



POLICY & PROCEDURE

ELKHART LAKE POLICE DEPARTMENT

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

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statute: 19.32(2)

NUMBER: 9.02

ISSUED: 03/16/2022

EFFECTIVE: 03/16/2022

RESCINDS

AMENDS

WILEAG 6TH EDITION

STANDARDS: **6.1.9**

INDEX AS: In-car Cameras
Vehicle Audio/Video Recording Equipment

PURPOSE: The purpose of this Policy & Procedure is to provide members of the Elkhart Lake Police Department with guidelines for the use, management, storage, and retrieval of audio-visual media recorded by in-car video systems.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURES

I. DEFINITIONS

- A. DEGAUSSING: Electronic cleansing of analog recording media returns the media to its original state and when it is ready for the imprinting of new images.
- B. IN-CAR CAMERA SYSTEM AND MOBILE AUDIO VIDEO RECORDER (MAVR): These are synonymous terms and refer to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

- C. MAVR TECHNICIAN: Personnel trained in the operational use and repair of MAVR's, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures. (Dependent upon the size and needs of the Department, the role of the MAVR Technician may be delegated to the supervisor.
- D. RECORDED MEDIA: Refers to audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc.)
- E. SUPERVISOR: Sworn personnel officially appointed responsibility for a Departmental component.

II. POLICY

- A. The use of an MAVR system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. It is the policy of the Elkhart Lake Police Department that Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the MAVR and the integrity of evidence and related video documentation.

III. PROCEDURES

A. PROGRAM OBJECTIVES

The Department has adopted the use of MAVR's to accomplish the following objectives:

1. To enhance officer safety.
2. To accurately capture statements and events during the course of an incident.
3. To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
4. To provide an impartial measurement for self-critique and field evaluation during recruitment and new officer training.
5. To capture visual and audio information for use in current and future investigations.

B. GENERAL PROCEDURES

1. It shall be the responsibility of the Department to ensure that the audio-video recording equipment is properly installed according to the manufacturer's recommendations.

- a) MAVR equipment shall automatically activate when emergency equipment (lights) or a wireless transmitter is operating. The system may also be activated manually from the control panel affixed to the interior of the vehicle and from the wireless transmitter.
- b) Placement and operation of system components within the vehicle shall be based on officer safety requirements.
- c) All officers shall receive training for the proper use of the MAVR system prior to using any of this equipment.
- d) Should new technology or upgrades be implemented with this equipment, officers shall receive additional training prior to using the equipment.

C. OFFICER RESPONSIBILITIES

- 1. Inspection and general maintenance of MAVR equipment installed in Departmental vehicles shall be the responsibility of the officer assigned to the vehicle.
 - a) MAVR equipment shall be operated in accordance with the manufacturer's recommended guidelines and Departmental training and policies.
 - b) Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the MAVR is performing in accordance with the manufacturer's recommendations covering the following matters:
 - (1) Remote Audio Transmitter functional:
 - Adequate power source
 - Connected to the recording equipment
 - Remote activation of system via transmitter
 - (2) Camera Lens:
 - Windshield and camera lens free of debris
 - Camera facing intended direction
 - (3) Recording mechanism capturing both audio and video information:
 - System plays back both audio and video tracks.
- 2. Malfunctions, damage or theft of in-car camera equipment shall be reported to the immediate supervisor prior to placing the unit into service.
 - a) A subsequent written report shall include information on the suspected cause(s) of equipment failure, as available, and any recommendations for corrective action.

- b) The supervisor shall determine if the unit shall be placed in service. If the vehicle is placed in service without an operating MAVR, the emergency communications center (e.g., dispatch) shall be so informed.

D. MANDATORY RECORDING

1. Traffic stops (to include, but not limited to traffic violations, stranded motorist assistance and all crime interdiction stops).
2. Priority responses.
3. Vehicle pursuits.
4. Prisoner transports.
5. Crimes in progress.
6. Any situation or incident that the officer, through training and experience, believes should be audibly and visually recorded.
7. When the MAVR is activated, officers shall ensure that the audio portion is also activated so all events are properly documented. Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

E. OPERATIONAL PROTOCOLS

1. All officers shall log into the MAVR of their patrol vehicle at the start of their shift when time allows. Temporary short term use of vehicles shall not apply such as transporting a vehicle for repair. If the vehicle is placed in service without an operating MAVR, the emergency communications center (e.g., dispatch) shall be so informed.
2. Officers using the digital transmitters that are individually synchronized to their individual MAVR shall activate both audio and video recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
3. Officers should review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
4. With the exception of police radios, officers shall ensure that the volume from other electronic devices within the police vehicle does not interfere with MAVR recordings.
5. Officers shall not erase, alter, reuse, modify or tamper with MAVR recordings. Only a supervisor or MAVR technician may erase and reissue previously recorded recordings and may only do so pursuant to the provisions of this

Policy & Procedure.

6. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment issued or authorized by the MAVR technician.
7. MAVR recordings shall be noted on all incident reports when they record any of the following:
 - a) Arrests.
 - b) Assaults.
 - c) Physical or verbal confrontations, vehicle pursuits.
 - d) Vehicle searches in which contraband is recovered.
 - e) Driving while intoxicated or under the influence or impaired arrests.
 - f) All prisoner transports.
8. When the MAVR is activated to document an event, it shall not be deactivated until the event has been concluded unless:
 - a) The incident or event is of such duration that the MAVR may be deactivated to conserve recording times; and
 - b) The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
 - c) The intention to stop the tape has been noted by the officer either verbally or in a written notation.

F. TECHNICIAN RESPONSIBILITIES

1. A designated officer or other employee (MAVR technician) shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media and related equipment.
2. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The MAVR technician will maintain a record database of issued media.
3. The MAVR technician shall be responsible for the following:
 - a) Long-term storage of media deemed to be of evidentiary value consistent with the Department's evidence storage protocols and retention schedule.
 - b) The cleansing (degaussing) and re-issuance of all other media deemed to

be of no evidentiary value consistent with the Department's document retention requirements.

H. 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.

I. MEDIA DUPLICATION

1. All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited without specific written authorization of the Chief of Police or designee.
2. To prevent damage to, or alteration of, the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the Departmental MAVR into any device not approved by the Departmental MAVR technician or forensic media staff.

J. RECORDING CONTROL AND MANAGEMENT

1. Recordings are subject to existing State of Wisconsin open records laws.
 - a) 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.

- b) Recordings may be duplicated for another criminal justice agency when required for trial, or otherwise authorized by the Chief or designee.
 - c) 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.
2. Recordings may be shown to Elkhart Lake Police Department employees for training and evaluation purposes.
 3. Recordings may be shown to persons other than Elkhart Lake Police Department employees provided prior approval is obtained from the Chief or designee.
 4. Storage of Media: MAVR media will be downloaded at a minimum weekly by an assigned supervisor to an allocated hard drive. This hard drive shall be kept in a secured location only accessible by the assigned supervisor.
 5. 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
 - g) Incident involving citizen complaint
 - h) Any other incident in the officers or supervisors judgment that should be secured as evidence
 6. Storage of Media not held as evidence
 - a) The assigned supervisor shall remove the recorded media weekly from each squad car and download onto the assigned hard drive.
 - b) The recorded media will be stored in files identified in weekly increments.
 7. Media integrity
 - a) MAVR recordings are subject to Wisconsin Open Records Laws.

- b) Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the City Attorney's Office.
- c) Release of copies of recordings for civil proceedings shall be coordinated through the City Attorney's Office.
- d) All MAVR 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.
- e) 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 Elkhart Lake Police Department and can only be release with authorization of the Chief of Police.

8. Miscellaneous

- a) 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 MAVR are recording or not.
- b) Officers are not required to cease or initiate recording based on the demand on of a citizen, involved party, or suspect.
- c) No employee shall attempt to erase, alter, or cause to be erased or altered, any MAVR media. The only exception would be pursuant Policy & Procedure: 10.05 Retention of Records.
- d) Supervisors will coordinate the repair or replacement of MAVR equipment.

Supervisors will ensure officers follow established procedures for the use of maintenance of MAVR equipment and the proper documentation of its use.

- e) Recordings used for training purposes.
 - (1) 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.
 - (2) The supervisor will review the recording to determine the value for training.
 - (3) The supervisor will obtain expressed permission from the Chief of Police or designee to use the recording for training.
- f) Tape review.
 - (1) The MAVR recordings may be routinely or randomly reviewed by supervisors to monitor officer performance.

- (2) Field Training Officers should routinely use the recordings of probationary officers during the FTO process for constructive critique review.
- (3) Officers may review their own recordings within the squad car prior to the data being downloaded. (This may be beneficial when dictating a report).
- (4) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.
- (5) Sergeants should review body camera and MAVR data bases at random to make sure the cameras are being used.

9. Recordings Retention; 180 Day Hold

- a) 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 180 days.

Michael Meeusen
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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