

GENERAL ORDER XXXVIII

SUBJECT: RECORDING OF INTERROGATIONS

EFFECTIVE DATE: 02-25-10

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

Purpose:

To set forth procedures relating to the statutory and the constitutional rights of individuals.

Policy:

To act within this statutory authority and safeguard the rights of all persons.

RECORDING OF INTERROGATIONS

- A. Per 590.701, RSMo., custodial interrogations of person suspected of committing or attempting to commit the following crimes will be recorded, when feasible, through the use of audiotape, videotape, motion picture, or digital recording:
1. Murder in the first degree.
 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. Forcible rape.

10. Forcible sodomy.
11. Kidnapping.
12. Statutory rape in the first degree.
13. Child abuse.
14. Child kidnapping.

B. Recording custodial interrogations is NOT required in the following circumstances:

1. Situations in which a person voluntarily agrees to meet with a member.
2. Detention that has not risen to 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 is not available.

B. Recordings of interrogations may be conducted with or without the knowledge or consent of the suspect.

A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

Charles Brotherton, Jr., Chief of Police