



**Division of State Patrol
Policy and Procedure**

Number
4-11

Subject AUDIO/VIDEO RECORDING	
Author/Originator Bureau of Field Operations	Approved by Superintendent
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1. POLICY

It is the policy of the Division of State Patrol (DSP) to utilize audio/video recording devices to enhance public trust and the safety of our officers and to collect evidence to be used in the prosecution of those who violate the law.

2. OBJECTIVE

The objective of this policy is to promote a standard operating procedure for the training, use, care, and maintenance of issued and/or Division-approved audio/video recording equipment. The Division’s use of audio/video recordings provides a potentially valuable resource in the delivery of services. Data collected through this technology can be critical in the investigation of violations of law and complaints against employees. Additionally, the recordings are used to document work performed, protect officers against allegations of misconduct, and for training purposes.

3. DEFINITIONS

- 3.A **Audio Recorder** – an electronic device used to record sound onto a medium such as a disc or a tape.
- 3.B **Audio/Video Recording** – a recording of sound and moving visual images.
- 3.C **Body-Worn Camera (BWC)** – a small device worn by sworn employees that records interactions between community members (e.g., the public, suspects, and victims) and sworn employees.
- 3.D **Call for Service (CFS) Number** – a number assigned by Mobile Architecture for Communications Handling (MACH) computer-aided dispatch (CAD) and is used to track an incident through the records management system (RMS).

- 3.E **Evidence.com** – Axon’s secure evidence management site is primarily used for audio and video uploads. It may also be used for the storage of other case files.
- 3.F **External Hard Drive** – accessory utilized to store data/imagery obtained via an in-car camera.
- 3.G **In-Car Camera (ICC)** – one or more video recording devices mounted within a law enforcement vehicle.
- 3.H **Microphone Transmitter** – a device worn by an officer and is a component of an in-car camera system used to obtain audio recordings as part of an audio/video recording.
- 3.I **Officer-Involved Critical Incident (OICI)** – any incident, which results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties, that a reasonable officer should believe could result in death
- 3.J **Officer-Involved Death (OID)** – is defined by Wisconsin Statute 175.47(1)(c), “a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.”
- 3.K **Officer-Involved Shooting (OIS)** – the discharge of a firearm by a law enforcement officer, which may include intentional and unintentional discharges. It excludes any discharge of a firearm for the purpose of euthanizing an animal.

4. GENERAL PROVISIONS

- 4.A The primary purpose of using audio and video recorders is to obtain evidence. Officers shall use available and/or assigned In-Car Cameras (ICCs) and Body Worn Cameras (BWCs) to record any on-duty-related incident that, per policy and procedure, results in the creation of a CFS number. This includes, but is not limited to, traffic stops, pursuits, emergency vehicle operations, crash investigations, public assistance, and all other investigative and enforcement-related interactions with the public.
- 4.B Once activated, the ICC and BWC shall continue audio/video recording until the conclusion of the incident or encounter. Officers shall not intentionally turn off their recorders before or during any of the events described in paragraph 4.A, except as provided in paragraphs 4.E.7.a.1 to 6.

- 4.C Officers trained in conducting audio/video recording may use ICC and BWC equipment.
- 4.D Division of State Patrol designated mobile video-recording instructors and/or staff from the ICC and BWC vendor shall conduct training on the mobile video-recording system.
- 4.E Exceptions:
 - 4.E.1 Wearing of a BWC is not required when in a Class A uniform and in attendance at an authorized ceremony.
 - 4.E.2 Wearing of a BWC is not required when the officer is acting as a pilot or crew aboard any State Patrol aircraft.
 - 4.E.3 Wearing a BWC is not required when performing dignitary protection or related duties.
 - 4.E.4 Activation of a BWC may be impossible due to an unusually sudden and/or dangerous event in which a reasonable officer under similar circumstances would be unable to activate the recorder. In the event of an unusually sudden and or dangerous event that prevents the immediate activation of the BWC, it shall be activated as soon as practicable. It shall be documented in the eSP4500 narrative approximately when the BWC was activated and the reason for the delayed activation.
 - 4.E.5 If there is a recording equipment failure, the failure shall be properly reported according to Section 5.A.1.d. Additionally, if the officer is aware of the failure when a citation or arrest is made or becomes aware while writing the report of the arrest, the officer shall make note of the recording equipment failure in the report of the incident (e.g. citation narrative or eSP4500 narrative).
 - 4.E.6 Motor carrier inspectors working at a Safety and Weight Enforcement Facility (SWEF) are not required to activate the ICC for traffic stops conducted solely at the SWEF. The BWC shall be worn and activated according to Section 4.A & B.
 - 4.E.7 Motor carrier inspectors performing annual or terminal inspections of motor buses, school buses, human service vehicles, and/or ambulances are not required to activate the ICC or BWC during these inspections. This exception does not apply to any spot check inspection of these vehicles.
 - 4.E.8 Pausing or stopping a recording
 - 4.E.8.a A BWC and/or ICC recording may be paused and/or stopped when:
 - 4.E.8.a.1 Authorized by a Division supervisor.

