



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

730 – MOBILE DIGITAL VIDEO / AUDIO RECORDING EQUIPMENT

GENERAL ORDER: 2019-XX
ISSUED: February 12, 2019

EFFECTIVE: February 12, 2019

REVIEWED/APPROVED BY:
Director Regina Howard
DATE: December 12, 2018

ACTION: Amends General Order 2017-35 (May 30, 2017)

WILEAG STANDARD(S): NONE

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

730.05 APPROPRIATE APPLICATIONS

A. Police vehicles equipped with an MDVR system shall record the following when occurring within camera range:

3. Field interviews stops (audio and video).

4. No-action encounters (audio and video).

5. Any frisk and/or search taking place during the course of a traffic stop, field interview, or no-action encounter (audio and video).

64. Vehicle pursuits (audio and video).

75. When operating as an emergency vehicle (video).

86. Transportation of subjects who have been arrested or placed in emergency detention (audio and video).

97. Whenever a person is placed inside a department vehicle (audio and video).

730.10 MDVR OPERATING PROCEDURES

D. TOUR OF DUTY

2. General MDVR Operation

b. Members will consider vehicle positioning during traffic stops, and field interviews, and no-action encounters stops in order to fully frame the vehicle or persons involved. A minimum of one car length distance should be maintained between the target vehicle and the police vehicle.

c. Members will start recording the rear compartment immediately upon placing a subject in a MDVR equipped vehicle. To initiate a recording, the vehicle must be started and the MDVR system must be turned on manually while the vehicle is

running.

Note: The vehicle may be shut down if necessary after starting the MDVR. The MDVR system will record up to two hours (depending of vehicle battery reserves). Consideration to battery condition should be given when shutting the vehicle down for extended periods with the MDVR system running.

- d. Members are not required to ~~may~~ inform persons they are being audio and/or video recorded, ~~however, if asked members will inform them if they are.~~
- e. Members will not cease audio and/or video recording until an incident is complete. For the purposes of this directive, an incident is considered complete when a reasonable and prudent person would consider the audio or video recording was stopped at a logical point. Recording of a traffic stop, field interview, no-action encounter, frisk, or search, however, is not complete until the encounter has concluded.
- g. Members are permitted ~~and encouraged~~ to review events recorded by their MDVR during their shift. Reviewing the video and audio recordings can ensure the system is working properly, may help a member correct known deficiencies in system performance, and can aid in remembering details of an event for the purposes of proper documentation in official written police reports.

730.15 MDVR EVIDENCE

A. MEMBER'S RESPONSIBILITIES

1. When video and/or audio evidence is captured during an incident, ~~or whenever a traffic citation is issued~~ including any traffic stop, field interview, and no-action encounter regardless of whether a warning, citation, arrest, or any other enforcement action follows, members shall document such in any report or citation supplement written. In addition, the box labeled "Video Evidence Ordered" in the ARS TriTech Inform RMS report supplemental tab must also be marked. Members shall insert the following paragraph into their ARS TriTech Inform RMS report when documenting a recording:

"On (date) at (time) I was operating vehicle number _____, while assigned to squad _____. This vehicle is equipped with a MDVR system. Audio/video evidence was recorded which pertains to this incident."

730.20 CRITICAL INCIDENT PROTOCOLS

- B. In the event of a critical incident, members will refrain from viewing any recorded data captured by mobile digital video/audio recording (MDVR) equipment until the investigative entity responsible for the investigation arrives on scene ~~subject to sections C-E in this section.~~

730.25 VIDEO FILE CONTROL AND MANAGEMENT

D. Digital copies for purposes not associated with the investigation or prosecution of a violation of law shall only be made or created subject to one of the following:

5. As requested by any outside consultant retained to conduct an audit of MPD policies and procedures, pursuant to SOP 990.10(C) and/or any court order.

E. Non-evidentiary recordings not scheduled for court proceedings or for department use shall be maintained as required by the current retention schedule with the following exception: all non-evidentiary MDVR recordings of traffic stops, field interviews, no action encounters, frisks, and searches, shall be retained for two (2) years. If a member becomes aware that a previously recorded video may be needed, he/she shall complete form PV-10 and request that the applicable video be retained for an extended period of time.



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CHIEF OF POLICE

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730.00 PURPOSE

A. These procedures provide guidelines for the use of Mobile Digital Video/Audio Recording (MDVR) equipment in Milwaukee Police Department vehicles. MDVR equipment shall be used in order to accomplish several objectives that include, but are not limited to:

1. Enhanced officer safety.
2. Maximized effectiveness of officer reporting, evidence collection and court testimony.
3. The ability to review arrests, arrest procedures and officer and suspect interaction.
4. Officer training.
5. The investigation of citizen complaints.

730.05 APPROPRIATE APPLICATIONS

A. Police vehicles equipped with an MDVR system shall record the following when occurring within camera range:

1. Traffic stops (audio and video).
2. Field sobriety road side testing (audio and video).
3. Field interviews (audio and video).
4. No-action encounters (audio and video).
5. Any frisk and/or search taking place during the course of a traffic stop, field interview, or no-action encounter (audio and video).
6. Vehicle pursuits (audio and video).
7. When operating as an emergency vehicle (video).
8. Transportation of subjects who have been arrested or placed in emergency

detention (audio and video).

9. Whenever a person is placed inside a department vehicle (audio and video).

B. The MDVR may be used to record the following:

1. Circumstances at crime and vehicle crash scenes.
2. Calls for police service.
3. Circumstances in which documentation of the suspect or member's actions may prove useful in court.
4. Incidents that may be of value for training purposes.
5. Incidents that may have value in a personnel investigation.
6. Any other circumstances in which the member feels that video/audio recording may be of value to the department.

730.10 MDVR OPERATING PROCEDURES

A. GENERAL OPERATION

Members with MDVR training should be assigned to vehicles that are MDVR equipped when available while non-trained members should be assigned to non-MDVR equipped vehicles. All members assigned to an MDVR equipped vehicle shall assume responsibility of the MDVR and maintain the equipment as trained.

B. OPERATIONAL FEATURES

1. Pre-Event Recording

The MDVR will automatically activate and record when the vehicle's emergency warning devices are in operation. The MDVR is also equipped with a 30 second pre-event recording system which will capture and store events in temporary memory before the emergency warning devices are activated. Pre-event recording will document the behavior of traffic violators or other situations that led the officer to activate the emergency warning devices. Pre-event recording will capture video only.

2. Post Event Recording

The MDVR will continue to record video and audio for 2.5 minutes after the system has been stopped or deactivated. This post-event recording period is set by the department and cannot be adjusted manually by the member.

C. START OF SHIFT (MEMBER RESPONSIBILITIES)

1. Prior to each shift members shall conduct an inspection of the MDVR equipment to

ensure that it is working properly. Members must ensure:

- a. The system powers up upon starting the vehicle.
 - b. The cameras and lenses are operational, clear of any obstruction and are pointed so as to record a field of view that includes any autos being stopped for traffic violations as well as the rear passenger compartment of the squad car.
 - c. The correct date and time is shown on the monitor.
 - d. The wireless microphone is synced, operational and turned to the on position.
 - e. The system is tested for proper video and audio functionality. This is done by turning on the emergency lights and verbally indicating you are conducting a system test (this test will usually take 5-10 seconds). Once the video and audio test is completed, members will review what was recorded to be sure the system is in good working order.
2. If any component of the MDVR (e.g., camera, microphone) is not functioning properly or is damaged, the member that conducted the inspection of the MDVR shall report it to their supervisor as soon as practicable.
 3. Members failing to utilize the MDVR system in an MDVR equipped vehicle during their tour of duty for reasons other than non-functioning equipment will be subject to discipline. This includes failing to utilize the portable body microphone.
 4. Members are not authorized to disable, remove or tamper with the MDVR system without prior approval from the Information Technology Department. Any member intentionally disabling, removing, or tampering with any component of an MDVR system without the prior approval of the Information Technology Department will be subject to discipline. Additionally, members shall not attempt to alter any MDVR recordings.

D. TOUR OF DUTY

1. Microphones

- a. If the police vehicle is equipped with a MDVR system, a working body microphone that is turned on will be worn by the member during the entire shift.

Note: Members equipped with a functioning body worn camera in accordance with SOP 747 (Body Worn Cameras) are not required to wear a body microphone during their shift.

- b. Body microphones must be worn on the body of the member in such a position that the device will capture good quality audio during normal circumstances.
- c. In two officer units, when a police vehicle is equipped with two body microphones, both members will wear a body microphone. The MDVR system

records audio on separate tracks.

Note: When played back in the field, the recorded audio may sound distorted or unintelligible. This is not a system malfunction. The audio tracks can later be isolated at desktop terminals.

- d. Body microphones may be exchanged during the course of a shift (e.g., low or depleted battery), but the new microphone must be re-synced to the MDVR system in use.
- e. If a member needs to confer with another member or a supervisor while an MDVR is recording, the member should remove the body microphone (left on) and leave the microphone in the vehicle.

