

Mobile Audio and Video Recording

	Ashwaubenon Dept. of Public Safety		Title: Mobile Audio and Video Recording	
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I. PURPOSE

The purpose of this policy is to establish guidelines to be followed during the use of mobile audio and video recording equipment in accordance with Wis. Stats. [§165.87](#).

II. POLICY

All sworn public safety officers while conducting law enforcement duties, will wear a department issued body worn camera at all times unless unavailable, malfunctioning, or provided an exception for specific duties from the Chief of Public Safety.

III. DEFINITIONS

- A. **BODY WORN CAMERA (BWC):** A portable audio and/or video recording device which can be worn on an officer's body.
- B. **MOBILE AUDIO/VIDEO RECORDING EQUIPMENT:** Electronic devices designed for capturing audio and/or video recordings. This includes but is not limited to body worn cameras and fleet video systems.

IV. PROCEDURE

- 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 shall determine whether their recording equipment both BWC and fleet cameras, are working properly and shall report any problems to the Shift Supervisor as soon as practical.
- C. Body worn cameras should generally be worn on or near the officer's upper or mid-chest area.

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1. The purpose is to put the camera in the best position to record as much audio/video information as possible.
 2. Officers are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.
- D. The BWC unit shall be turned on and recording prior to contacting the public. Officers shall record their interactions while in direct or indirect (telephonic) contact with the public. Examples include but are not limited to:
1. All officer/subject contacts during traffic stops.
 2. All officer/subject contacts during an arrest including approach, custody, statements, transportation, department booking process and release.
 3. All officer/subject contacts of arrested subjects taken to the Brown County Jail. Recordings will cease upon entry to these facilities unless approved by facility staff.
 4. 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.
 5. When responding “emergent” to any call.
 6. Telephonic conversations with citizens for work related matters unless another recording device is used.
- E. Fleet camera systems and BWCs work in conjunction with each other. Fleet systems shall be activated in a similar fashion as BWCs to include but not limited to:
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. Suspicious vehicles
 5. Arrests
 6. Vehicle searches
 7. Physical or verbal confrontations or use of force

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8. Pedestrian checks
 9. OWI investigations including field sobriety tests
 10. Consensual encounters
 11. Crimes in progress
 12. Responding to an in-progress call
- F. Continuous, non-stop recording during all official citizen contacts or incidents of an enforcement nature is required with limited exceptions.
- G. Prior to stopping any recording, the officer shall obtain a video recording of the person requesting the camera be turned off and properly document this in the report. The following may be reasons to stop recording:
1. The recording of confidential information is an exception. If a person wants to give an officer confidential information during a citizen contact or enforcement action, the initial recording may be stopped. If the officer transitions back to the initial investigation, the recording shall be stopped and restarted again for purposes of recording the initial investigation or contact information.
 2. Protecting victims' rights. In order to prevent a victim from being re-victimized, officers may choose to audio record victims during the course of their investigations. This would apply for victims of sexual assault and other victims of sensitive crimes. This may include but is not limited to:
 - a. Sexual Assaults
 - b. Domestic Disturbances
 - c. Children Victims
 3. When recording incidents in a private residence, if asked, officers shall inform subjects that they are recording. If requested, officers may de-activate the recording to protect victim's rights as in section G.2.
 - a. If officers are in a residence pursuant to a lawful arrest or search, the recording shall not be deactivated.
 4. Officers are reminded of the restrictions in Wis. Stats. § [175.22](#) prohibiting audio or video recording in locker rooms. Officers shall not record in areas where there is a reasonable expectation of privacy such as in restrooms and locker rooms unless there to make a lawful arrest or in situations where there is a need to protect the officer such as a welfare check.

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5. Officers shall not record other employees of this department unless in an official capacity or as part of a suspect or citizen contact whether in person or on the phone.
- H. The equipment may also be deactivated or muted during non-enforcement activities such as:
 1. Officer-to-officer conversations about items such as charging issues and other general conversations;
 2. While protecting accident scenes from other vehicular traffic;
 3. Conducting extended traffic control;
 4. Awaiting a tow truck;
 5. Rescue calls not of enforcement nature; and
 6. Other routine citizen contacts that are non-enforcement in nature such as but not limited to, general inquiries of staff that may or may not be public safety related
- I. Officers shall document in all pertinent reports whenever recordings are made, when their recordings are deactivated or muted and their reasons for such during an incident where a recording is required.
- J. Each officer equipped with a body worn camera shall record enforcement contacts they are participating in. If multiple officers are involved in an enforcement contact, all officers will record the contact. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes.
- K. Officers shall not intentionally erase or alter recordings in any way.
- L. Officers shall not use mobile audio/video recording equipment to record personal conversations, i.e., disciplinary actions, administrative discussions, union discussions, supervisor's directives, or talks between employees unless directed by the Chief.
- M. Use of body worn cameras or recording equipment is for on-duty, official police business only.

V. RECORDING CONTROL AND MANAGEMENT

- A. Recordings are stored using Axon's Evidence.com secure on-line cloud storage system. This system requires officers to title and categorize their video files.

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1. Officers shall title (Using agency case number) and categorize all videos which they request a case number for, or the video is likely to be subject to an open records request. All other videos will be retained for at least 120 days.
 2. The primary officer shall be responsible for ensuring all videos which are part of a “case” file in Evidence.com are actually placed in the “case” file and saved appropriately. The link to this file can then be shared with approved agencies such as the Village Attorney and County DA’s Office or other approved personnel through Evidence.com. The support staff can also then copy any necessary videos to a disc as needed.
 3. All categorized videos will have a retention period ranging from 120 days to “until manually deleted.”
 4. Officers must indicate in their report that the incident was recorded with their camera. If there was a malfunction or the officer failed to turn the camera on, this must also be indicated in the report. Officers will also indicate the video evidence was entered into APS evidence “cloud” on the property sheet and in the evidence system. A CD may be burned as a back-up and upon request by a supervisor or prosecuting attorney.
- B. Recordings are subject to existing State of Wisconsin open records laws.
1. A reproduction fee for the duplication of recordings will be established by the Village of Ashwaubenon.
 2. Recordings may be duplicated for another criminal justice agency when required for trial or otherwise authorized by the Chief or the Chief’s designee.
- C. Recordings may be shown to Ashwaubenon Public Safety Department employees for training, quality assurance and evaluation purposes.
1. Recordings may be shown to persons other than Ashwaubenon Public Safety Department employees provided prior approval is obtained from the Chief or the Chief’s designee.
 2. Recordings will be provided to the District Attorney’s Office (Either via disc or via a link through Evidence.com) for purpose of evidence and upon mutual aid requests from other law enforcement agencies.

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D. 120 Day Hold

1. Recordings classified as "Uncategorized" will be saved for 120 days per the Wisconsin Department of Administration records retention policy.

VI. Reports

- A. Officers shall write their reports as if the on-officer video didn't exist.
 1. Officers shall indicate in the first paragraph of their report that their audio/video devices were activated.
 2. Officers may review their videos prior to writing reports, if necessary, for accuracy and detail.
 3. Officers shall not depend on their video as their report.
- B. If for any reason the recording failed or was not activated, those reasons shall be documented in the report.

VII. Training

- A. All officers who are authorized to use the mobile and audio equipment will receive training on its use.
- B. All personnel who use, maintain, store, or release body camera data shall be trained on this policy and on guidelines for the retention and release of body camera data as needed.
- C. Wis. Stats. [§165.87 \(d\)](#) requires periodic review practices regarding body worn cameras and data to ensure compliance with the policy.



Brian A. Uhl
Chief of Public Safety

4/08/21

Date: