

CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES

DATE: September 7, 2020

HISTORY: May 17, 2016
December 8, 1999

SUBJECT: Mobile Video/Audio Recording Equipment

POLICY NUMBER: 99-043

I. PURPOSE

The Oconomowoc Police Department has equipped marked patrol cars with Mobile Audio and Video (MAV) recording systems to provide records of events and assist uniformed officers in the performance of their duties by providing a visual and/or audio record of patrol-related activities. This policy provides guidance on the use of these systems.

II. POLICY

It is the policy of this department that officers shall activate the MAV when such use is appropriate to the proper performance of his or her professional duties, where the recordings are consistent with this policy and law.

III. PROCEDURE

A. Officer Start of Shift Responsibilities

- a. Prior to going into service, each officer will ensure that the MAV equipment is working properly. If officers determine that the MAV equipment is not working properly, they shall bring any problems to the attention of the shift supervisor as soon as possible.
- b. Also prior to going into service, each officer will conduct a test of the MAV equipment. The test will include the testing of:
 - i. Automatic recording initiates when emergency lights are activated
 - ii. The officer's mic is connected and registers on the system
 - iii. The officer's mic registers on the system when the record button on themic is depressed
 - iv. Officer shall ensure that the frequency of their MAV equipment mic is synced with the MAV equipment system in the squad in which the officer is assigned
- c. Officers are required to wear the mic throughout the entire shift.

B. Supervisor Responsibilities

- a. Supervisory personnel shall ensure that officers utilize the MAV equipment in accordance with policy.
- b. Training of all new employees
- c. Supervisors are further required to review a sample of traffic stops made by each of their subordinate officers each month.

C. Documentation of Failure to Record Using MAV Equipment

- a. If an incident occurs that would normally have been recorded but was not due to an equipment malfunction, that fact should be noted in the officer's documentation on that incident.

D. MAV Equipment System Sign-in and Recording Classification

- a. Officers shall utilize a sign-in and password to access the system and identify their recordings.

- b. Officers shall appropriately classify all recordings.

E. Citizen Inquiries about MAV Equipment Video/Audio Recording

- a. Officers will inform citizens who inquire that a video/audio recording is being made. The officer should attempt to explain that the recording is to protect both the interest of the officer and the citizen.
- b. They are not required to terminate recording upon demand of the citizen if in compliance with this policy and/or statutes.

F. Officer Operational Responsibilities

- a. The MAV system is designed to turn on whenever the unit emergency lights are activated, but may also be activated manually. The system remains on until turned off manually.
- b. Officers shall video and audio record all persons seated in the backseat of a squad car.

G. Adjustment to MAV Equipment to Capture Event

- a. Reasonable efforts will be made to adjust the MAV equipment to capture the event.
- b. Officers shall wear the MAV equipment mic on their person throughout their shift, and ensure that the power is turned on when the camera is recording.

H. Activation of the MAV

- a. Recording may be reviewed so long as they are not being viewed or shown in an attempt to ridicule or embarrass any employee.

I. Required Activation of the MAV

- a. This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.
- b. In some circumstances it is not possible to capture images of the incident, due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV.
- c. The MAV system will be activated as soon as practicable in any of the following situations:
 - i. All field contacts involving actual or potential criminal conduct, within video or audio range.
 - ii. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)
 - iii. Emergency responses
 - iv. Vehicle pursuits
 - v. Suspicious vehicles
 - vi. Arrests
 - vii. Vehicle searches
 - viii. Physical or verbal confrontations or use of force
 - ix. Pedestrian stops
 - x. DUI investigations including field sobriety tests
 - xi. Crimes in progress
 - xii. Responding to an in-progress call
 - xiii. Disturbance of peace calls
 - xiv. Offenses involving violence or weapons
 - xv. All self-initiated activity in which an officer would normally notify dispatch
 - xvi. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect

- xvii. Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- xviii. Any other circumstance where the officer believes that a recording of an incident would be appropriate, i.e. citizen complaints

J. Cessation of Recording

- a. Once activated, the MAV system should remain on until the incident has concluded.
- b. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed.
- c. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

K. When Activation is Not Required

- a. Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.
- b. No member of this department may surreptitiously record a conversation of any other member of this department except when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

IV. DOCUMENTING MAV USE

- A. All recordings will be transferred to the digital video recording archive via wireless connection.
- B. Digital recordings shall be archived on a server, which is only accessible to those with authorization.
- C. All MAV recordings will be retained for a minimum of 120 days, unless they are deemed evidence in any criminal, civil, or administrative proceeding, in which case the recordings will only be destroyed in accordance with current retention laws.

V. REQUESTS FOR COPIES OF VIDEO RECORDINGS

- A. A copy of original records may only be released in response to a request from the District Attorney's Office, court ordered discovery, or an approved open record request, or as approved by the Chief of Police or his/her designee.
- B. Officers shall not make copies of recordings for personal use without authorization.
- C. Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.

VI. MAV RECORDINGS AS EVIDENCE

- A. Officers shall note in incident, arrest and related reports when recordings are made during any incident.
- B. All recorded events shall be properly labeled in the Verus program.

VII. TRAINING

- A. All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use. This will be conducted by field training officers for new officers.

- B. Ensuring the periodic retraining and proper use of the equipment is the responsibility of the shift sergeant.

VIII.EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict