Video and Audio Surveillance

Eff. Date ~~06/09/2025~~

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. 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 use of surveillance technology will be consistent with any applicable City of Madison Administrative Procedural Memos (APMs) and ordinances.

MPD personnel routinely utilize the City Enterprise Camera System. MPD personnel will also deploy and utilize other, stand alone, covert video or audio surveillance technology when appropriate. These deployments are generally limited in duration and are part of an on-going investigation of specific criminal activity for purposes of collecting evidence necessary for criminal or municipal prosecution.

Use of City of Madison Enterprise Camera System

All commissioned MPD employees are authorized to use the City Enterprise Camera System as outlined in this standard operating procedure (SOP). Civilian MPD employees may be authorized by the Chief of Police to access the system where there is a job-related need. No MPD employee will access or utilize the system prior to receiving training in its use.

MPD Information Management and Technology (IMAT) is responsible for administration and maintenance of appropriate user/access lists. Any complaints about use of the system will be routed through Professional Standards and Internal Affairs (PS&IA), consistent with department SOP.

Signage will be posted at appropriate MPD locations alerting the public to the use and deployment of video recording.

Authorized Use
MPD employees are only permitted to access the City Enterprise Camera System for official law enforcement business, under any of the following conditions:

- To assist with the investigation of criminal or otherwise unlawful activity.
- To assist with internal investigations as appropriate by the Chief or designee.
- To protect and secure MPD/City of Madison facilities.
- To maintain order during planned and unplanned events.
- As part of a proactive review of a tactical incident, or for internal training opportunities with prior supervisory approval.
- To remotely monitor environmental conditions or other non-investigative circumstances necessary to perform an employee's duties (i.e., weather or traffic conditions, safety hazards, management of resources, etc.).
- To preserve previously-discovered items or view/retrieve preserved evidence.

Prohibited Uses
MPD use of the City Enterprise Camera System is intended to monitor publicly available spaces. Employees will not use the system to view any area where a reasonable expectation of privacy exists (i.e., through a window into a private residence) without a warrant or other lawful justification (i.e., exigent circumstances).

Employees will not utilize the system to track or surveil any individual or vehicle without a specific and articulable law enforcement purpose. Cameras will not be accessed for any personal use.

MPD use of the City Enterprise Camera System is subject to audit, consistent with the System Audits SOP.

Retention/Evidence

City of Madison Information Technology (IT) is responsible for maintenance of the City Enterprise Camera System and for storage of video captured by the system. Depending on camera settings and available storage space, video is generally retained for ten to fourteen days, a recording is requested under the Wisconsin Public Records law, it contains evidence, or it is determined to have other value in being preserved. Cameras on the City Enterprise Camera System deployed to sensitive areas within MPD facilities are retained for a one-year period. This retention period is outlined in Record Series No. GS000051 and GS000051A of the City of Madison Records Schedule.

Requests to preserve video on the City Enterprise Camera System server should be directed to the MPD Forensic Services Unit (FSU). The request shall be completed in a timely manner and shall include case number(s), camera name(s), date(s), and time frame(s) to be preserved for evidentiary purposes. This information shall also be documented within an official police report.

If a record is created through the preservation of video from the City Enterprise Camera System, that record will be maintained in accordance with MPD's records retention schedule. If the video contains evidence of unlawful activity, it will be maintained in accordance with MPD's digital evidence policies and procedures.

The capture and preservation of video stills ("screen shots") is permissible in instances where the full video is not necessary or required for evidentiary purposes or to supplement retention of the video. Video stills are not an equivalent substitution for proper video evidence identification and retention.

Pursuant to the State of Wisconsin's "Recording Custodial Interrogations" statutes (Wis. State Statutes 938.195 and 968.073), MPD has installed in all district stations video and audio recording equipment for purposes of recording custodial interrogations of individuals under 17 years of age and of adults involved in felonious incidents. MPD in-car audio/video systems 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.

Any requests to add or to move cameras on the City Enterprise Camera System will be forwarded to the Chief's office.

MPD Video/Audio Systems

MPD personnel deploy additional video/audio systems on a regular basis (in-car video, body worn cameras, unmanned aircraft systems, etc.). MPD personnel will only utilize or access those systems for official law enforcement purposes. Video/audio collected through those systems will be retained for 120 ~~180~~ days unless a recording requires longer retention as outlined by case file records retention policy or the video ~~is~~ is requested under the Wisconsin Public Records law, it contains evidence, or it is determined to have other value in being preserved. This retention period is outlined in the Madison Police Department Records Schedule, PD000615, PD000613, and PD000801A-G.

Use of Other Video/Audio Surveillance Systems

MPD personnel may deploy additional surveillance technology (i.e., covert cameras) as part of an active investigation. Such deployment will be of a limited duration and will only be done with approval as outlined below. 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 success of the investigation is outweighed by other public interests (i.e., the identification and apprehension of a fugitive). Access to covert video/audio surveillance deployed as part of an active investigation is limited to personnel authorized by the MPD commander in charge of the investigation.

MPD personnel may be provided with access to third-party video systems. MPD personnel will only utilize third-party systems for official police business.

The procedures outlined below serve to clarify and establish guidelines for further deployment of video and audio surveillance technology by MPD personnel. As noted earlier, MPD personnel use 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 is(are) aware of the recording. Covert surveillance is defined as video or audio surveillance where the subject(s) is(are) not aware of the recording.

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 ensure the request is compliant with this SOP 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**
Covert video (only) surveillance related to criminal investigations	**Chief of Police with Commander recommendation**
Covert audio (only) surveillance related to criminal investigations (e.g., suspect telephone recording, etc.)	**Chief of Police with Commander recommendation**
Covert video or audio surveillance related to any internal, PS&IA employee investigation	**Chief of Police Only**
Access to third-party video systems	**Command approval; notice to Chief of Police**

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