



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Video and Audio Surveillance

Eff. Date 11/30/2017

Purpose

The Madison Police Department (MPD) recognizes the use of video and audio surveillance technology can significantly aid MPD investigative efforts and promote greater public safety in our community. City of Madison APM 3-17, "Use of Surveillance Cameras" recognizes how many other City agencies beyond the MPD, also benefit from the use of video and audio surveillance technology. Yet the use of surveillance technology must also be balanced with the need to protect the privacy rights of the public and MPD employees when and where applicable.

MPD Authorized Use and Compliance with APM 3-17

City of Madison APM 3-17 directs agencies to adopt a written surveillance camera procedure on the use of surveillance cameras. Such written procedure must also be placed on file and available for public review in the City Clerk's Office per Common Council Resolution RES-08-00863. APM 3-17 states that agency policies must address specific considerations. The MPD's responses to these considerations are outlined below:

Agency Policies Must Address...	MPD Response:
<i>Circumstances which necessitate the use of surveillance cameras.</i>	When necessary, the MPD deploys video and audio surveillance technology to: 1. Assist with the investigation of criminal or otherwise unlawful activity. 2. To protect and secure MPD facilities. 3. To maintain order during planned and unplanned events (e.g., Freakfest, Mifflin Street, political demonstrations, or other similar large scale public assemblies).
<i>Whether the agency will utilize the City's standardized enterprise camera system and if not, specify business/technical reasons prohibiting such use.</i>	The MPD routinely utilizes the City's standardized enterprise camera video surveillance system. The MPD will also, from time to time, deploy and utilize other, stand alone, covert video or audio surveillance technology often in conjunction with other law enforcement agencies. These deployments are often limited in duration and part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal prosecution.
<i>The personnel, by name or position that will have access to either the cameras or the data recorded by such cameras.</i>	All commissioned members of MPD are authorized by the Chief of Police to access the City's public (or overt) enterprise camera system and the MPD Arbitrator Video system, consistent with the limitations outlined above. Access to covert video and audio surveillance deployed as part of specific criminal investigation will be limited to only those commissioned members as authorized by the MPD Captain/Lieutenant in charge of that investigation.
<i>The circumstances under which such personnel will have access to either the cameras and/or the recorded data.</i>	Commissioned members of the MPD shall access the City's enterprise camera system and MPD Arbitrator Video system only in conjunction with their official duties as a City of Madison police officer.

Agency Policies Must Address...	MPD Response:
<i>Whether the cameras will be recording video or both audio and video.</i>	The City's enterprise camera system only captures video surveillance; not audio. However, MPD may conduct both video and/or audio surveillance as part of an on-going criminal investigation. Such surveillance must be reviewed and approved by an MPD command officer to insure the deployment of video and audio surveillance is consistent with APM 3-17 and other applicable State and Federal laws. MPD does utilize both audio and video recording in MPD interview rooms. Use of these systems will be in accordance with MPD "Recording Suspect Interviews: standard operating procedure and Wis. Stat. 968.073.
<i>The physical location of cameras and a description of the areas to be observed.</i>	MPD does not deploy covert public video surveillance cameras. However, MPD command staff will continue to recommend and request City I.T. staff to deploy additional cameras to the City's enterprise camera system should we believe a public safety concern is present in that area. MPD will not reveal the deployment or location of covert surveillance technology used in conjunction with criminal investigations unless the harm to the integrity and successfulness of the investigation is outweighed by other public interests, i.e. the identification and apprehension of a fugitive. Such decisions will be made by the Captain/Lieutenant in charge of the investigation after appropriate consultation with legal counsel. Cameras on the City's enterprise system are deployed to public areas in MPD facilities. MPD utilizes in-car video recording, see "In-Car Video System" standard operating procedure. MPD utilizes body worn cameras in limited circumstances, see "SWAT Body Worn Cameras" standard operating procedure. MPD utilizes unmanned aircraft systems with camera capabilities, see "Unmanned Aircraft Systems" standard operating procedure. MPD's Special Events Team uses handheld video recording in limited circumstances, see "Demonstrations and Assemblies" standard operating procedure. MPD personnel may be provided with access to third-party video systems. Use of these systems must be approved by a commanding officer. MPD personnel will only utilize third-party systems for official police business.

