



**TITLE:**

## **RECORDING EQUIPMENT**

<b>CHAPTER:</b>	<b>ISSUED:</b>	<b>REVIEW DATE:</b>	<b>PAGES:</b>
6	3/16/20	04/01/23	5
<b>SUPERSEDES:</b> Mobile Video Recording Equipment dated 12/17/17			
<b>DISTRUBUTION:</b> All Personnel			
<b>WILEAG STANDARDS:</b> 6.1.9			

### **I. POLICY**

It is the policy of the Brown Deer Police Department to utilize recording devices to further the Department's mission and document officer activity.

### **II. PURPOSE**

The purpose of this policy is to provide guidelines for the use, management, storage, and retrieval of audio-visual media recorded by Mobile Video Recorder (MVR) and Body Worn Camera (BWC) Systems.

### **III. DEFINITIONS**

- A. Recording Device – For the purposes of this policy; a Body Worn Camera (BWC) and/or vehicle Mobile Video Recorder (MVR).
- B. Professional Contact - An interaction with a member(s) of the public where an execution of job responsibilities may reasonably be anticipated.
- C. Evidence.com – A web-based, secure, offsite storage solution for the management and storage of audio/video recordings produced by each recording device.

### **IV. PROCEDURE**

#### **A. Department Responsibilities**

1. Ensure recording equipment is installed according to manufacturer's recommendations.
2. Provide training and instruction on the proper operation of recording devices.
3. Provide training and instruction on proper maintenance, storage, retention categories, and/or release of data from recording devices.
4. Periodically review recording practices to ensure compliance with policy and state law.
5. Maintain a copy of the Department's *Recording Equipment* policy on the Village's website.

## RECORDING EQUIPMENT

### B. Officer Responsibilities

1. Handle and operate all recording devices with reasonable care and in accordance with manufacturers recommended guidelines and training.
2. Prior to beginning each shift, perform an inspection of the recording device(s) to ensure that it is performing correctly. This includes, but may not be limited to the following:
  - a. Proper positioning. BWC should generally be worn on or near the officer's head and on the officer's strong side.
  - b. Camera lenses and windshield free from debris.
  - c. Verify the recording device is capturing both audio and video.
  - d. BWC unit is adequately charged.
3. Periodically check the operation of the recording device to ensure it is functioning correctly.
4. Malfunctions, damage or loss of a recording device shall be reported to the immediate supervisor.

### C. Guidelines for Use

1. Officers shall make every effort to activate the recording device(s) for all professional contacts including, but may not be limited to:
  - a. Vehicle stops/pursuits.
  - b. Field Interviews and pedestrian stops.
  - c. Transports of citizens and prisoners.
  - d. Searches of persons or property.
  - e. Dispatched calls for service.
  - f. Crash scenes (may be turned off if member is waiting on a tow truck and no additional enforcement activity is likely).
  - g. Suspect/witness statements and interviews.
  - i. Emergency response to incidents.
  - j. Any situation that the officer believes should be audibly and visually recorded.
2. If a recording device is not activated or deactivated during a professional contact, the reason shall be documented within the written report.
3. Recording at the Criminal Justice Facility (CJF) will cease upon entry to the facility unless approved by CJF staff.
4. Once a recording begins, officers should continue to record until the completion of the

## RECORDING EQUIPMENT

event or they leave the scene and their involvement in the event ceases.

5. Officers are encouraged to narrate events to provide the best documentation for prosecution purposes.

### D. Exceptions to Recording

1. Officers have discretion whether or not to record potentially sensitive events or circumstances (e.g., victims of a sexual assault, child victim statements / interviews, nude persons who are not the target of enforcement action, or a citizen victim/witness who requests they not be recorded while giving a statement, or where otherwise authorized by this policy).
2. Officers may deactivate or mute recording devices during non-enforcement activities such as:
  - a. Member to member conversations about crime charging issues or other general conversations.
  - b. Traffic control at fires, crime scenes, or crashes when the likelihood of being involved in enforcement activity is low.
  - c. Lengthy hospital stays awaiting medical clearance.
3. Recording devices should be deactivated during prisoner handling, provided the booking room cameras are operational.

### E. Prohibited Recordings

1. Recording devices shall not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms. Any purposeful or accidental recordings made under these circumstances may be deleted prior to the standard 120-day retention period at the direction of the Chief of Police or designee.
2. Recording devices shall not be used to record strip or body cavity searches.
3. Recording devices shall not be intentionally activated to record conversations of fellow employees without their knowledge during routine and non-enforcement activities.
4. Recording devices will not be used to record any off duty or personal activities.

### F. Officer Involved Death or Injury

1. Officers involved in an incident resulting in death or serious injury shall not view a recording until instructed to do so by the lead investigator assigned.

## RECORDING EQUIPMENT

2. This section does not prohibit non-involved officers from viewing a recording that may aid the present investigation (e.g., suspect description, suspect vehicle description or direction of travel).
3. Recordings associated with the incident shall be secured and preserved as soon as practical. Copies shall be provided to the Lead Investigating Agency per Milwaukee Area Investigative Team protocol.

### G. Retention, Uploading and Categorizing of Data

1. Prior to upload, officers should assign the recording to an appropriate category, ID and title. Tagging and categorizing videos frequently while working is preferred.
2. Categorization of recordings should follow the following guideline:
  - a. ID Field: Enter BDPD and the CAD/INCIDENT number, for example “BDPD 20-001234”
  - b. Title Field: Enter CAD/INCIDENT number, a brief explanation of what is recorded in the title field (e.g. DV, suspect interview, T.S. arrest for RT, FI etc.), and the officer’s last name. For example “20-001234 DV – Smith.”
  - c. Category Field: A category should be selected from the list of 14 categories in Appendix A. Each category has a brief description and its respective retention period.
3. At the end of each shift, officers shall ensure their recordings are uploading by following the procedures outlined in training.
4. The recorded data is considered impounded once uploaded.

### H. Reporting/Documentation

1. An officer’s use of a recording device will be documented in the opening paragraph of an incident or supplemental report.
2. When a recording device captures an incident resulting in an arrest or citation, the officer should document in the citation narrative as “On BWC and/or MVR recorded video”.

### I. Department Review/Training

1. All recordings made are the property of Department.
2. With the exception of officer involved death and/or injury, recordings may be reviewed to assist in report preparation, citations, case preparation, obtaining evidence, internal investigations, Incident Review Panels and open records requests.

## RECORDING EQUIPMENT

3. Recordings may be used for training. Officers aware of a recording that may serve as a training aid should notify a supervisor.
4. Recordings shall not be used to intentionally belittle, ridicule or embarrass an employee.

### J. Data Privacy - Retention of Recordings - Records Requests

1. Recordings shall be held for a minimum of 120 days. Recordings may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, or part of discovery.
2. Unauthorized accessing, copying, rerecording or releasing of captured recordings without the approval of the Chief of Police or designee is prohibited.
3. With the proper Evidence.com permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or designee.
4. Employees will not allow citizens to review recordings unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Citizens may request a copy or view a recording via the public records process.
5. Requests for a recording will be made through a supervisor and contain the officer's name, squad assignment, time, date, incident number and description of the call.
6. The release of recordings through public records requests will be handled in accordance with existing policy, body worn camera law (§ 165.87), and public records laws.
7. Prior to the release of any recording to the public, authorized personnel will ensure that proper redactions have been made in accordance with state law.



BY: \_\_\_\_\_

Michael A. Kass  
Chief of Police

DISCLAIMER: This policy and procedure is for internal use only, and does not enlarge an employee'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 policy and procedure, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

## RECORDING EQUIPMENT

### APPENDIX A

Category	Name	Description	Retention period
1	Non-Evidentiary	Recordings that includes contact with the public but has no evidentiary value.	120 Days
2	Traffic /Muni Cits or Arrest	Recordings that have potential use in municipal court	180 Days
3	Misdemeanor Arrests	Recordings associated with a misdemeanor arrest / charge	2 years
4	Felony Arrests	Recordings associated with a felony arrest / charge	3 years
5	Emergency Detention	Recordings associated with an Emergency Detention	1 year
6	Officer Injury	Recordings in which a member of the department becomes injured	2 years
7	Testing Equipment	Recordings made in order to test equipment	120 days
8	Traffic/ FI Stop	Recordings associated with a traffic / FI stop	120 days
9	OWI MUNI	Recordings associated with an OWI arrest	1 year
10	Training	Recordings which can be used for teaching or training of other members	120 days
11	Use of Force	Recordings associated with a member's use of force not rising to the level of a critical incident	2 years
12	Critical Incident	Recordings associated with a critical incident (Restricted)	Manual Deletion
13	Administrative Hold	Any recording can be placed on administrative hold by a supervisor (Restricted)	Manual Deletion
14	Pending Review	This folder is populated when there is a technical issue with a recording. Files pushed to this folder will remain until reviewed by an administrator and or Axon administrator	AXON

***Data used in a criminal, civil, or administrative proceeding may not be destroyed except upon final disposition, including appeals, a determination from the court or hearing examiner that the data are no longer needed, or an order from the court or hearing examiner.***