time/Date; Recording; Overwrite Recording; Insert Recording; Playback; Erasing; Connecting to PC using cradle; and Running DSS Player (downloading and playing voice files).

Inserting Batteries

- 1) Lightly press down on the arrow and slide the battery cover open.
- 2) Insert two AAA alkaline batteries, observing the correct polarity.
- 3) Close the battery cover completely.

Hold

Setting the **HOLD** switch to the HOLD position:

*If you set the recorder to HOLD status by sliding the **HOLD** switch in the direction of the arrow, the current conditions will be preserved, and all buttons and switches except the HOLD switch will be disabled. This feature is useful when the recorder has to be carried in a bag or pocket.*

Remember to reset the **HOLD** switch when using the recorder.

Setting Time/Date

If you have set the time and date, information as to when an audio file is recorded is stored automatically with that file.

- 1) Press and hold the **FOLDER/MENU** button for 1 second or longer.
- 2) Press the **FF/+** or **REW/-** button until "TIME&DATE" flashes on the display.
- 3) Press the **REC/SET** button.
- 4) Set the hour.
 - Press the **FF/+** or **REW/-** button to set the hour.
 - Press the **REC/SET** button to accept the hour.
- 5) Set the minute.
 - Press the **FF/+** or **REW/-** button to set the minute.
 - Press the **REC/SET** button to accept the minute.
- 6) Set the year.
 - Press the **FF/+** or **REW/-** button to set the year.
 - Press the **REC/SET** button to accept the year.
- 7) Set the month.
 - Press the **FF/+** or **REW/-** button to set the month.
 - Press the **REC/SET** button to accept the month.
- 8) Set the date.
 - Press the **FF/+** or **REW/-** button to set the date.
 - Press the **REC/SET** button to accept the date.

- 9) Press the **STOP** button to end.

Recording

The recorder provides five folders: A, B, C, D, and E.

- 1) Press the **FOLDER/MENU** button to choose a folder.
The folder name and total number of recorded files is displayed for approximately 2 seconds.
- 2) Press the **NEW** button to create a new file.
New file number, current recording mode and remaining recording time are displayed.
- 3) Press the **REC/SET** button to start recording.
*The record/play indicator lamp glows red.
Aim the microphone at the sound source.
Current recording time and remaining recording time are displayed.*
- 4) Press **STOP** button to stop recording.
If you want to append additional recordings to the same file, press the **REC/SET** button once again.

Pause Recording

1. Pause
Press the **REC/SET** button while recording.
"REC PAUSE" will flash on the display.
2. Resume Recording
Press the **REC/SET** button again.

Recording will resume at the point of interruption.

Overwrite Recording

You can overwrite a previously recorded file from any point within the file. Note that overwritten recordings will be erased.

- 1) Choose and play the file you want to overwrite.
- 2) Press the **STOP** button where you want to start overwriting.
Current playback time and total recording time are displayed.
- 3) Press the **REC/SET** button to start overwriting.
The record/play indicator lamp glows red.
- 4) Press the **STOP** button to stop overwriting.

Insert Recording

Additional recordings can be inserted into previously recorded files.

- 1) Choose and play the file you want to insert.
- 2) While playing a file, press the **FOLDER/MENU** button if you want to insert additional recording.
"INSERT REC?" appears on the display.
- 3) Press the **REC/SET** button to start inserting additional recording.
Remaining recording time is displayed.

- 4) Press the **STOP** button to stop inserting additional recording.

Playback

- 1) Press the **Play** button to start playback.
The record/play indicator lamp glows green.
Current playback time and total recording time of the file is displayed.
- 2) Adjust the **VOLUME** control to your liking.
- 3) Press the **STOP** button at any point you want to stop the playback.
Resume playback by pressing **PLAY** button again.

Playback functions

1. Fast Playback (F.PLAY)
2. Slow Playback (S.PLAY)
3. Fast Forward (FF)
4. Rewind (REW)
5. Cue (CUE)
6. Review (REV)

Erasing

Erasing One File at a Time

- 1) Press the **FOLDER/MENU** Button to choose a folder.
The folder name is displayed for approximately 2 seconds.
- 2) Press the **FF/+** or **REW/-** button to choose the file you want to erase.
- 3) Press the **ERASE** button.
"FILE ERASE?" flashes on the display for approximately 8 seconds.
File to be erased is displayed.
- 4) Press the **ERASE** button once more when "FILE ERASE?" is flashing.
The display changes to "FILE ERASE!" and erasing will start.
"ERASE DONE" is displayed when the file is erased.

Erase All Files from a Folder

- 1) Press the **FOLDER/Menu** button to choose the folder from which you want to erase all files.
The folder name is displayed for approximately 2 seconds.
- 2) Press the **ERASE** button for 3 seconds or longer.
"ALL ERASE?" flashes on the display for approximately 8 seconds.
- 3) Press the **ERASE** button once more when "ALL ERASE?" is flashing.
The Display changes to "ALL ERASE!" and erasing will start.
"ERASE DONE" is displayed when the files are erased.

Connecting to PC Using the Cradle

- 1) Make sure that the recorder is stopped, and place it in the cradle.
- 2) Insert the recorder so that its bottom slot meets the hook on the front of the cradle (at the low end).
- 3) Hold the top of the recorder and push it against the cradle until it clicks.
"REMOTE" is displayed on recorder if the USB Cable is connected.

- 4) Remove the recorder from the cradle.
- 5) Make sure that the recorder's record/play indicator lamp isn't flashing, and remove the recorder from the cradle.
- 6) Holding the cradle with your hand, raise the recorder from the top end to remove it from the hook.

Running DSS Player (Downloading and Playing Voice Files)

- 1) Connect the recorder to the PC.
- 2) Click on the DSS Player Icon.
- 3) Download Selected Files.
 1. Select the folder
From the Device Manager window, select the folder that contains the voice file you would like to download.
 2. Select the voice file
Select the voice file you would like to download from the Voice File List Box. To select more than one file, hold either the [Ctrl] or [Shift] key and select files.
 3. Download the voice file
From the [Download] menu, click on [Download Selected Files].
 4. Download complete
Once the transmission screen closes and the record/play indicator lamp on the recorder goes dark, the downloading is completed.
NOTE: NEVER disconnect the USB connecting cable while the record/play indicator lamp is flashing. If you do, the data will be destroyed.
 5. Play a Voice File
 - 1) Select the folder.
Select the folder that contains the voice file you would like to play.
 - 2) Select the voice file.
Select the voice file to play from the Voice File List Box.
 - 3) Play the voice file.
Click on the > (play) button of the Play Control Bar.