- 4.E.8.a.2 Actively involved in a special assignment (e.g. task force officer, plain clothes detail, etc.). The use of a BWC and/or ICC for part or all of that specific assignment is not required, but only after having obtained Division supervisory approval before the assignment.
- 4.E.8.a.3 A member of the Technical Reconstruction Unit (TRU) becomes aware that additional recording is unlikely to capture information having evidentiary value and he/she is not in contact with the public.
- 4.E.8.a.4 An officer is conducting extended traffic direction at a scene or event.
- 4.E.8.a.5 A motor carrier inspector, while working at a SWEF, is on a traffic stop/inspection, but is not engaged in the collection of evidence. The collection of evidence includes, but is not limited to:
 - 4.E.8.a.5.A Any contact or communication with the driver and/or occupants of the vehicle
 - 4.E.8.a.5.B Any part of the physical inspection of the vehicle, vehicles, and/or any component of the vehicle
 - 4.E.8.a.5.C Any contact or communication with the shipper, receiver, or broker.
 - 4.E.8.a.5.D Any contact or communication with representatives of the driver's employer or business
 - 4.E.8.a.5.E Any contact or communication with representatives of the vehicle's owner, rental company, or leasor.
- 4.E.8.a.6 An officer has a restroom break during an active event or incident that would otherwise require the ICC and/or BWC to be recording.
- 4.E.8.a.7 An officer is involved in an OID, OIS, or OICI, and all of the following criteria are met:
 - 4.E.8.a.7.A There is no longer any threat to life, safety, or property, and the incident scene has been secured; or the involved officer is able to be removed to a location where they are no longer actively involved in the incident.
 - 4.E.8.a.7.B The Region duty supervisor has been notified of the OID, OIS, or, OICI.
 - 4.E.8.a.7.C The officer is not involved in any lifesaving medical assistance.
 - 4.E.8.a.7.D The officer is not involved in gathering evidence, including statements of witnesses.

- 4.E.8.b Procedure for Stopping or Pausing a recording
 - 4.E.8.b.1 Any time a BWC and/or ICC has been paused or stopped, the recording shall be started as soon as practicable when the officer has reason to suspect any violation of law or negative interaction with the public is occurring or is about to occur.
 - 4.E.8.b.2 If the recording is paused or stopped while an investigation, response, or incident is ongoing, the officer shall state the following on camera before deactivating the device:
 - 4.E.7.b.2.A The reasons for stopping the recording.
 - 4.E.7.b.2.B If applicable, the name of the supervisor who authorized the recording to be stopped.
 - 4.E.7.b.3 The officer shall document the information stated in Sections 4.E.7.b.2.A and 4.E.7.b.2.B in the report of the incident, (e.g. citation narrative or eSP4500 narrative).
- 4.F ICC Installation Considerations
 - 4.F.1 ICCs shall be installed within the occupant compartment of the patrol vehicle to minimize potential safety hazards and vision impairment to the driver.
 - 4.F.2 The ICC shall be securely mounted to the patrol vehicle and placed such that objects within the vehicle do not restrict the view of the camera.
- 4.G Wearing of BWCs
 - 4.G.1 BWCs shall be worn in a manner consistent with training and in a conspicuous manner that maximizes the view of the camera.
 - 4.G.2 The BWC shall be worn on the outer-most garment. An unobstructed field of view is required.
- 4.H The microphone transmitter shall be worn on the duty belt in an issued holder or other approved location. The microphone transmitter shall not be affixed to a uniform epaulette.
- 4.I Audio recorders, BWCs, and/or ICCs should be used when taking statements. Whenever an audio or video recording records an arrest, incident, and/or statement, the recording constitutes evidence and the legal rules of evidence apply. As such, care must be given to documenting and maintaining a chain of custody and ensuring the integrity of any video or audio recordings.