Agency Policies Must Address...	MPD Response:
<i>The corresponding location and the verbiage of signage of alerting persons that their actions are subject to audio-visual recording. Such signage shall be conspicuous and shall clearly inform all persons that their actions are being both audibly and visually recorded.</i>	MPD posts signage near the entrance to MPD facility parking lots, customer service areas and internal secure holding areas alerting the public to the use and deployment of video surveillance technology.
<i>Unless otherwise prohibited by law, the MPD will be provided with immediate access to all data or recordings that may constitute evidence of a crime. The MPD shall determine, in consultation with the Dane County District Attorney's Office, whether to obtain a warrant to take custody of such data or recording.</i>	The MPD continues to work with and assist all City of Madison agencies as we strive to make Madison a safe community. When other City agencies, while using the City's enterprise camera system, believe they have witnessed criminal activity, we ask they contact any MPD employee for guidance as to which police district or work unit would be best to direct their information for further review and any additional follow up.
<i>The time period that recorded audio/video will be retained and available. No retention period of less than fourteen days may be approved under this procedure.</i> <i>Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil/criminal litigation.</i>	All video and audio data collected and recorded on the City's enterprise camera system is purged after 14 days, unless a recording is requested under the Wisconsin Public Records Laws or it contains evidence of a crime/ordinance violation or is determined to have other value in being preserved. If a record is created through preservation video from the City's enterprise system, that record is to be maintained in accordance with MPD's records retention schedule, or if the video contains evidence of a crime, it shall be maintained in accordance with MPD's digital evidence policies and procedures. Cameras on the City enterprise system deployed to sensitive areas within MPD facilities are retained for a one-year period. Video and audio data collected and recorded through MPD in-car video, body worn cameras or unmanned aircraft systems are purged after 180 days, unless a recording is requested under the Wisconsin Public Records laws, or if it contains evidence of a crime/ordinance violation or is otherwise determined to have value in being preserved (in which case it shall be maintained in accordance with MPD's digital evidence procedures).
<i>Each agency procedure shall address any laws unique to that agency.</i>	Pursuant to the State's "Recording Custodial Interrogations" statutes (Wis. S.S. 938.195 and 968.073), the MPD has installed in all district stations video and audio recording equipment for purposes of recording all custodial interrogations for individuals under seventeen years of age, and for adults involved in felonious incidents. MPD also video and audio surveillance technology installed in marked and unmarked squad cars which may also be used to record custodial interrogations when necessary. All video and audio records associated with custodial interviews are maintained in accordance with applicable MPD departmental procedure.

Agency Policies Must Address...	MPD Response:
<i>Every procedure shall address the implications of any applicable collective bargaining agreement. Compliance with this provision requires close consultation with the Labor Relations Unit of Human Resources.</i>	Currently there are no applicable clauses related to video and audio surveillance in any collective bargaining agreements between the City of Madison and any MPD commissioned or non-commissioned employees.

Procedure for MPD Deployment and Use of Video and Audio Surveillance Technology

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by MPD (e.g. beyond the City's enterprise camera system). As noted earlier, MPD uses overt and covert surveillance strategies depending upon the situation. Overt surveillance for purposes of this SOP shall be defined as video or audio surveillance where the subject(s) being recorded are aware they are being recorded. Covert surveillance is defined as video or audio surveillance where the subject(s) is not aware they are being recorded.

Prior to the use and deployment of video and audio surveillance technology, MPD employees shall adhere to the following:

1. All requests for the new use and deployment of video or audio surveillance will be directed to an MPD Command Officer. The Command Officer shall review the request and insure the request is compliant with City APM 3-17, and that the anticipated installation/use of the video or audio surveillance is compliant with all applicable legal requirements.
2. The reviewing Command Officer will then review the request in light of the below matrix seeking higher level approval for the request if necessary:

Type of Surveillance	To be Authorized by
Overt video-audio surveillance of public spaces (e.g., State St. cameras, Special Events, etc.)	Chief of Police only with recommendation sent to City I.T.
Covert video (only) surveillance related to criminal investigations.	Command Officer approval (With notification to Chief of Police)
Covert audio (only) surveillance related to criminal investigations (e.g., suspect telephone recording, etc.).	Command Officer Approval
Covert video or audio surveillance related to any internal, PS&IA employee investigation.	Chief of Police Only

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