

## VIDEO CAMERAS IN POLICE CARS

**DO WISCONSIN POLICE CARS HAVE VIDEO CAMERAS INSIDE THEM?** Yes, many police agencies throughout Wisconsin have video cameras mounted inside the cars. The cameras can tape in front of the police cruiser to get footage of the defendant driver, or they can also be used to videotape a suspect while inside the police car. In addition, many cars and officers are wired with microphones to get audio recordings of their encounter with you. For example, if you are speaking to an officer while inside a police cruiser or performing [field sobriety tests](#) outside, it is likely that you are being taped. The police do not need your permission to tape you and they do not have to tell you that they are taping you.

**WHAT KIND OF CAMERAS ARE BEING USED?** Departments vary, however, one popular police camera is the Panasonic Arbitrator.

**HOW ARE THE CAMERAS ACTIVATED?** Most if not all cameras can be activated by pushing a button to turn it on. The cameras also can be set to automatically turn on at certain events such as when the lights are activated, when the police cruiser hits a certain speed, or when the cruiser is involved in an accident. Many cameras also cache or constantly record and tape over continuously and then record at a certain time before the lights go on. For example, the Arbitrator can be set to save the recording for 0, 30, 60, or 90 seconds before the lights went on. This means that even if the officer didn't turn the camera on himself or herself (which is often the case), there will still be some video evidence of your driving. It is not uncommon for police agencies to set the camera to record only 30 seconds of driving before the lights go on, even though they could record much more and would have objective video evidence to rely on to prove their observations. Many police agencies have a written policy regarding video camera use, objectives, and requirements.

**HOW CAN THE VIDEO AND AUDIO BE USED IN CRIMINAL DEFENSE?** A copy of the video can be used to show a judge, d.a., or jury how you were actually driving at the time of the stop. This video evidence is much more believable than testimony based on a written report made many months ago. The fact that the officer intentionally failed to turn on the camera may also cause some people to question why this was done, considering it is a digital recording and doesn't take up any space. This is especially true when an officer follows a driver for a very long time and does not record it. The video taken inside the squad car can be used to show what you looked like at the time of your arrest. If you look sober, it may contradict other evidence. If you look much more intoxicated than you did in the video of your arrest, it could be used to show your [blood alcohol level was rising between the time you were stopped and your eventual blood or breath test](#). The audio is important because officers often claim a suspect was slurring his or her words and the audio is the best evidence of the alleged slurs. Finally, both the video and audio are important to show how you performed on field sobriety tests, the conditions of the tests, and the instructions and protocol given to you by the officer.

**HOW TO GET A COPY OF POLICE VIDEO AND AUDIO?** Contact a criminal defense lawyer who has experience dealing with the D.A.'s and local police agencies.