2. General MDVR Operation

- a. At no time should the safety of the member or other persons be sacrificed to capture video evidence.
- b. Members will consider vehicle positioning during traffic stops, field interviews, and no-action encounters in order to fully frame the vehicle or persons involved. A minimum of one car length distance should be maintained between the target vehicle and the police vehicle.
- c. Members will start recording the rear compartment immediately upon placing a subject in a MDVR equipped vehicle. To initiate a recording, the vehicle must be started and the MDVR system must be turned on manually while the vehicle is running.

Note: The vehicle may be shut down if necessary after starting the MDVR. The MDVR system will record up to two hours (depending of vehicle battery reserves). Consideration to battery condition should be given when shutting the vehicle down for extended periods with the MDVR system running.

- d. Members may inform persons they are being audio and/or video recorded.
- e. Members will not cease audio and/or video recording until an incident is complete. For the purposes of this directive, an incident is considered complete when a reasonable and prudent person would consider the audio or video recording was stopped at a logical point. Recording of a traffic stop, field interview, no-action encounter, frisk, or search, however, is not complete until the encounter has concluded.
- f. The MDVR system may be manually deactivated when:
 - i. A person is arrested and placed into the back of a squad car that does not have rear compartment recording capabilities, however the recording should be continued in the event unusual circumstances are present.

- ii. At the scene of a traffic crash or while directing traffic and the scene has stabilized to the point where there is no possibility of an arrest.
- iii. The camera is active for extended periods of time that serve no evidentiary purpose.

Note: If the audio/video is stopped at any point before the conclusion of an event, documentation is required to explain why the recording was stopped. This will be documented on a *Department Memorandum* (form PM-9E) addressed to the member's commanding officer on the date of occurrence.

- g. Members are permitted to review events recorded by their MDVR during their shift. Reviewing the video and audio recordings can ensure the system is working properly, may help a member correct known deficiencies in system performance, and can aid in remembering details of an event for the purposes of proper documentation in official written police reports.
- h. If the MDVR system malfunctions at any time during the shift, the malfunction shall be immediately reported to a supervisor.

E. SUPERVISORS RESPONSIBILITY

1. Shift commanders will maintain a list of MDVR trained members on their respective shift. Shift commanders are responsible to ensure that non-trained members receive the proper training as soon as practicable.
2. Supervisors will give consideration to the following when creating daily duty assignments as it relates to MDVR equipped police vehicles:
 - a. The anticipated frequency based on a particular assignment that a member will have encounters with persons or vehicles.
 - b. The anticipated frequency the member based on a particular assignment that a member may encounter higher risk situations (e.g., in-progress calls, felony encounters).
3. It is the responsibility of every supervisor to ensure that members assigned to MDVR equipped police vehicles utilize the MDVR system during their tour of duty.
4. Supervisors shall conduct random audits of members MDVR use via physical inspection of the MDVR and perform occasional review of recordings made utilizing the DP3 In-Car Video Portal System.
5. Supervisors failing to ensure proper utilization of the MDVR system will be held accountable and subject to discipline.
6. Supervisors must ensure that non-functioning MDVR equipment is properly documented and reported for repair immediately. Supervisors will verify a "work

order” has been started on all non-functioning MDVR’s that a supervisor is cognizant of. If it is determined no “work order” has been started, the supervisor will have one initiated.

7. If a supervisor is notified or becomes aware a vehicle has faulty MDVR equipment, the supervisor will evaluate what other police vehicle resources are available for use that have MDVR technology. If police vehicle resources are limited, the supervisor may authorize use of the vehicle with the faulty MDVR equipment; however, use of the vehicle will be documented in the CAD system by either the car operator or by the emergency communications operator II. The entry into CAD must include:
 - a. That the MDVR equipment is not functioning.
 - b. The car number involved.
 - c. The name of the supervisor authorizing the cars use.

F. VIDEO UPLOAD

1. High speed video uploading will occur automatically when a vehicle equipped with an MDVR is within about 300 feet of a district station, the PAB or Specialized Patrol Division. The uplink modem on the MDVR will automatically shut down after 30 minutes once the car has been shut off.
2. Occasionally the MDVR may “freeze” or become stuck in a loop during uploading. If this occurs, depress the “F5” key. This will cause the system to reboot and will generally rectify the situation. If the system does not correct itself, follow the procedures in step 4.
3. Members receiving warnings from the MDVR system that the memory is full shall contact their emergency communications operator II and request to return to the station to upload 10-11 (out of service – subject to call).
4. All damages, malfunctions or failures in the upload equipment shall be reported to a supervisor as soon as practicable. Failures of the upload equipment shall also require notification to the Information Technology Department Help Desk ■

REDACTED

730.15 MDVR EVIDENCE

A. MEMBER’S RESPONSIBILITIES

1. When video and/or audio evidence is captured during an incident, including any traffic stop, field interview, and no-action encounter regardless of whether a warning, citation, arrest, or any other enforcement action follows, members shall document such in any report or citation supplement written. In addition, the box labeled “Video Evidence Ordered” in the TriTech Inform RMS report supplemental tab must also be marked. Members shall insert the following paragraph into their TriTech Inform RMS report when documenting a recording:

“On (date) at (time) I was operating vehicle number _____, while assigned to squad _____. This vehicle is equipped with a MDVR system. Audio/video evidence was recorded which pertains to this incident.”

