



DIRECTIVES

Oak Creek Police Department

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Title:

MOBILE AUDIO VIDEO RECORDING SYSTEM (MAVRS)

Directive Number

8-400

Critical Policy

No

Open Record

Yes

Total Pages

8

Applicability

Sworn Officers

I. PURPOSE

The purpose of this policy is to establish guidelines for the use, operation, storage and retrieval of audio and video recordings from the Oak Creek Police Department's use of the in-car video and/or body worn mobile audio video recording system ("MAVRS"). Employees assigned to use MAVRS shall adhere to the operational objectives and protocols outlined herein to maximize the effectiveness, utility and integrity of evidence related video documentation.

II. OBJECTIVE

A. The Oak Creek Police Department has adopted the use of MAVRS to accomplish the following objectives:

1. Enhance officer safety;
2. Capture incident events;
3. Support documentation of interactions for internal reporting requirements, preparing cases for court prosecutions, potential litigation and release of public records;
4. Provide an impartial measurement for self-critique and field evaluation during Field Training;
5. Evaluate officer tactics and field performance;

B. Application

This policy shall apply to all sworn department personnel utilizing MAVRS, employees assisting with management of MAVRS data, and support staff involved with preparation of records for court prosecutions, potential litigation or in response to public records requests ('Users').

C. Related Standards

1. In-car audio/video, and body worn camera/audio equipment;
2. Preservation of in-car/body worn audio and video information.

III. DEFINITIONS

- A. *Mobile Audio and Video Recorder System (MAVRS)* — Audio and/or video recording equipment designed to be both fixed installation in patrol vehicles and body worn. This is a multi-camera system with the primary camera viewing in front of the patrol vehicle, a secondary camera viewing the rear passenger compartment of the patrol vehicle (except for K9 vehicles), and a body worn camera/microphone unit.
- B. *Mobile Audio and Video Recorder System (MAVRS) User* – Sworn department personnel, employees assisting with management of data, and support staff involved with the preparation of records for court prosecutions, potential litigation or in response to public records requests.
- C. *Recorded Media* – Data that is recorded on any of the storage devices.
- D. *Classification Tagging* – An automatically-required procedure when an event recording has stopped and accurately categorizes each audio/video clip with the purpose for MAVRS activation or triggers for retrieval.
- E. *i-PRO Arbitrator (Squad and Body Worn Camera units)* – MAVRS units that the Oak Creek Police Department utilizes.
- F. *Trigger* – Any mechanism that can activate MAVRS and begin the recording process by either the operator or the defaulted settings. All triggers will include the previous thirty (30) seconds of video recording prior to the trigger activation (audio will not be recorded until the system is activated).
- G. *Operator Activation* – When the operator manually begins recording an event.
- H. *Automatic Activation* – When MAVRS begins recording independent of the operator's actions.
- I. *Upload* – Data transfer from MAVRS units to the Oak Creek Police Department server.

IV. PROCEDURE

A. Authorized Use

Users shall receive training consistent with their level of MAVRS use prior to being assigned any equipment.

B. Operating Guidelines

1. MAVRS record mode will be activated by any one of the following methods:

Operator Activations:

- a. Activation of the emergency lights;
- b. Manual activation of the record button on MAVRS primary camera;
- c. Pressing the "REC" button on the unit or on the MDC screen;
- d. Pressing the record button on the body worn camera;

IV. PROCEDURE – *Continued*Automatic Activations:

- a. The rear passenger-side door is opened;
 - b. Gun lock mechanism is released;
 - c. Squad speeds of 70 mph or more;
 - d. Squad impact or rollover (2Gs or more, similar to what would set off the airbags).
2. Once recording has begun, users will ensure that there are no obvious obstructions to prohibit clear recording of the incident (i.e., raising the hood of the squad, re-positioning the camera or other obstructions). Users must wear the body worn camera unit at all times during their tour of duty, in an appropriate location and manner to best capture an unobstructed view (upper torso facing forward on user's outer most garment).
3. Activation of MAVRS
- At no time is the user expected to jeopardize their safety in order to activate MAVRS. MAVRS shall be activated at all times when on duty and performing or likely to perform duties, including but not limited to, the following:
- a. Enforcement contacts where a subject is being searched, detained, taken into custody, or transported.
 - b. Use of force
 - c. Vehicle stops including, but not limited to: traffic violations, pursuits, OWI investigations, stranded motorist assistance, and crime interdiction stops.
 - d. Contacts involving protesters or demonstrations when enforcement action may be taken. Users operating as part of the Suburban Major Incident Response Team (SMIRT) will follow SMIRT protocol for MAVRS use.
 - e. Dispatched calls for service where a user is taking a statement, gathering information from, or interviewing a complainant, potential victim, or alleged suspect.
 - f. Self-initiated activity involving investigative and/or enforcement actions.
 - g. Tactical activities including searches involving persons or property, building checks at alarm calls, and warrant services.
 - h. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
 - i. Training or self-evaluation.
 - j. Any other situation that User, through their training and experience, believes should be recorded.
4. Once the recording has begun, MAVRS shall remain on (recording video and audio) until the incident has reached its conclusion. User may, however, stop the recording under the following circumstances:

