

POLICY PROCEDURE

NEW LONDON POLICE DEPARTMENT

SUBJECT: MOBILE AUDIONIDEO RECORDING NUMBER 9-03  
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INDEX AS: Audio/Video Recording Equipment  
Body Worn Camera  
Mobile Audio/Video Recording System (MVARs)

Video Recording Equipment

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

This Policy 8: Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

PROGRAM OBJECTIVES

IV. OPERATING PROCEDURES

V. RECORDING CONTROL AND MANAGEMENT

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1. POLICY

A. Whenever an officer has time and reason to believe that a contact has an enforcement nature, or believes it is in the best interest of the New London Police

Department, the contact should be recorded.

(An officer shall not jeopardize

their safety or the safety of the public in order to activate a camera system). In general, contacts of an enforcement nature include but are not limited to:

1. Citations

2. Arrests

3. Warnings

4. Investigations to be submitted for Complaint

5. When in 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:

a) When responding to 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.

b) Officer believes that they are able to obtain evidence of a crime that occurred on the premises.

c) When there is a death at the medical facility that resulted from criminal conduct.

d) When responding to an off-site medical emergency, where the victim came into the emergency room (example: for a gunshot wound, stabbing, etc).

e) When a search warrants/warrant has been obtained.

f) When responding to a suspect of a crime, fugitive, material witness or missing person.

g) 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.

h) 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.

## II. DEFINITIONS

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A. USE OF FORCE INCIDENT: Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.

B. BODY WORN CAMERAITRANSMITTER: A portable audio and/or video recording device which can be worn on an officer's body. Typically have to be manually activated.

0. (MVAR) AUDIONIDEO RECORDING SYSTEM (EQUIPMENT):

Portable, wireless, electronic devices designed for capturing audio and/or video recordings. This includes body worn cameras, and/or in squad mobile video/audio recording system.

#### PROGRAM OBJECTIVES

A. The New London Police Department has adopted the use of mobile audio/video recording equipment (MVARS) and Body Cameras 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.

s. 973.06 (1) (av) the costs, fees, and surcharges taxable against the defendant shall consist of the following items and no others if a defendant violates s. 946.41 by obstructing an officer; the reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate the false information that the defendant provided or the physical evidence that the defendant placed.

Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.

4. The New London 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 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 assigned to that equipment and shall be used in conformity with Department policy and training.

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B. Prior to each shift, officers shall determine whether their squad recording equipment 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

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throughout their shift.

. The systems power supply will be checked by all three available methods:  
manually, activating emergency lights, and activating remote wireless  
microphone/transmitter.

. The officer will ensure the encoded date/time is accurate.

The video camera should be zoomed back to its widest point of view and  
positioned to record events.

. The "Time Left" on the media display shall be checked. If there are 20  
minutes

or less remaining a supervisor shall be notified.  
Verify that the assigned microphone/transmitter is properly functioning.  
Any malfunction shall be reported to a supervisor as soon as practicable.

Body worn camera is fully charged before each shift.

C. Body worn wireless microphone transmitters and carrying case are assigned  
to  
each marked squad car. These wireless transmitters should generally be worn  
on  
the officer's uniform in a manner as to not interfere with the recording  
{shirt  
pocket, lapel, etc).

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The purpose is to put the transmitter in the best position to record as much  
information as possible.

Officers are not expected to jeopardize their safety in exchange for  
obtaining  
better audio recordings.

D. OPERATING GUIDELINES:

1. The (squad) MVARs record mode will be automatically activated whenever the  
emergency lights are activated.

Once recording, personnel shall ensure there are no obvious obstructions to  
recording. An officer shall not intentionally obstruct any camera.

Once recording has begun it shall typically remain on until the incident has  
reached its conclusion, the officer has leaved the scene. Officers must  
remember to turn off the recording at the conclusion of the incident.

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4. With automatic squad activation, officers will record all of the events outside and inside the squad and the recording unit will not be powered off until after the officer clears the scene or unless directed by a supervisor. Automatic activation occurs at a specific preset speed and upon a collision.

