FORT ATKINSON POLICE DEPARTMENT POLICY	TITLE: **305 - Electronic Recordings**		
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SPECIAL INSTRUCTIONS: Squad Video, Body Worn Video, Voice Recording Devices & Building Audio/Video Systems			

I. PURPOSE

The purpose of this policy is to establish guidelines for electronic recording and the associated use, management, storage, and retrieval of recordings. Further, this policy is intended to reduce the risk of wrongful conviction of innocent persons and to ensure that the highest-quality evidence possible is obtained.

II. POLICY

Electronic recording provides persuasive evidence and defends against civil litigation and allegations of officer misconduct. It is the policy of the Fort Atkinson Police Department that officers utilize squad, wearable, and building audio/video recording systems when investigating, responding to, or self-initiating activity in a vehicle or in person. To maximize the effectiveness of electronic recording and the integrity of audio/video documentation, officers must adhere to the procedures in this policy.

III. DEFINITIONS

A. Electronic Recording: A visual and/or audio recording using digital or analog storage format.

B. Recorded Media: Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, streaming media, cloud media storage, files like MPEG, MP4, AVI, etc)

C. Body Camera: A wearable video camera that is capable of recording video and audio. This camera is typically worn on the front of the officer's uniform shirt

D. Squad Video Recorder: A system capable of recording audio and visual signals, installed in a vehicle, which generally includes a camera, microphone, remote transmitter, recorder, and monitor.

E. Audio/Video Equipment Coordinator: A member of the department assigned responsibility for managing and maintaining the video camera systems to include Body Cameras, Squad Cameras, Interview/Booking Cameras, Building Security Camera System as well as training personnel in their proper use.

IV. PROCEDURES

A. Electronically Recorded Media Is Intended To:

1. Enhance Officer Safety.

2. Accurately capture statements and events during an incident.

3. Assist with the prosecution of violators.

4. Respond to allegations of officer misconduct.

5. Assess officer performance.

6. Provide self-critique opportunities for officers.

7. Facilitate department training.

B. Officers shall audio and video record all juvenile and adult custodial questioning of persons for an offense that could be a crime if prosecuted under state statute. Audio only recordings are acceptable only if audio and video recording is not accessible or feasible.

C. Officers assigned a body camera, and/or a squad with an audio/video recorder shall record all citizen contacts related to complaints, traffic stops, investigations, and any other incidents or situations where the recording may be of value.

D. All recordings should begin at the start of each contact or questioning and continue without interruption until the contact or questioning ends.

E. Officers are not required to inform adult or juvenile suspects of recording.

F. Lack of consent to recording does not affect the admissibility of a recorded statement.

G. Squad audio/video recorders

1. Shall be activated when the squad is operating in emergency mode.

2. Squad audio/video recorders shall be activated for the duration of all traffic stops.

3. Except in situations specifically required in other parts of this policy squad audio/video recording systems can be deactivated when the officer is reasonably certain nothing of significance would be recorded. Officers shall reactivate the recording system if the situation changes and evidence might be captured on video.

4. If an officer has a body camera recording an event the officer does not have to carry a wireless microphone for the squad recorder also.

5. Except in situations specifically required in other parts of this policy squad audio/video recorders may be deactivated when a body camera is in use and continued use of the squad audio/video recorder would only result in duplicate recordings.

H. Body Camera

1. A body camera is the preferred method of recording contacts.

2. Officers shall position the camera on their uniform to facilitate optimum recording of field of view.

3. Once activated, the recording should not be intentionally terminated until the conclusion of the encounter unless tactical, safety or practical reasons dictate otherwise.

4. Backup officers with body cameras, who arrive on scene to assist other officers, shall activate their body camera in order to record the event, in its entirety, from their perspective.

I. Recording may not be possible if:

1. The officer does not have a recording device available to them and attempts to obtain a recording are unsuccessful or are completely unfeasible.

2. The recording device does not work and there is no other device reasonably available.

3. During the contact or questioning, the recording device malfunctions without the officer’s knowledge.

4. A person makes a statement to law enforcement spontaneously or in response to a routine booking question.

J. It is the responsibility of the Audio/Video Equipment Coordinator to ensure that audio/video recording equipment is available and properly set up according to manufacturers' recommendations.

K. Officers are responsible for daily inspection, testing, and general maintenance of audio/video recording equipment. Audio/video recording equipment that is not working or damaged shall be reported to the Audio/Video Equipment Coordinator immediately.

L. Officers should notify personnel assisting from outside agencies when audio/video recording equipment is in use.

M. Absent legal cause, lawful order, or as supported by this policy, no member of this department may secretly record any other member of this department without the expressed knowledge and consent of all parties.

N. Operation of Audio/Video Equipment.

1. Officers may review recordings when preparing written reports of events, except in the event of an officer involved death, defined in Wis. Stat. 147.47 (This is per Division of Criminal Investigation Best Practices)

2. With the exception of police radios officers shall ensure that the volume from other electronic devices does not interfere with recordings.

