PURPOSE: The purpose of this Policy & Procedure is to establish guidelines to be followed by members of the UWM Police Department during the use of mobile audio/video recording equipment.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROGRAM OBJECTIVES

IV. OPERATING PROCEDURES

V. RECORDING CONTROL AND MANAGEMENT
I. POLICY

A. Whenever an officer has reason to believe that a contact has an enforcement nature, or believes it is in the best interest of the UWM Police Department, the contact should be recorded. (An officer shall not jeopardize their safety or the safety of the public in order to activate a camera system). In general, contacts of an enforcement nature include but are not limited to:

1. Citations
2. Arrests
3. Warnings
4. Investigations to be submitted for Complaint
5. When in Medical Facilities: Officers should be conscious to not record other patients in a medical setting. Officers will not turn on their body camera in a medical facility unless it is necessary to capture the following circumstances. Officers shall take into consideration the HIPAA laws that protects patients:
   a) When responding to a crime or a situation where we are there to prevent a potential serious or imminent threat (out of control person) to an individual or the public.
   b) Officer believes that they are able to obtain evidence of a crime that occurred on the premises.
   c) When there is a death at the medical facility that resulted from criminal conduct.
   d) When responding to an off-site medical emergency, where the victim came into the emergency room (example: for a gunshot wound, stabbing, etc.).
   e) When a search warrant/warrant has been obtained.
   f) When responding to identify/locating a suspect of a crime, fugitive, material witness or missing person.
   g) When bringing a suspect or victim to the medical facility or responding to the medical facility to talk to a suspect or a victim of a crime (adult or child), when collecting evidence or obtaining evidence from talking to them.
   h) 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.

II. DEFINITIONS
A. USE OF FORCE INCIDENT: Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.

B. BODY WORN CAMERA/TRANSMITTER: A portable audio and/or video recording device which can be worn on an officer’s body.

C. (MVARS) MOBILE AUDIO/VIDEO RECORDING SYSTEM (EQUIPMENT): Portable, wireless, electronic devices designed for capturing audio and/or video recordings. This includes body worn cameras, and/or in squad mobile video/audio recording system.

D. IN-CAR COMPUTER SYSTEM OR MOBILE DATA COMPUTER (MDC): These are synonymous terms and refer to any electronic device for storing and processing data according to instructions given to it in a variable program within a squad car.

E. EVIDENCE.COM: Online web-based digital media storage facility.

III. PROGRAM OBJECTIVES

A. The UWM Police Department has adopted the use of mobile audio/video recording equipment (MVARS) in order to accomplish the following objectives:

1. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents so as to enhance officer reports, collection of evidence and testimony in court.

2. The enhancement of the Department’s ability to review probable cause for arrest, arrest procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.

3. Protect officers from false allegations of improper police conduct.

   (a) Note... Under s. 973.06 (1) (av) the costs, fees, and surcharges taxable against the defendant shall consist of the following items and no others if a defendant violates s. 946.41 by obstructing an officer; the reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate the false information that the defendant provided or the physical evidence that the defendant placed.

   Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.

4. The Department recognizes that cameras can’t always capture everything that is seen by the officer or that happens at a scene, but can act as a tool to help explain an event. Sometimes the cameras are unintentionally obstructed, on a fixed mount, or may not have enough frames per second to capture what the human eye saw or perceived.

IV. OPERATING PROCEDURES
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 is working properly and shall report any problems to a Supervisor or Officer in Charge as soon as practical.

1. Officers will power on the MVARS and ensure it is functioning properly throughout their shift.

2. The system’s power will be checked by pressing the power button on top of the device. Battery level can be checked via the LED indicator.

3. Any malfunction shall be reported to a supervisor as soon as practicable.

4. Body worn camera is fully charged before each shift.

C. Body worn cameras are assigned to each sworn officer. These body worn cameras should generally be worn on the officer’s uniform in a manner as to not interfere with the recording (shirt pocket, lapel, etc.).

1. The purpose is to put the transmitter in the best position to record as much information as possible.

2. Officers are not expected to jeopardize their safety in exchange for obtaining better audio recordings.

D. OPERATING GUIDLINES:

1. The MVARS record mode will be manually activated by the assigned officer via the event button located on the body worn camera.

2. The MVARS record mode will be automatically activated whenever the emergency lights or weapon lock are activated with a squad vehicle. Alternatively, the equipment may also be activated manually when an officer taps the record button on the vendor supplied software running on the onboard MDC.

3. Once recording, personnel shall ensure there are no obvious obstructions to recording.

4. Once recording has begun it shall remain on until the incident has reached its conclusion or the officer has leaved the scene. Officers must remember to turn off the recording at the conclusion of the incident.