5. PROCEDURE

5.A Officer

5.A.1 Equipment

- 5.A.1.a Maintain and operate video equipment in accordance with training and guidance from the Division Video Coordinator or his/her designee, taking precautions to prevent damage, including damage that may occur due to extreme temperatures or other factors.
 - 5.A.1.b To protect the BWC from prolonged exposure to temperature extremes, members shall store the device inside a temperature-controlled environment after every shift. The device should be turned off at the end of the shift and powered on immediately when starting a shift.
 - 5.A.1.c The BWC charge shall be properly maintained to ensure functionality. The BWC shall be charged inside a temperature-controlled environment between shifts with either:
 - 5.A.1.c.1 An Axon-provided USB-C cable. Other branded charging cables shall not be used. The Axon USB-C cable facilitates the ability to charge the BWC while it is being worn.
 - 5.A.1.c.2 An Axon-provided docking station.
 - 5.A.1.d Check the ICC and BWC during every shift to ensure that the time, date, and identifying information are accurate and that the cameras and microphone are functioning properly.
 - 5.A.1.e Check the external hard drive during every shift to ensure that it is functioning properly.
 - 5.A.1.f Firmware Updates: The BWC must be connected to the laptop computer with the supplied USB-C cable and synced with the Axon dashboard (or docked in a docking station) at least every 30 days (monthly) to ensure the firmware is up-to-date.
 - 5.A.1.g As soon as practical, report any equipment problems or missing items to the duty supervisor and applicable region/post video coordinator. (Use SP4106, Equipment Outage/Repair Report).
- #### 5.A.2 Operation
- 5.A.2.a Record all traffic stops and enforcement contacts, activating any applicable BWC, ICC, and body microphone transmitter before the stop. The recording shall continue until the person(s) is released or turned over.

- 5.A.2.b Record all other enforcement and service activities, i.e., criminal interdiction, motorist assists, crash response and investigation, transportation of prisoners or other passengers, etc.
- 5.A.2.c Utilize video equipment as directed by a supervisor.
- 5.A.2.d Audio shall be used in all recording situations.
- 5.A.2.e The use of a BWC, ICC, and/or microphone transmitter to record a Division of State Patrol (DSP) employee and/or supervisor without the person's knowledge is prohibited. All DSP staff shall have the expectation that a BWC, ICC, and/or microphone transmitter recording is occurring during any event or incident described in paragraph 4.A of this policy.
- 5.A.2.e Ensure that ICC and BWC video is categorized correctly within the respective system. Categorization is critical for proper data retention. If a CFS number is assigned to the event this shall be entered as well. In the event no CFS number was created, for example, a training activation or an inadvertent activation, officers shall enter 000000-0000 in the field for the CFS number.
- 5.A.2.f Provide courtroom testimony supporting video evidence.
- 5.A.2.g Uploading
 - 5.A.2.g.1 For Axon systems, upload and categorize recordings per the provided training. Officers are responsible to ensure every video has an accurate event ID, which is the CFS number, and the proper category or categories assigned. In the event no CFS number was created, for example, a training activation or an inadvertent activation, officers shall enter 000000-0000 in the event ID field.
 - 5.A.2.g.2 For CopTrax and Digital Ally systems, download videos to the hard drive at least once per shift.
- 5.A.2.h Reasonable precautions shall be taken to ensure external hard drives are stored and secured properly. External hard drives shall not be transported with the USB cord connected to the USB port on the hard drive. Except in the case of an emergency, officers shall not drive while the external hard drive is connected to the MDC or any component of the ICC.
- 5.A.3. Documentation
 - 5.A.3.a Officers shall not delete recordings except per the direction of this policy, the appropriate Wisconsin Department of Transportation Records Retention / Disposition Authorization (RDA), and Wisconsin State Statutes.

5.A.3.b Audio/video recordings shall be retained as follows:

- 5.A.3.b.1 **Criminal Investigation Audio/Video Recordings** – any audio and/or video recording(s) created by any officer during the course of an investigation of a violation(s) of criminal laws shall be retained for a minimum of fifty (50) years after the date of final adjudication. Recordings are pertinent to criminal charges, criminal arrests, or investigations involving potential criminal charges. Recordings are made by primary or assisting officers. RDA 000942-000, Investigation Case Files.
- 5.A.3.b.2 **Impaired Driving Audio/Video Recordings** – For the sole purpose of audio/video recording retention, any audio and/or video recording(s) of actual or suspected violations of Wisconsin Statute 346.63(1) shall be retained consistent with Section 5.A.3.b.1 of this policy.
- 5.A.3.b.3 **Crash Investigation Audio/Video Recordings**, – any audio and/or video recording(s) created during the course of a motor vehicle crash investigation, and which does not fall into the category of a criminal investigation audio/video recording, shall be retained for a minimum of five (5) years after the date of the crash. RDA 000501-000, Traffic Crash Reports.
- 5.A.3.b.4 **Other Law Enforcement Related Audio/Video Recordings** – any audio and/or video recording(s) created during law enforcement contact that leads to enforcement action shall be retained for a minimum of one hundred and twenty (120) days from the date of final adjudication. These contacts include but are not limited to, traffic stops that do not involve violations of criminal law, motorist assists, citizen contacts, traffic or crowd control, etc. RDA 000940-000, Evidentiary Audio and Video Recordings.
- 5.A.3.b.5 **All Other Audio/Video Recordings** – any audio and/or video recording(s), which do not fall into the category of a criminal investigation or crash investigation audio/video recording, shall be retained for a minimum of three (120) days after the date of the recording. RDA 000941-000, Non-Evidentiary Audio and Video Recordings.
- 5.A.3.b.6 A date of final adjudication is determined by one of the following, final disposition, including appeals a determination from the court or hearing examiner that the data are no longer needed, or an order from the court or hearing examiner. See Wisconsin Statute 165.87(2)(d).
- 5.A.3.c When audio and/or video recording is available and part of the documentation for a case, it shall be noted in the report for the case.
- 5.A.3.d Officers shall ensure reports and courtroom testimony are consistent with any relevant audio/video recordings.

