


# HALES CORNERS POLICE DEPARTMENT

	GENERAL ORDER			
	TITLE <b>UTILIZATION OF AUDIO-VIDEO RECORDING SYSTEMS</b>			
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<p><i>NOTE: This General Order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the department, and then only in a non-judicial administrative setting.</i></p>				

## I. PURPOSE

The Hales Corners Police Department has adopted the use of Audio-Video Recording Systems; Mobile Video Recorders and Body-Worn Cameras, to provide persuasive documentary evidence which helps defend against civil litigation and allegations of officer misconduct when properly utilized. This standard is to provide proper guidance for the use of the audio-video recording systems. 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 recording systems and the integrity of evidence and related video documentation. This operating procedure does not apply to the use of hand held camcorders or audio/video surveillance devices.

## II. DEFINITIONS

*Mobile Video Recorder (MVR)* – Audio-video recording equipment designed for fixed installation in patrol vehicles.

*Body-Worn Camera (BWC)* – A portable audio video recording device which can be worn on a person’s body.

*Officer*— For purposes of this General Order *Officer* applies to: any sworn member of the Department and any civilian member of the Department who regularly supports patrol functions (Police Aides,) and who are authorized to use MVRs installed in department vehicles and/or BWCs.

*Recording* - Refers to audio-video signals recorded on any storage media.

*Data* – Recordings of audio-visual signals stored but not not utilized for any purpose is considered data and not a record for Open records purposes.

*Open Record* – Recordings of audio-visual signals that are utilized for a permissible purpose as described in this General Order or copied from the central storage device are potentially records subject to disclosure. Any recording copied for evidentiary purpose is an Open Record.

## III. SPECIFIC PROCEDURES

### A. Authorized Use

1. The Department uses audio-video recording systems for the purpose of recording video and audio accounts of events. Events can include, but are not limited to, traffic stops, pursuits, DWI investigations, routine patrol activities, and other types of disturbances and arrests. Use of the camera is intended to provide an accurate record of an incident for criminal, investigative, and administrative purposes.
2. Notification of Public--It is not necessary for officers to volunteer the fact that the incident or contact is being recorded. If a person asks if they are being recorded, the officer should inform them of the recording. If a member of the public objects to the recording, they should be courteously informed that Wisconsin law allows video and audio recording in accordance with this standard.
3. Officers are not required to cease or initiate recording based on the request or demand of a citizen, involved party, suspect, or offender.
4. Notification-Prisoner Compartment (Squad)--The following message will be posted in a location that will be visible to those subjects seated in the squad prisoner compartment. This posting should be stated in both English and Spanish: **“Audio Recording in Progress. Grabación Audio Está en Curso.”** The posting should be positioned in manner that will not obstruct an officer’s view of the prisoner compartment.

## **B. Training**

1. Prior to operating an MVR or wearing a BWC officers will complete a training course.
2. The training course will include, at a minimum; a review of this General Order, engaging in practical exercises, conducting a review of an audio and video recording, and discussion on best practices for camera placement.
3. Practical exercises will include; a vehicle contact scenario, a field interview contact, and a building search.

## **C. Required Use**

1. All officers having received specialized instruction and demonstrated proficiency in the proper operation and use of a MVR and/or BWC will be required to operate the equipment in conformity with this General Order.
2. Officers are required to activate an audio-video recording system on all the listed activities in this section whether they are the initial officer, a secondary back up officer; or conducting supervisory observation of another officer on official business:
  - a. Calls For Service.
  - b. Self-initiated activities involving the general public.
  - c. Investigative activities involving the general public.
  - d. Interaction with subject(s) in custody or being taken into custody

- e. At the direction of the officer's immediate supervisor.
3. It is recognized that some events may not be foreseeable by the officer, and in some cases, may not be recorded. A good faith effort by officers to record appropriate incidents is required.
4. Officers assigned a BWC will wear the equipment in the appropriate position to capture video which most closely represents the officer's field of view.
  - a. Officers are not expected to jeopardize their safety, or the safety of the general public, in order to obtain better video-audio recordings.