IV. PROCEDURE – *Continued*

- a. At accident, fire, crime, or other scenes for a prolonged period of inactivity when user is not engaged in or where no further enforcement activity is likely to occur;
- b. User ends contact with a citizen and/or leaves the scene because their presence is no longer needed.
- c. Upon entering the municipal lockup facility; unless user through their training and experience, believes body worn camera footage is warranted
- d. Just prior to entering the Milwaukee Mental Health Emergency Center (MHEC), unless the subject is combative and force is being used or officers are assisting MHEC staff with escorting the subject into the “quiet room.”
- e. When interacting with someone who is at the hospital awaiting medical clearance unless enforcement or investigatory actions are likely, the likelihood of additional criminal activity or escape attempt is high, the subject is making incriminating statements, or the officer is gathering additional evidence (e.g. legal blood draw).

C. User Responsibilities

1. Equipment Check

- a. Users will have MAVRS units (Squad cameras and Body-camera) “powered-on” ensuring it is functioning properly during their squad check and throughout their shift. Users will log in to the i-PRO Arbitrator 360 client through their MDC and enter their officer information, area and shift assignments. Any non-functioning MAVRS will be immediately reported to the on-duty supervisor. The supervisor will document the non-functioning system in an e-mail to the “Police In-Car Video” email group requesting to have the unit serviced.
- b. In the event MAVRS system fails during user’s tour of duty, the user must immediately notify the on-duty supervisor. At the discretion of the on-duty supervisor and dependent on equipment availability, user shall be assigned a different squad and/or body-worn camera with a functioning MAVRS.
- c. MAVRS power supply shall be checked by all three available methods:
 - 1) Manually checking MAVRS display controls;
 - 2) Activating the squad emergency lights;
 - 3) Activating the remote body worn camera;
- d. Users shall verify that the date and time are accurate on MAVRS display.

2. Body worn camera

- a. Users assigned to a squad equipped with MAVRS are required to ensure that the unit is functioning properly and is turned on and remains on at all times. The body-worn camera is to be worn at all times during user’s tour of duty. Users shall return the body-worn camera to the shift docking station or personal docking station (K9 Officers) at the end of their shift to ensure proper charging and data uploading.

IV. PROCEDURE – *Continued*

3. Classification Tagging

- a. Squad Check – 10 days
- b. Default Rule – 121 days
- c. Call for Service – 121 days
- d. OWI/Pursuit/Use of Force – 366 days
- e. Archive – 3,000 days

4. Request to save events and archiving

- a. All recorded events will be held on the Oak Creek Police Department server for the pre-determined amount of time as indicated by user's classification tagging. If no request is made to archive a video it will be purged to make room for newly-recorded events.
- b. Users are required to submit an e-mail to the "Police Video" email group when requesting a copy of an incident. The e-mail shall indicate the date, time, call #, squad(s), officer(s) involved, and reason for the request. The recorded media will be archived on the department server. When requested, the recorded media will be electronically forwarded to the District Attorney's Office or placed in the Use of Force folder in the shared drive.
- c. If a recorded event exists for the following, it should be archived and attached to or submitted with the case:
 - 1) OWI
 - 2) Pursuits
 - 3) Citizen complaints
 - 4) Officer or suspect injury
 - 5) Squad accident
 - 6) Use of force incidents

5. Uploading recorded events

Uploading will automatically occur when MAVRS vehicle units are within the Oak Creek Police Department garage. Body worn cameras must be docked to upload.

6. Reviewing recorded events

- a. Training purposes

For recorded incidents that are perceived to be of value as a training aid, user responsible for the recording shall notify their supervisor and the Use of Force training unit via e-mail.

IV. PROCEDURE – *Continued*

b. Officers

- 1) Officers may review their own recordings or make them accessible to their supervisor for constructive critique and review. However, if the incident falls under the Officer Involved Shooting Policy – #6-500, then the video should not be viewed until after the officer interviews with the investigating detectives.
- 2) Field Training Officers should routinely use the recordings of probationary officers during the FTO process for constructive critique and review.

c. Supervisors

MAVRS recordings may be routinely and/or randomly reviewed by supervisors to monitor User performance.

d. Administration

Administrative staff will review MAVRS recordings in response to citizen complaints, internal investigations and randomly to assess equipment and/or User performance.