5. Manual activation is required for any citizen contact other than the listed exceptions, any situation where there is potential evidence to be recorded or where directed by a supervisor.

a) Manual activation is accomplished by:

- (1) Activating the emergency lights
- (2) Pressing the GPS button
- (3) Pressing the record button on the rear view mirror
- (4) Pressing the record button on the wireless transmitter
- (5) Body worn camera- manual activation by sliding the camera door open

6. Manual activation is not required for:

- a) Station calls
- b) Lunch breaks; breaks
- c) Foot patrols
- d) Non-investigative contacts

e) Report taking investigations where the officer is not dealing with the suspect.

7. Officers should record their interactions with the body camera and/or MVARs

while in direct contact with the public on incidents or contacts as outlined above. Additional examples include but are not limited to:

- a) All officer/subject contacts during traffic stops.
- b) All officer/subject contacts during an arrest including approach, custody, statements, transportation, Department booking process and release.
- c) All officer/subject contacts of arrested subjects taken to the Waupaca or Outagamie County Criminal Justice Facility or Juvenile Detention Center. Recordings will cease upon entry to these facilities unless approved by facility staff.
- d) 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.

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E. 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.

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

(3. Officers shall document in all incident reports whenever recordings are made during an incident in question. This should be done at the beginning of the report when the officer's identify if bank or juvenile information is included in the report.

H. 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.

I. Officers shall not intentionally alter or attempt to alter recordings in any way.

J. Officers shall not use mobile audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or talks between employees.

K. Use of body cameras and MVARs is for on-duty, official police business only.

L. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms, refer to Policy 8: Procedure 1.06: Harassment in the Workplace.

#### . 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.

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B. Recordings may be shown to New London Police Department employees for training and evaluation purposes.

1. Recordings may be shown to persons other than New London Police Department employees provided prior approval is obtained from the Chief or designee.

C. Storage of Media

MVARS media will be downloaded through a wireless connection or by the officer on at least a weekly basis.

1. Storage of Media as Evidence; the recording media will be recorded as evidence when any of the following events are captured:

- a) Operating while intoxicated arrests
- b) Physical altercation(s)
- c) Patrol vehicle collision
- d) Injury to officer or citizen
- e) Pursuit
- f) Shooting incident/use of force incident
- 9) Incident involving citizen complaint
- h) Any other incident in the officers or supervisors judgment that should be secured as evidence

2. Storage of Media 39; held as evidence

a) After 180 days, pursuant to Policy Procedure 10.05: Retention of Records, the recorded data will be erased by the supervisor assigned to this duty.

D. Media integrity

1. The body cameras and MVARS recordings generated are property of the Department.

2. Body camera and MVARS recordings are subject to Wisconsin Open Records Laws.

3. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and for the City Attorney's Office.

4. Release of copies of recordings for civil proceedings shall be coordinated through the City Attorney's Office.

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5. All body camera, camera, audio recording and MVARs media and recordings are possessions of the Department. As such, no recording shall be released, shared, duplicated or distributed without authorization from the Chief of Police or designee.

6. 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 New London Police Department and can only be released with authorization of the Chief of Police.

. 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 body camera or MVARs media. The only exception would be pursuant Policy Procedure: 10.05 Retention of Records.

4. Supervisors will coordinate the repair or replacement of the body camera and MVARs equipment.

a) Supervisors will ensure officer's follow established procedures for the use of maintenance of the body camera and MVARs equipment and the proper documentation of its use.

5. 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.

6. Tape review.



a) The body camera and 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 FTC) process for constructive critique review.

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c) Officers may review their own recordings within the squad car prior to the data being downloaded. (This may be beneficial when dictating a report).

d) Sergeants should review body camera and MVARs data bases at random to make sure the cameras are being used.

e) No recording shall be used or shown for the purpose of officer's ridicule or embarrassment.

#### F. Recordings Retention; 180 Day Hold

1. Recordings are considered records as defined by Wisconsin Statute 1932(2). Pursuant Policy Procedure 10.05: Retention of Records, recordings will be saved at minimum 180 days.

Jeffrey A. Schlueter  
Chief of Police

This Policy 8: Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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