- 5.A.3.e No officer shall sell, transfer, share access, or distribute in any manner copies of audio and/or video recordings to any person or organization outside the Division of State Patrol without permission of the Director of the Bureau of Field Operations or his/her designee.
- 5.A.3.f Exceptions
 - 5.A.3.f.1 A prosecuting attorney's office.
 - 5.A.3.f.2 Another law enforcement agency as part of an ongoing investigation.
 - 5.A.3.f.3 In fulfillment of a subpoena or other court order.
 - 5.A.3.f.4 In fulfillment of an open records request. Officers shall work with the Division or Region Open Records Coordinator to complete any request for an audio/video recording.
- 5.B Region/Post Video Coordinator
 - 5.B.1 Ensure that all video operators assigned to the region/post are familiar with their assigned equipment and its proper use.
 - 5.B.2 Operations
 - 5.B.2.a Identify region/post ICC and BWC training needs.
 - 5.B.2.b Develop ICC and BWC training in cooperation with the Division Video Coordinator, other video instructors/coordinators, and the Wisconsin State Patrol Academy (WSPA). Forward unique video recordings to the WSPA to be used for training purposes.
 - 5.B.3 Assist officers with video court appearances if necessary.
 - 5.B.4 Equipment
 - 5.B.4.a Receive outage reports and forward them to Division Video Coordinator.
 - 5.B.4.b Notify officers of equipment outage and repair dispositions.
 - 5.B.4.c Maintain a record of issued video equipment.
- 5.C First-line Supervisor (Sergeant)
 - 5.C.1 Ensure that officers are utilizing video recording equipment per this policy and all other relevant Division directives, applicable statutes, and operating standards.
 - 5.C.2 Inspect video recording equipment periodically to ensure proper care and maintenance.

- 5.C.3 On a regular basis, review ICC and BWC recordings from staff with more frequent reviews regarding probationary employees to improve officer safety and other procedural practices.
- 5.C.4 Any time a Livestream feature of a BWC and/or ICC is used, the supervisor shall provide one of the following justification codes in the Reason Field:
 - 5.C.4.a Code 1 – Officer safety check
 - 5.C.4.b Code 2 – Critical incident management
 - 5.C.4.c Code 3 – Other (must provide an additional explanation in the Reason Field)
- 5.D Division Video Coordinator
 - 5.D.1 Maintain a database of assigned video recording equipment.
 - 5.D.2 Coordinate field testing and evaluation of equipment.
 - 5.D.3 When informed of malfunctioning equipment, ensure that necessary repairs are made promptly by the appropriate personnel.
 - 5.D.4 Obtain cost information and purchase equipment as approved (new and repaired).
 - 5.D.5 Write bid specifications for future equipment needs.
 - 5.D.6 Coordinate training requirements with the Wisconsin State Patrol Academy.
 - 5.D.7 Serve as a primary point of contact for video equipment vendors.
- 5.E Audio/Video Redaction
 - 5.E.1 All audio/video recording redactions shall be in accordance with statutory, case law, and public policy reasons under the balancing test. The balancing test shall be conducted by the Director of the Bureau of Field Operations or his/her designee and, when required, in consultation with the appropriate legal staff from the WisDOT Office of General Counsel.
 - 5.E.2 The balancing test weighs the public interest in the disclosure of the record versus the public interest and public policies against disclosure.
 - 5.E.3 Audio/video redaction shall be performed by trained staff using Redaction tools found on Axon Evidence.com.

6. REFERENCES

DSP Policy & Procedure 10-5, Evidence Processing/Seized or Recovered Property

IACP Publication on Traffic Stops

Records Disposal Authorization 000501-000

Records Disposal Authorization 000940-000

Records Disposal Authorization 000941-000

Records Disposal Authorization 000942-000

Transportation Administrative Manual COM105

Wisconsin Statute 165.87

Wisconsin Statute 175.47

Wisconsin Statute 808.04

Wisconsin Statute 907.02

Wisconsin Statute 968.31