D. Restrictions

1. MAVRS shall be used only in conjunction with official law enforcement duties and not to record any of the following:
 - a. Activities and/or conversations of other Oak Creek Police Department employees unless it applies to the above-listed incidents that are required to be recorded.
 - b. Within the Oak Creek Police Department and not in contact with the public
 - c. Encounters with known confidential informants.
 - d. Strip searches and/or body cavity searches (Strip Search Policy 7-300).
 - e. When investigating where an explosive device may be present.
 - f. When off duty.
2. MAVRS users are not authorized to erase or, in any manner, alter MAVRS files.
3. MAVRS recorded media is for official department use only. Users are prohibited from duplicating, retaining, and/or distributing copies of recordings for any reason unless granted by the Chief of Police or for purposes of WI Public Records laws WI §19.31-19.39.
4. Users shall, in no way, interfere with the recording system, restrict its operating capability or intentionally cause MAVRS to malfunction.
5. Any User who intentionally disables or damages any part of MAVRS video recorder or transmitting equipment or fails to activate the system as required by this standard shall be held accountable and may be subject to disciplinary action.

IV. PROCEDURE – *Continued*

E. Special Situations/Information

1. Special Duty Assignments:

- a. At the discretion of the chief or their designee, users assigned to plain clothes duty such as task force officers, Special Enforcement Unit (SEU) operations, or covert surveillance assignment where wearing a body worn camera may not be feasible are exempt from wearing one.
- b. Any preplanned special duty assignment activity where enforcement activity is likely to take place, User must wear a body worn camera and its use is subject to this policy.

2. School Resource Officer (SRO):

- a. Body worn cameras should not be activated while on the grounds of any public, private or parochial elementary or secondary school unless the SRO is responding to suspected criminal activity that could result in an arrest, use of force, or instances that involve or are likely to involve disruptive or confrontational behavior towards the officer(s).

3. Unintentional Recordings

In the event of an unintentional MAVRS activation, a user may request that the recorded media file be deleted. An e-mail request shall be submitted to the "Police Video" email group with the date, time, and reason for the request. A supervisor shall review the recording to confirm it is an unintentional recording and that it contains no footage required for submission as evidence, or that could be subpoenaed for any criminal or civil proceeding. The request will be forwarded to the Administrative Captain for final review, and if approved, the recorded media file shall be deleted.

4. Damaged squads/MAVRS units/components

The Administrative Captain or designated video supervisors will ensure MAVRS is removed from service as soon as possible from a damaged squad when security of MAVRS may be compromised or where it might be further damaged from exposure to the elements.

5. Squad maintenance or repair

The Administrative Captain or designated video supervisors will ensure the information from MAVRS is uploaded prior to any squad repair or service that is conducted off-site or service which may affect the integrity of the recorded events.

6. Notification of public

- a. It is not necessary to volunteer that the incident or contact is being recorded. If a person asks whether they are being recorded, user shall inform them of the recording. If a member of the public objects to the recording, they should be courteously informed that Wisconsin law allows audio/video recording.

IV. PROCEDURE – *Continued*

- b. Users are not required to initiate or cease recording based on the request or demand of a citizen, involved party, suspect or offender.

F. Detective Bureau

1. Sworn members of the detective bureau typically operate in civilian attire during their regularly assigned duties. This may require a modification to the location of the body worn camera to include the beltline, standing alone on a surface, or in a position that only records audio.
2. Detectives will wear and utilize a body worn camera in the following situations, at a minimum.
 - a. When responding to a crime in progress, unless otherwise unreasonable to do so;
 - b. When there is a reasonable belief that they will be taking enforcement action.
3. While it is preferable to record interactions with the public, detectives can use their discretion when deciding whether an interview should be recorded or not via a body worn camera.

V. DISCLAIMER

The Mobile Audio Video Recording System (MAVRS) Policy developed by the Oak Creek Police Department is for internal use only and does not enlarge an officer'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 the Mobile Audio Video Recording System (MAVRS) Policy can only be the basis of a complaint by the Oak Creek Police Department and then only in a non-judicial administrative setting.

REFERENCE:

Locker Room Privacy Policy #11-300
Public Records Policy #10-200
Records Retention Policy #10-300
Strip Search Policy #7-300
Ordinance 3.64 - Records Retention
Wis. § 19.31-19.39 – Wisconsin Public Records Law



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