



POLICY & PROCEDURE

MANAWA POLICE DEPARTMENT

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

NUMBER: 9.03

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedures Manual

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

ISSUED: 01/23/2025

EFFECTIVE: 02/15/2025

☐ RESCINDS

☐ AMENDS

WILEAG 6TH EDITION

STANDARDS: 6.1.10

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 Manawa Police Department during 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 uniformed officers assigned to patrol duties shall be issued MVARs equipment prior to beginning of each duty assignment. This includes uniformed Supervisors who perform patrol duties. Non-uniformed members may be issued MVARs equipment at the discretion of the Chief of Police or his/her designee or for certain circumstances.
 - 1. Any member wearing, using, maintaining, storing, or releasing data from MVARs equipment shall be trained in its use and data retention and release requirements prior to using the equipment or releasing data.
- B. Whenever an officer has reason to believe that a contact has an enforcement nature, or believes it is in the best interest of the Manawa Police Department, the contact should be recorded. (An officer shall not jeopardize their safety or the safety of the public 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 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, or that would violate the privacy of a recorded subject who is a victim of a sensitive or violent crime or is a minor. NOTE...information/videos may be released IF the areas noted above are redacted in a recognized and approved manner.

II. DEFINITIONS

- A. BODY WORN CAMERA: A portable audio and/or video recording device which can be worn on an officer's body.
- B. MOBILE AUDIO/VIDEO RECORDING SYSTEM (MVARs): Portable, wireless, electronic devices designed for capturing audio and/or video recordings. This includes body worn cameras (BWC), and/or in squad mobile video/audio recording system.
- C. USE OF FORCE INCIDENT: Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person. Exception is to safely stabilize a person having a medical issue.

III. PROGRAM OBJECTIVES

- A. The Manawa 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.
- (a) Note...Under 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 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 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.
- B. Prior to each shift, officers retrieve their BWC equipment from storage in the patrol room and shall determine whether their recording equipment is working properly. Officers shall report any problems to a supervisor as soon as practical.
 1. Officers will power on the MVARs and ensure it is functioning properly throughout their shift.
 2. The systems power supply will be checked by all available methods, if they apply: manually and by activating emergency lights.
 3. The officer will ensure the encoded date/time is accurate.
 4. The video camera should be zoomed back to its widest point of view and positioned to record events.
 5. The "Time Left" on the media display shall be checked. If there are 20 minutes or less remaining the video should be downloaded to the proper storage location.
 6. Any malfunction shall be reported to a supervisor as soon as practicable.
 7. Body worn camera is fully charged before each shift.
- C. Operating guidelines:
 1. The MVARs record mode will be automatically activated whenever the emergency lights are activated.
 2. Once recording, personnel shall ensure there are no obvious obstructions to recording.

3. Once recording has begun it shall remain on until the incident or interview has reached its conclusion or the officer has left the scene. Exception is when on a medical call and the Officer recognizes it is a non-investigative contact, or the officer responds to a call in an emergency mode and parks their squad away from the location of the police interaction. Officers must remember to turn off the recording at the conclusion of the incident/ interview.
4. Manual activation is required for any citizen contact other than the listed exceptions, any situation where there is potential municipal or criminal evidence to be recorded or where directed by a supervisor.
 - a) Manuel activation is accomplished by:
 - (1) Activating the emergency lights
 - (2) Pressing the record button on the camera
5. Manual activation is not required for:
 - a) Lunch breaks; breaks
 - b) Foot patrols and business checks
 - c) Non-investigative contacts, i.e. community policing, routine medical calls
 - d) Report taking investigations where the officer is not dealing with the suspect. It may be beneficial to record interviews of victims of sensitive crimes.
6. Officers should record their interactions 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 municipal or criminal citation or arrest, including approach, custody, statements, transportation, Department booking process and release.
 - c) All officer/subject contacts of arrested subjects taken to the Waupaca County Jail or a Juvenile Detention Center. Recordings will cease upon request by facility staff or signage.
 - 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. This includes agency assists where the primary agency is doing an act that, if investigated by the Manawa Officer, would require the Officer to record the incident.
7. Officers should not mute their cameras audio.

- D. 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 where the standardized questions about evidence and video are listed.
- E. 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.
- F. Officers shall not intentionally alter or attempt to alter recordings in any way.
- G. Officers shall not use mobile audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or talks between employees.
- H. Use of MVARs is for on-duty, official police business only.
- I. 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 Manawa Police Department employees for training and evaluation purposes.
 - 1. Recordings may be shown to persons other than Manawa Police Department employees provided prior approval is obtained from the Chief or designee.

C. Storage of Media

MVARs media will be downloaded wirelessly or when placed into the transfer/charging station.

- 1. Storage of Media as Evidence; the recording media will be recorded as evidence when any of the following events are captured:
 - a) All criminal and municipal investigations that result in an arrest or citation
 - 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 or detention
 - 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 supervisors' judgment that should be secured as evidence
2. Storage of Media not held as evidence (Recorded Media or Test)
- a) The recorded media will be stored in the designated evidence software.
 - b) After 120 days, pursuant to Policy & Procedure 10.05: Retention of Records, the recorded data will be erased.

D. Media integrity

- 1. The MVARs recordings generated are property of the Department.
- 2. 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/or the City Attorney's Office.
- 4. Release of copies of recordings for civil proceedings shall be coordinated through the City Attorney's Office.
- 5. 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.
- 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 Manawa Police Department and can only be release 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 will coordinate the repair or replacement of MVARs equipment.
 - a) Supervisors will perform periodic reviews to ensure officers follow established procedures for the storage, use of, and maintenance of MVARs equipment and the proper documentation of its use.
 - b) In addition, The Chief or his/her 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.
6. Video review.
 - a) The 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 within the squad car prior to the data being downloaded. (This may be beneficial when dictating a report).
 - d) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.
 - d) Supervisors should review body camera and MVARs data bases at random to make sure the cameras are being used.
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. Recording Devices are utilized primarily by sworn personnel as authorized by this agency. Officers who are assigned Recording Devices must utilize such equipment unless otherwise authorized by supervisory personnel.
 - a) 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).

H. Per State Statute 165.87(1)(e) the Manawa Police Department shall make this policy available to the public on its web site or a web site maintained on its behalf.

Jason Severson
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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