#### **D. Discretionary Use**

1. Officers are encouraged to activate an audio-video recording system on all the listed activities in this section whether initial officer, secondary back up officer; or supervisory observation of another officer on official business.
  - a. Any incidents which, in the officer's judgment, have the potential to be used as evidence in a civil or criminal procedure.
  - b. To capture natural disasters and unusual occurrences.
  - c. For training or self-evaluation.

#### **E. Exceptions to Use**

1. When engaged in law enforcement activities not in the presence of the general public.
2. When interacting with a victim who is a child.
3. When interacting with the victim of a sexual assault.
4. When interacting with a victim or a witness in a hospital.
5. When interacting with a confidential informant.
6. When interacting with an undercover officer.
7. When ordered by a supervisor.
8. When inside a secure correctional facility.
9. When inside a designated interview room equipped with an audio-visual recording system.

#### **F. Restrictions on Use**

1. Officers are prohibited from using audio-video recording systems to record the activities/conversations of other police department employees unless it applies to the above listed incidents that are required to be recorded, or explicit permission from the police department employee has been obtained.

2. Officers are prohibited from using an audio-video recording system in rest rooms, locker rooms, or any other location deemed by Wisconsin State Statute 175.22 to have a reasonable expectation of privacy.
3. Officers are not authorized to erase, reuse, or in any other manner alter recordings.
4. Officers will in no way interfere with the recording system, re-record over any incident, or intentionally cause the unit to malfunction.
5. Any officer who intentionally disables or damages any part of the video recording or transmitting equipment or fails to activate the system as required by this standard will be subject to disciplinary action.

### **G. Operating Guidelines**

1. The MVR record mode, and when synched the BWC record mode, will automatically be activated by any one of the following methods in a MVR equipped squad car:
  - a. Whenever the emergency lights are activated.
  - b. When the car's speed reaches 80 mph.
  - c. When an impact of the factory set G-force is felt.
  - d. When the gun lock is activated.
2. The MVR record mode may manually be activated by the following methods:
  - a. By manually activating the system from inside a squad car.
  - b. By depressing the "RECORD" button on the remote microphone.
  - c. By depressing the "RECORD" button on a synched BWC.
3. The BWC record mode may manually be activated by the following methods:
  - a. By manually activating the MVR from inside a squad car.
  - b. By depressing the "RECORD" button on the BWC.
4. Once recording has begun, the audio-video recording system(s) shall remain "on" until the incident has reached its conclusion, or the officer leaves the scene because their presence is no longer needed.
5. If an officer terminates a recording prior to; leaving the scene of an incident, for an excepted use reason, and/or for a restricted use reason, they will make an announcement on the recording immediately prior to that termination.

## H. Officer Responsibilities

### 1. Equipment Check

- a. Officers will power on the MVR system in their assigned/chosen squad car at the beginning of their tour of duty and ensure it is functioning properly throughout their tour. A non-functioning MVR system will be immediately reported to a supervisor.
- b. Officers will power on the BWC assigned to them at the beginning of their tour of duty and ensure it is functioning properly throughout their tour. A non-functioning BWC will be immediately reported to a supervisor.
- c. In the event the MVR system fails during an officer's tour of duty, the officer must immediately notify the Shift Commander. At the discretion of the Shift Commander and dependent on fleet availability, an officer may be required to change to a squad car with a functioning MVR system or may be permitted to continue without a MVR.

### 2. Wireless Microphone

- a. Officers assigned to a squad equipped with MVR are required to ensure that the microphone is functioning properly and is powered on at all times. No employee shall turn off the wireless microphone, during their tour of duty.
- b. The wireless microphone is to be carried at all times during an officer's tour of duty. Officers shall return the wireless microphone to the appropriate wireless microphone docking system at the end of their shift.
- c. The only exception to this section (G.2.a.b.) is when a suitable BWC is utilized in lieu of the wireless microphone.

### 3. **Archival**-- If an audio-video recording exists, the following incidents must be archived:

- a. OWI Arrests.
- b. Pursuits.
- c. Crashes involving squad cars.
- d. Any incident involving an alleged citizen complaint.
- e. Any incident involving an alleged complaint of biased-based policing.
- f. Any incident where an officer is injured and/or assaulted.
- g. Any incident where a suspect is injured in the course of an arrest or investigation.
- h. Any incident involving the use of force.
- i. Any situation or incident that a Commanding Officer, Supervisor and/or Officer believes should be archived.

