



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **MOBILE VIDEO/AUDIO RECORDING EQUIPMENT** NUMBER: 9.02

SCOPE: All Sworn Personnel ISSUED: 01/29/2025

DISTRIBUTION: Policy & Procedures Manual EFFECTIVE: 01/29/2025

REFERENCE: WI State Statutes: 19.32(2), 165.87, 175.22, 973.06(1)(av) RESCINDS

AMENDS

WILEAG 5TH EDITION

STANDARDS: 6.1.9

INDEX AS: Body Worn Camera
In-Squad Camera
Mobile Video/Audio Recording System (MVARs)
Video Recording Equipment

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

This Policy & Procedure consists of the following numbered sections:

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

I. POLICY

- A. All sworn officers shall be assigned MVARs equipment and/or the ability to individually login onto shared equipment. Non-sworn members may be assigned MVARs equipment at the discretion of the chief or designee.
1. Any department member wearing, using, maintaining, storing, or releasing data from MVARs equipment shall be trained in its use.
- B. MVARs shall be activated to document any scenes or items of evidentiary value. When an officer is in contact with the public in the performance of their official duties recording equipment shall be activated including, but not limited to the following situations
1. Traffic Stops
 2. Citations
 3. Arrests
 4. Warnings
 5. Interviews and Investigations
 6. Medical Clearance or Detention - When in Medical Facilities, Officers should be conscious attempting to avoid recording other patients in a medical setting. Officers shall take into consideration the HIPAA laws that protects patients privacy. Officers generally will not turn on their body camera in a medical facility unless it is necessary to capture the following circumstances:
 - a) When responding to a crime or a situation 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 warrant/arrest warrant has been obtained and is being executed.
 - f) When responding to identify/locating 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 contain medical information.

II. DEFINITIONS

- A. **USE OF FORCE INCIDENT:** Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.
- B. **BODY WORN CAMERA/TRANSMITTER:** A portable audio and/or video recording device which can be worn on an officer's body.
- C. **(MVARs) MOBILE AUDIO/VIDEO 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.

III. PROGRAM OBJECTIVES

- A. The Portage Police Department has adopted the use of mobile audio/video recording equipment (MVARs) in order to accomplish the following objectives:
 - 1. To enhance officer safety.
 - 2. 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.
 - 3. 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.
 - 4. To assist in investigating complaints concerning officer conduct.
 - 5. The 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 MVARs equipment is the responsibility of the officer assigned to the equipment and shall be used in conformity with department policy and training.
- B. Prior to each shift, officers shall check their assigned recording equipment and determine if their recording equipment is working properly. Being an electronic device, malfunctions and failures may happen beyond the officer's control and unexpectantly during an event without the officers knowledge. Officers shall report any problems to the shift supervisor as soon as practical.

1. Once officers confirm the MVARs is functioning properly, officers will continue to monitor their assigned MVARs throughout their shift to ensure it continues to operate properly.
 2. Officers will log onto the in-squad camera system. Temporary short-term use of the vehicle shall not apply such as transporting a squad for repair.
 3. The recording triggers will be checked by: manually pushing the record buttons and activating emergency lights. Officers will confirm the body camera is synched with the in-squad camera and both units record upon manually pushing the record button on either.
 4. The officer will ensure the encoded date/time is accurate.
 5. The video camera should be zoomed back to its widest point of view and positioned to record events.
 6. Body worn camera is fully charged before each shift.
 7. Windshield and in-squad camera are free of debris
 8. With the exception of the squad radio, officers should ensure that the volume from other electronic devices within the police vehicle does not interfere with MVAR recordings.
- C. Body worn video cameras are assigned to each officer. The body worn cameras should generally be worn on the officer's uniform in a manner as to not interfere with the recording. Officers are not expected to jeopardize their safety in exchange for obtaining better positioning on their uniform for recordings.
1. When not in use body worn cameras are to be downloaded at the end of their shift and placed in the charging stations unless approved otherwise by a supervisor.
- D. Event recording
1. The MVARs record mode will be automatically activated whenever the emergency lights are activated when manually activated, when the in-squad camera detects a crash or sudden stop, or when the squad is driven in excess of 90mph. The recording will back-up and start 30 seconds prior to activation, but only with video. Audio/video recording will start upon activation.
 2. Once recording, personnel will make every effort to check there are no obvious obstructions to recording. Officers are not expected to jeopardize their safety in exchange for obtaining better positioning.
 3. Once recording has begun it shall remain on until the incident has reached its conclusion or the officer has left the scene. Officers must remember to turn off the recording at the conclusion of the incident. If recording is stopped prior to the conclusion of the event or interrupted, the officer will indicate in their report why the recording was stopped.

