



POLICY & PROCEDURE

KEWASKUM POLICE DEPARTMENT

SUBJECT:	MOBILE VIDEO / AUDIO RECORDING EQUIPMENT	NUMBER:	<u>9.02</u>
SCOPE:	All Department Personnel	ISSUED:	<u>11/01/2023</u>
DISTRIBUTION:	Policy & Procedure Manual	EFFECTIVE:	<u>11/01/2023</u>
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		STANDARDS: 6.1.9	

PURPOSE: The purpose of this Policy & Procedure is to establish guidelines to be followed by members of the Kewaskum Police Department during the use of mobile audio/video recording equipment.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROGRAM OBJECTIVES
- IV. OPERATING PROCEDURES
- V. RECORDING CONTROL AND MANAGEMENT

I. DEFINITIONS

- A. **USE OF FORCE INCIDENT:** Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.
- B. **(MVARs) MOBILE VIDEO/AUDIO RECORDING SYSTEM:** Electronic devices designed for capturing audio and video recordings. This includes body worn cameras, squad cameras and audio recording systems.

II. POLICY

- A. Officers shall record all interactions with MVARs while in direct contact with the public as outlined in this policy, such as:
 - 1. Whenever an officer has time and reason to believe that a contact has an enforcement nature (Citation, Warnings, Arrests)
 - 2. Whenever an officer believes it is in the best interest of the Kewaskum Police Department.
 - 3. All officer/subject contacts during traffic stops.
 - 4. All officer/subject contacts during an arrest including; approach, custody, statements, and transportation.
 - 5. All officer/subject contacts of arrested subjects taken to the Washington County Criminal Justice Facility or Juvenile Detention Center. Recordings will cease upon entry to these facilities unless approved by facility staff.
 - 6. Any other contacts with persons under circumstances that lead the officer to believe that the specifics of the contact may need to be retrieved or reviewed.
- B. An officer shall not jeopardize their safety or the safety of the public in order to activate a camera system.
- C. The officer worn body camera shall always take priority over the front facing squad video camera when recording with both is impractical or unavailable.

III. PROGRAM OBJECTIVES

- A. The Kewaskum Police Department has adopted the use of mobile audio/video recording equipment (MVARs) in order to accomplish the following objectives:
 - 1. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents so as to enhance officer reports, collection of evidence and testimony in court.
 - 2. The enhancement of the Department's ability to review probable cause for arrest, arrest procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.
 - 3. Protect officers from false allegations of improper police conduct
- B. The Kewaskum Police Department recognizes that cameras can't always capture everything that is seen by the officer or that happens at a scene, but can act as a tool to help explain an event. Sometimes the cameras are unintentionally obstructed, on a fixed mount, or may not have enough frames per second to capture what the human eye saw or perceived.

IV. OPERATING PROCEDURES

- A. Care and use of the body worn and mobile audio/video recording equipment is the responsibility of the officer using those items and shall be used in conformity with Department policy and training.
- B. Prior to each shift, officers shall determine whether their MVARs is working properly and shall report any problems to a supervisor as soon as practical.
 - 1. Officers will power on the squad MVARs and ensure it is functioning properly by performing a test recording.
 - 2. Officers will log into their account and remain logged in for their shift.
 - 3. Officers will ensure the encoded date/time is accurate.
 - 4. Any malfunction shall be reported to a supervisor as soon as practicable.
- C. Body worn wireless microphone transmitters are assigned to each marked squad car. These wireless transmitters shall be worn and used while on patrol.
- D. MVARs record mode will be automatically activated whenever the emergency lights are activated, at a specific preset speed, or upon a collision.
- E. If MVARs fails to automatically activate, officers shall manually activate all MVARs as soon as possible.
- F. Once recording, personnel shall ensure there are no obvious obstructions to recording. An officer shall not intentionally obstruct any camera.
- G. Once recording has begun it shall typically remain on until the incident has reached its conclusion and the officer has left the scene. Officers must remember to turn off the recording at the conclusion of the incident.
- H. Other than listed exceptions, activation is required for any citizen contact, any situation where there is potential evidence to be recorded, or where directed by a supervisor.
 - 1. Exceptions to activation:
 - a) Station calls (lobby and interview room are video/audio recorded)
 - b) Lunch breaks; breaks
 - c) Foot patrols
 - d) Non-investigative citizen contacts
 - e) Report taking investigations where the officer is not dealing with the suspect.

- I. Continuous, non-stop recording during contacts or incidents of an enforcement nature is not required when officers are not in direct contact with the suspect, there are other persons involved, there will be no enforcement, permission from a supervisor, or talking with a confidential informant. Examples when officers may choose to deactivate their recording equipment include, but are not limited to:
 - 1. Running checks and completing paperwork in a squad car, away from the violator, during a traffic stop.
 - 2. Conferring with backup officers away from the suspect or any person involved in the incident.
 - 3. While speaking with anyone who is not directly involved in the incident such as medical or fire personnel.

- J. The equipment may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic or perimeter assignments at critical incidents.