### 4. **Identification (Tagging) of Recording**--After each archive able event that is recorded, an officer must identify (tag) the recording. The general nature of the recorded incident shall be identified (tagged) using the drop down menus available on the in-squad monitor.

### 5. **Documentation of Recorded Incident**--Officers shall clearly document the use of audio-video recording systems in any report applicable to an incident.

6. **Request for Recordings**--Officers are required to complete form HCP57 *Video Capture Request* (Appendix A) in order to request copies of incident recordings for evidentiary purposes, training, or any other associated purposes stated in this standard. The *Video Capture Request* form must be submitted to the Administrative Lieutenant by placing it in his/her mailbox. The Administrative Lieutenant will provide copies of recordings in compliance with HCPD General Orders 34 *Evidence & Property* and 115 *Video Surveillance In Department*.
  - a. When recordings are copied for evidentiary purposes the recordings become records and are subsequently subject to disclosure consistent with Open Records statutes and HCPD General Order 72 *Open Records*. Recordings with evidentiary value will be maintained for the period specified in Open Records statutes and/or for the duration of related civil litigation and/or criminal process; whichever is longer.
7. **Upload of Audio-Video Recordings**
  - a. Uploading will occur automatically whenever a MVR equipped patrol squad is parked within range of the network wireless access point Police Garage.
  - b. Uploading will occur whenever a BWC is placed in the charging dock located in the Assembly Room.


#### **I. Review of Recordings**

1. All audio-visual recordings are considered law enforcement sensitive data. The retention period for recorded media is one (1) year.
2. Officers may request to review their own recorded media or make them accessible to their supervisor for constructive critique review.
3. Field Training Officers should routinely use the recordings of trainee officers during the Field Training process for constructive critique review
4. Administrative staff may review recorded media; in response to citizen complaints, during internal investigations, to assess equipment performance, to assess officer performance for the development of training.
5. Command staff is responsible for review and if necessary redaction of recorded media requested under open records law or discovery demands.

#### **J. Manintenance and Repair**

1. Command staff is responsible for the general maintenance of MVRs and BWCs.
2. Operators are responsible to ensure the proper functioning of MVRs and BWCs. If they discover that a MVR is damaged or malfunctioning they shall utilize a different squad if available and report the condition to a supervisor before then end of their shift. If they discover that a BWC is damaged or malfunctioning they shall stop wearing the BEC and report the condition to a supervisor immediately.

3. A designee will ensure the MVR is removed as soon as possible from a wrecked or damaged vehicle when security of the MVR may be compromised or where it might be further damaged from exposure to the elements.
  
4. A designee will ensure the information from the MVR is downloaded, prior to any motor vehicle repair or service that is conducted off-site or motor vehicle repair or service that may affect the integrity of the stored audio-video images.

<b>ISSUED BY:</b>  Eric R. Cera Chief of Police	<b>HISTORY:</b> Effective: KRB 06/01/2008 Reviewed: 09/08/2008 Revised: 07/29/2009 Reviewed: ERC 05/24/2012 Reviewed: BDK 09/12/2016 Revised: PB/EC 10/12/2017 Review: ERC 03/06/2020	
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**APPENDIX A**

Hales Corners Police Department						HCP57
VIDEO CAPTURE REQUEST						
Officer Requesting		Date of Request	Incident Date	Incident Time	Suspect Name	
Incident Report Title			Beginning Time	Ending Time	Charge Description <input type="checkbox"/> State <input type="checkbox"/> Municipal	
Cameras Utilized	<input type="checkbox"/> Squad	Number	Copies Needed	Needed By	PI Number	Incident Number
<input type="checkbox"/> Garage	<input type="checkbox"/> Booking Room					
<input type="checkbox"/> Hallway	<input type="checkbox"/> Detective Office					
Request Completed By			Date Completed	Time Completed	Requesting Officer Notified (Date/Time)	
Comments/Special Instructions						