3. Officers shall not erase, reuse, modify, tamper with, or in any manner alter their recordings or the media the recordings are stored on.

4. To prevent damage original recordings shall not be viewed on any equipment other than the equipment issued by the police department or authorized by the Chief of Police.

5. Officers shall only use recorders and media storage devices issued and approved by the department.

O. Guidelines for Documentation of Audio/Video Recordings:

1. If the officer does not have any audio or video related to the specific incident, the officer should note this in his/her report.
    - Example: The officer did not have a body camera, the squad video was not turned on or the squad does not have one.

2. If only partial video was captured, the officer will state how much was or was not captured and the reason. The dictation should be as specific and brief as possible.
    - Example: "This incident was recorded on my body camera, however the memory became full at about 2130 hours as I was transporting John Doe to jail."

3. Officers shall include a specific reference in their narrative report that video exists, the type of video (Body camera or Interview Room) and a request for the video to be saved or actions taken by officer to save video. A rudimentary statement that an officer's body camera was "turned on" or "operational" during the incident is not sufficient.

4. The Audio/Video portion of the report should read as follows:
    - "Video of my contact with John Doe was recorded on my body camera. My interview of John Doe was recorded on the video system in interview room #1 at the Police Department. I recorded the voicemail messages received on John Doe's phone using my portable digital audio recorder or using my body camera. The video/recordings have been saved as part of this case file.

5. The saving of video should only be made if the aforementioned guidelines are met. The saving of video must align with General Order 17-1.

6. In the case of 911 or jail calls, or audio recordings of an interview or voicemail messages, the officer will identify that fact in the narrative of the report as a part of the investigation.

P. Post Recording Storage and Duplication of Recorded Media.

1. All recording media, recorded images and audio/video recordings are the property of this department. Unofficial or unauthorized dissemination outside of the agency is strictly prohibited without specific written permission of the Chief of Police or his/her designee.

2. To prevent damage to, or alteration of, the original recorded media it shall not be copied, viewed or otherwise inserted into any device not approved by the department.

3. When possible and practical, a duplicate copy of the original media shall be used for viewing by investigators, staff, training personnel and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.

4. All recorded media that contains information that may be of value for case prosecution or in any criminal or civil proceeding shall be safeguarded as other forms of evidence and will:

a. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this department's property/evidence custody policy.

b. Not be released to another criminal justice agency, trial court, or others without approval from a supervisor.

c. No recording media shall be reissued for operational use unless completely erased by an Evidence Custodian.

5. At the conclusion of any trial proceedings, or as otherwise authorized by the prosecutor's office, all copies of electronically recorded media shall be submitted to Evidence for retention and storage.

6. Storage Of Recorded Media

a. When Officers capture electronically recorded media, they shall save the media in the appropriate location or folder on the secure video drive of the department server.

b. Officers will have read/view only access once the electronically recorded media is saved on the secure video server. Only supervisors or their designee will have access to remove or duplicate it.

c. For any electronically recorded media that has evidentiary or other probable value the officer that recorded the media will notify a Supervisor or their designee of the evidentiary or other value of the recording and request it be saved.

d. Upon receiving a request to save an electronically recorded media the Supervisor or their designee will designate the recording to be saved according to the records retention policy or as long as evidentiary rules require.

7. The default retention period for video is 180 days. Once categorized, the retention period is as follows;

a. Citations: 180 Days
b. OWI: 548 Days
c. Criminal Offenses: 180 Days (Download for Court File Preferred)
d. System Test: 120 Days
e. Accidental Triggers: 120 Days
f. Traffic Stops, Field Interviews or other contracts not resulting in arrest or citation: 120 Days

7. Requests for Copies of Electronically Recorded Media

a. Anyone other than the District Attorney's or City Prosecutor must complete the open records form to get a copy of any video or other electronic recordings. All requests for Recorded Media will be forwarded to the Dayshift Supervisor or Investigations Supervisor for processing.

Q. Supervisor Responsibilities:

1. Supervisors may review videos depicting performance by their assigned officers, with emphasis on reviewing recordings of pursuits, use of force incidents, consent searches, and citizen complaints, for the purpose of:

a. Assessing officer performance and safety;

b. Determining whether audio/video recording equipment is functioning and being used in accordance with policy;

c. Identifying audio/video that may have training value.

2. Video that contains material deemed beneficial for training purposes may be used for that purpose with the approval of the Chief of Police or his designee.

a. Officers may notify a supervisor when they are aware of video that may be appropriate for training.

b. Under no circumstances shall a recording be used or shown for the purpose of ridicule or embarrassing the employee.

This policy and procedure is to be used in conjunction with all relevant existing Fort Atkinson Police Department policies, procedures, rules and regulations in such a manner as to further the pursuit of the department mission, vision, and goals.

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Adrian Bump Date
Chief of Police