- K. Medical Facilities: Officers should be conscious to not record other patients in a medical setting. Officers will not turn on their body camera in a medical facility unless it is necessary to capture the following circumstances. Officers shall take into consideration the HIPAA laws that protects patients:
 - 1. When responding to, or dealing with, a crime or a situation where we are there to prevent a potential serious or imminent threat (out of control person) to an individual or the public.
 - 2. Officer believes that they are able to obtain evidence of a crime that occurred on the premises.
 - 3. When there is a death at the medical facility that resulted from criminal conduct.
 - 4. When responding to an off-site medical emergency, where the victim came into the emergency room (example: for a gunshot wound, stabbing, etc.).
 - 5. When a search warrant/warrant has been obtained.
 - 6. When responding to identify/locating a suspect of a crime, fugitive, material witness or missing person.
 - 7. When bringing a suspect or victim to the medical facility or responding to the medical facility to talk to a suspect or a victim of a crime (adult or child), when collecting evidence or obtaining evidence from talking to them.
 - 8. The Police Department will not release any information/video per policy that would be captured on our cameras that would violate the HIPAA laws or that contains medical information without legal advice.

- L. Officers shall document in all incident reports whenever recordings are made during an incident in question. This should be done at the end of the report. If a recording was stopped during an incident, the report should state why that occurred.
- M. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes, court, or unusual circumstances or events.
- N. Officers shall not intentionally alter or attempt to alter recordings in any way.
- O. Officers shall not use mobile audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or talks between employees.
- P. Use of body cameras and MVARs is for on-duty, official police business only.
- Q. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms.

V. RECORDING CONTROL AND MANAGEMENT

- A. Recordings are subject to existing State of Wisconsin open records laws.
 - 1. The Chief of Police will establish a reproduction fee for the duplication of recordings. The fee will include the cost of storage media and the actual necessary costs of the reproduction effort.
 - 2. Recordings may be duplicated for another criminal justice agency when required for trial, or otherwise authorized by the Chief or designee.
- B. Recordings may be shown to Kewaskum Police Department employees for training and evaluation purposes upon approval of the Chief or designee.
- C. Recordings may be shown to persons other than Kewaskum Police Department employees provided prior approval is obtained from the Chief or designee.
- D. Storage of Media. MVARs media will be downloaded through a wireless connection automatically.
- E. Storage as Evidence. Media will be downloaded to the case file and saved as evidence when any of the following events are captured:
 - 1. Operating while intoxicated arrests
 - 2. Physical altercation(s)
 - 3. Patrol vehicle collision

4. Injury to officer or citizen
 5. Pursuit
 6. Shooting incident/use of force incident
 7. Incident involving citizen complaint
 8. Any other incident in the officers or supervisors judgment that should be secured as evidence
- F. Storage of Media not held as evidence. Pursuant to Policy 10.05: Records Retention, the recorded data will be erased automatically by the EVO VuVault Software.
- G. Media integrity
1. Recordings generated are property of the Department. No recording shall be released, shared, duplicated or distributed without authorization from the Chief of Police or designee
 2. Recordings are subject to Wisconsin Open Records Laws.
 3. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the Village Attorney's Office.
 4. Release of copies of recordings for civil proceedings shall be coordinated through the Village Attorney's Office.
 5. If an officer uses a personal recording device (although not recommended) while working as an on duty officer; the images, video, recordings, and audio captured by the officer's device will be considered property of the Kewaskum Police Department and can only be release with authorization of the Chief of Police.
- H. Miscellaneous
1. It is not necessary for officers to volunteer the fact that the enforcement contact is being recorded. However, if asked, officers shall advise persons as to whether the MVARs are recording or not.
 2. Officers are not required to cease or initiate recording based on the demand on of a citizen, involved party, or suspect.
 3. No employee shall attempt to erase, alter, or cause to be erased or altered, any MVARs media. The only exception would be pursuant Policy 10.05: Records Retention.
 4. Supervisors will coordinate the repair or replacement of MVARs equipment.

5. Supervisors will ensure officers follow established procedures for the use of maintenance of MVARs equipment and the proper documentation of its use.
6. Recordings used for training purposes.
 - a) When an incident that is recorded that is perceived to be of value as training aid, the officer responsible for the recording will notify his/her supervisor.
 - b) The supervisor will review the recording to determine the value for training.
 - c) The supervisor will obtain expressed permission from the Chief of Police or designee to use the recording for training.
7. Video review.
 - a) MVARs recordings may be routinely or randomly reviewed by supervisors to monitor officer performance.
 - b) Field Training Officers should routinely use the recordings of probationary officers during the FTO process for constructive critique review.
 - c) Officers may review their own recordings via EVO Web Vu Vault Software.
 - d) Officers shall not review other officers recordings unless instructed to by a supervisor.
 - e) No recording shall ever be used or shown for the purpose of officer ridicule or embarrassment.
- I. Recordings Retention; 120 Day Hold
 1. Recordings are considered records as defined by Wisconsin Statute 19.32(2). Pursuant Policy & Procedure 10.05: Retention of Records, recordings will be saved at minimum 120 days.

Thomas F. Bishop
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 05/29/2020, Revised 11/01/2023