2. Members are to notify their supervisor if a video recording documents an arrest, a pursuit, use of force, evidence collecting or some other incident in which the video file may be required as evidence or would be appropriate for training purposes. In addition, the member shall also complete the *Video File Request Report* (form PV-10E) and fax the form to the Open Records Division [REDACTED] Video files are only retained for 120 days from the date of creation unless the PV-10 is completed and forwarded to the Open Records Division.
3. Each work location shall assign a supervisor to oversee the MDVR squads assigned to that work location. This supervisor shall inspect squads for damage to MDVR equipment and shall liaison with the mobile digital video recording project coordinator to ensure MDVR enabled squads are operational and video files are downloaded daily.

B. MDVR FILES

1. If the video file involves a state criminal case with an arrest, the Open Records Division will inventory the video as evidence and file a supplemental report indicating such. The Open Records Division shall route two (2) DVD copies to the district attorney's office. Members shall attach the original PV-10 to the arrest reports to alert the district attorney that video exists and copies have been requested.
2. If the video file involves a state criminal case without an arrest, a PV-10 should still be completed. The Open Records Division will inventory the video as evidence and file a supplemental report indicating such. If an arrest is made at a later date, the arresting officer shall order district attorney copies of the video at that time using a standard open records request and referencing the inventory number listed in the open records supplement filed previously.
3. If the video file is intended for use in municipal court, the Open Records Division will inventory the video as evidence and file a supplementary report indicating such. Should municipal court need this video file at a later date, the Open Records Division will provide a copy to the court. The member will be notified by memo of the inventory number. The member should ensure that the fact that there is video evidence is detailed on their citation prior to completion.
4. If the video file is intended for any other purpose (e.g., personnel investigation, training), The Open Records Division will ensure the video file is retained past 120 days. However, no evidence inventory will be completed unless requested by a supervisor.
5. The member who completes the PV-10 is ultimately responsible for the status of this evidence once the case has concluded. Those files that are no longer needed shall be removed from storage.

6. For any questions or clarification, call the Open Records Division during normal business hours **REDACTED**

730.20 CRITICAL INCIDENT PROTOCOLS

- A. A critical incident for the purpose of this SOP is any police action or activity that directly or indirectly results in great bodily harm or death to a department member and/or a citizen.
- B. In the event of a critical incident, members will refrain from viewing any recorded data captured by mobile digital video/audio recording (MDVR) equipment until the investigative entity responsible for the investigation arrives on scene subject to sections C-E in this section.
- C. If the critical incident is investigated by an outside agency, the outside agency lead investigator shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
- D. If the critical incident is investigated by the department, the Chief of Police, or his designee, shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
- E. This section does not prohibit members in critical incidents with ongoing exigency from viewing MDVR recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel, etc.).

730.25 VIDEO FILE CONTROL AND MANAGEMENT

- A. MDVR files are the property of the Milwaukee Police Department. Dissemination outside of the agency is strictly prohibited without specific authorization from the Chief of Police or designee.
- B. MDVR files related to a personnel investigation shall not be released without approval from the Internal Affairs Division – Risk Management and the Chief of Police.
- C. MDVR files are subject to open records requests. Therefore, all requests for MDVR files shall be directed to the Open Records Division, who shall be responsible for determining if the recording can be released.
- D. Digital copies for purposes not associated with the investigation or prosecution of a violation of law shall only be made or created subject to one of the following:
 - 1. With permission of a commanding officer, their designee or higher.
 - 2. As needed for investigations by the Internal Affairs Division – Risk Management. The Internal Affairs Division– Risk Management shall have the authority to make copies of video files without notifying the Open Records Division.
 - 3. As required by court order or open records request.

4. As needed by the mobile digital video recording project coordinator.
 5. As requested by any outside consultant retained to conduct an audit of MPD policies and procedures, pursuant to SOP 990.10(C) and/or any court order.
- E. Non-evidentiary recordings not scheduled for court proceedings or for department use shall be maintained as required by the current retention schedule with the following exception: all non-evidentiary MDVR recordings of traffic stops, field interviews, no action encounters, frisks, and searches, shall be retained for two (2) years. If a member becomes aware that a previously recorded video may be needed, he/she shall complete form PV-10 and request that the applicable video be retained for an extended period of time.



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