5. With automatic activation, officers will record all of the events outside and inside the squad and the recording unit will not be powered off until after the officer the officer clears the scene or unless directed by a supervisor. Automatic activation occurs at a specific preset speed and upon a collision.
6. Activation is required in the following situations:

   a) All citizen contacts initiated pursuant to a law enforcement investigation or investigation of possible criminal activity.

   b) Traffic stops and motorist assists.

   c) Arrests, transport, and booking of prisoners at UWMPD until secured in cell or released.

   d) Search or pat down of persons or property.

   e) Clearing crime scenes but not processing them.

   f) Crash investigations.

   g) Suspect/Witness statements.

   h) Vehicle/foot pursuit.

   i) Administering Miranda Warning.

   j) Critical incidents if not already being recorded by another system.

   k) Interactions with citizens that become adversarial.

   l) Any incident where the officer believes its use would be appropriate or valuable to document the incident/encounter as potential evidence and is not prohibited by this policy.

7. Officers will not activate or will cease recording in the following circumstances:

   a) Areas where there is an expectation of privacy, including restrooms, locker rooms, and dressing rooms unless it is part of an investigation.

   b) Those persons not subject to enforcement action who are nude, partially nude, or partially undressed.

   c) When the respect for a person’s dignity and privacy outweigh the need to record (e.g. traumatized victim of sensitive crime).

   d) Non work related activity.

   e) To record conversations of fellow department members without their knowledge and consent during non-law enforcement activity.

   f) Interaction with undercover officers or confidential informants unless used to document a criminal investigation.

   g) Upon entry into a County Jail or Juvenile Detention Facility unless approved by their staff.
h) As otherwise authorized by a supervisor or this policy.

i) Pursuant to a lawful order from a supervisor.

E. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes, court, or unusual circumstances or events.

F. Officers shall document in all incident reports whenever recordings are made.

G. Officers shall not intentionally alter or attempt to alter recordings in any way.

H. Officers shall not use mobile audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor’s directives, or talks between employees.

I. Use of MVARS is for on-duty, official police business only.

J. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms, refer to Policy & Procedure 1.04: Harassment in the Workplace.

V. RECORDING CONTROL AND MANAGEMENT

A. Recordings are subject to existing State of Wisconsin open records laws.

B. Recordings may be shown to UWM Police Department employees for training and evaluation purposes.

1. Recordings may be shown to persons other than UWM Police Department employees provided prior approval is obtained from the Chief or designee.

C. Storage of Media

All MVARS media shall be categorized and stored in Evidence.com

1. At the end of each shift, officers shall place their body worn camera into the Evidence Transfer Manager docking station for automatic uploading of all recorded data from the body worn camera into Evidence.com. The recorded data is considered to be impounded once uploaded. Upon upload to Evidence.com, the body worn camera will be cleared of existing data and ready for use during the officer’s next shift.

2. Officers shall appropriately label their recordings in Evidence.com on their next shift or as soon as practicable.

3. Requests for deletion of any recording (e.g. in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or designee. All requests and final decisions to delete a recording shall be kept on file in accordance with records retention schedules.
D. Media integrity

1. The MVARS recordings generated are property of the Department.

2. MVARS recordings are subject to Wisconsin Open Records Laws.

3. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the Attorney General’s Office.

4. Release of copies of recordings for civil proceedings shall be coordinated through UWM’s Public Records Custodian.

5. All MVARS media and recordings are possessions of the Department. As such, no recording shall be released, shared, duplicated or distributed without authorization from the Chief of Police or designee.

6. 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 devise will be considered property of the UWM Police Department and can only be release with authorization of the Chief of Police or designee.

E. Miscellaneous

1. 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 MVARS are recording or not.

2. Officers are not required to cease or initiate recording based on the demand on of a citizen, involved party, or suspect.

3. No employee shall attempt to erase, alter, or cause to be erased or altered, any MVARS media. The only exception would be pursuant Policy & Procedure: 10.05 Retention of Records.

4. Supervisors will coordinate the repair or replacement of MVARS equipment.

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

5. Recordings used for training purposes.

   a) The supervisor will review the recording to determine the value for training.

   b) The supervisor will obtain expressed permission from the Chief of Police or designee to use the recording for training.

6. Recording review.
a) The MVARS recordings may be routinely or randomly reviewed by supervisors to monitor officer performance.

b) Police Training Officers should routinely use the recordings of probationary officers during the PTO process for constructive critique review.

c) Officers may review their own recordings within the squad car prior to the data being downloaded. (This may be beneficial when dictating a report).

d) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.

d) Sergeants should review body camera and MVARS databases at random to make sure the cameras are being used.

F. 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.

G. Recordings Retention

1. 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 120 days.

Brian Switala
Chief of Police (Interim)
This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

BCS 11/11/2021