

## Mobile Audio Video

<b>Effective Date:</b>	08/08/2017
<b>Revised Date:</b>	11/03/2023
<b>Issuing Authority:</b>	Chief K. Bakken

### 422.1 PURPOSE AND SCOPE

The Altoona Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 422.2 POLICY

It is the policy of the Altoona Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 422.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 422.4 MEMBER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.

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At the start of each shift, officers should inspect the MAV and test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training. If any defect is detected, officers should notify a supervisor and use a functioning system, if available.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

Members should document the existence of a recording in a report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

#### **422.5 ACTIVATION OF THE MAV**

The MAV system is designed to turn on by manual activation or set conditions (speed, emergency lights, etc). The system remains on until it is turned off manually.

##### **422.5.1 REQUIRED ACTIVATION OF THE MAV**

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV.

The MAV system should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify the Communications Center
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a MAV or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

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#### **422.5.2 CESSATION OF RECORDING**

Once activated, the MAV should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing, waiting for a tow truck or family member, or other breaks from direct participation in the incident.

#### **422.5.3 SURREPTITIOUS USE OF THE MAV**

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **422.6 PROHIBITED USE OF MAV**

Members are prohibited from using department-issued MAV's and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Police Chief. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

#### **422.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members shall download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer recordings at the end of each work shift. Members shall tag or mark recordings with the case number prior to the conclusion of their work week and no more than 4 days after the recording. If there is not a case number, members should use a citation number, warning number, or note what the video contains. Members shall place the recording in the category that most accurately reflects the nature of the recording always using the most serious offense.

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- (a) Criminal Investigation: Interviews, statements, interrogations, arrests
- (b) Juvenile Investigation: Interviews, statements, interrogations, arrests, citations - under 17 years old.
- (c) Mental Health: Chapter 51, Chapter 55, Detox, or any mental health-related case
- (d) Arrest/Warrant Arrest
- (e) Civil Investigation
- (f) Death Investigation
- (g) Medical Incident
- (h) Crash Investigation
- (i) Citation: Traffic or ordinance
- (j) Warning: Written, verbal - traffic or ordinance
- (k) Other: Citizen contact no action taken
- (l) Test: Testing device, Accidental recording

If the recording contains sensitive or shocking information or images the video should be tagged with the red flag option. If the recording is part of an internal investigation the video shall be tagged confidential in conjunction with an above category

### **422.8 REVIEW OF MAV RECORDINGS**

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

When preparing written reports, members can review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review and document relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, policy-required reviews, or whenever such recordings would be beneficial in reviewing the member's performance. This includes documented use of force and pursuit reviews following those incidents and in accordance with respective policies.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

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- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy).

#### **422.9 SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made to notify the coordinator of needed repairs. A vehicle with a properly functioning system should be used if available.

On reasonable intervals, supervisors should validate that recorded media is downloaded and documented, including ensuring videos are labeled and tagged appropriately.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved crashes), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV coordinator or crime scene investigator downloads the recorded media. The coordinator or investigator should ensure the media is recovered and retained appropriately, often as evidence. Copies may be distributed to investigators as appropriate to the investigation.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of surveillance regarding the conversations or actions of an officer.

#### **422.10 COORDINATOR**

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Coordinating training on this policy to:
  - 1. Officers who are authorized to use MAV's.
  - 2. Members of the Department who use, maintain, store, or are responsible for the release of records and recordings.
  - 3. Supervisors for reviewing and monitoring software and videos.

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- (f) Periodically reviewing the Department's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.
- (g) Ensuring this policy is available to the public

### **422.11 RETENTION OF RECORDINGS**

Once submitted for storage, all recording media will be labeled and stored in a designated secure area/server. All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days.

#### **422.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

#### **422.11.2 EXCEPTIONS TO RETENTION REQUIREMENTS**

Exceptions to the 120-day retention period for body-worn cameras are as follows:

- (a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
  1. Death or actual or alleged physical injury to any person in the recording
  2. An encounter resulting in custodial arrest
  3. A search during a temporary detention pursuant to Wis. Stat. § 968.25
  4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal
- (b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
- (c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of fire and police commission, prosecutor, defendant, or a court.

### **422.12 TRAINING**

All members who are authorized to use the MAV system shall successfully complete instruction prior to its use.

Supervisors shall be trained on the reviewing MAV videos and related policy.