- 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, or other persons involved. Examples when officers may choose to deactivate their recording equipment include, but are not limited to:
 - 1. Lengthy scene management or perimeter assignments where public interaction and the evidentiary value is low to non-existent.
 - 2. Lengthy hospital stays when sitting outside the room not in direct contact with the detained individual.
- F. 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. Depending on the nature and complexity of the incident, officers should review the recording when preparing their reports to help ensure accuracy and consistency of accounts.
- G. 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.
- H. Officers shall not intentionally alter or attempt to alter recordings in any way.
- I. Officers shall not use mobile audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or talks between employees.
- J. Use of MVARs is for on-duty, official police business only.
- K. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms, refer to Policy & Procedure 1.04: Harassment in the Workplace.

V. RECORDING CONTROL AND MANAGEMENT

- A. Recordings are subject to existing State of Wisconsin open records laws.
 - 1. The Records Custodian 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 Portage Police Department employees for training and evaluation purposes.
 - 1. Recordings may be shown to persons other than Portage Police Department employees provided prior approval is obtained from the Chief or designee.

C. Storage of Media

MVARS recordings will be downloaded by placing the body camera into the docking station at a minimum at the end of the shift. The in-squad camera will be downloaded by parking the squad within WIFI range of the garage WIFI port.

1. Storage of Media as Evidence; the recording will be archived and prevented from being purged for any of the following events:
 - a) Operating while intoxicated arrests
 - b) Physical altercation(s) or any use of force
 - c) Patrol vehicle collision
 - d) Injury to officer or citizen
 - e) Pursuit
 - f) Any custodial arrest
 - g) Any death related to a shooting/use of force incident (actual or alleged)
 - h) Incident involving citizen complaint
 - i) Any search conducted during temporary questioning (a "Terry stop") provided in Wisconsin State Statute 968.25
 - i) Any other incident in the officers or supervisor's judgment that should be secured as evidence and a record maintained of the event.
2. Storage of Media not held as evidence
 - a) After 120 days, pursuant to Policy & Procedure 10.05: Retention of Records, the recorded data will be purged from the data base.

D. Media integrity

1. The MVARS recordings generated are property of the department.
2. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the City Attorney's Office.
3. Release of copies of recordings for civil proceedings shall be coordinated through the City Attorney's Office.
4. All MVARS media and recordings are possessions of the department. As such, no recording shall be released, shared, duplicated or distributed without authorization from the department records custodian.

5. If an officer uses a personal recording device (although not recommended) while working on-duty; the images, video, recordings, and audio captured by the officer's device will be considered property of the Portage Police Department and can only be released with authorization of the Chief of Police.

E. 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 & Procedure: 10.05 Retention of Records.
4. Supervisors
 - a) Supervisors will perform periodic reviews to ensure officers follow established procedures for the storage, use of, and maintenance of MVARs equipment.
 - b) In addition, The Chief or designee will perform periodic reviews of the release of data to ensure established procedures in this policy are followed.
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.
 - d) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.
6. Recording review.
 - a) The MVARs recordings may be routinely or randomly reviewed by supervisors.
 - b) Police Training Officers should routinely use the recordings of probationary officers during the PTO process for constructive critique review.
 - c) Officers may review recordings within the squad car.

- d) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.
- 7. This policy shall be made available to the public on any internet site the department maintains or is maintained on its behalf.

F. Restrictions on Using Recording Devices

- 1. Recording Devices shall only be used in conjunction with official duties primarily including but not limited to the investigation and/or reporting of crimes or other violations of the law.
- 2. Officers may not activate Recording Devices to surreptitiously record:
 - a) Communications with other police personnel without the permission of the Chief of Police.
 - b) Conversations that concern matters over which the person being recorded would have a reasonable expectation of privacy.
- 3. All Department issued Recording Devices and recorded media in any form issued by the department remain the exclusive property of the department for use only as outlined in this Policy & Procedure.
 - b) No privately owned Recording Devices will be utilized by department personnel while on duty for any reason without the prior authorization of the Chief of Police.

G. 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 of 120 days.
- 2. Recordings noted as evidence in V. C. above shall be retained until final disposition of any investigation, case, or complaint to which it pertains.
- 3. For further guidance and additional information regarding recordings retention and release, refer to Wisconsin State Statute 165.87 (2) and (3).

Keith J. Klafke
Chief of Police

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

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