



POLICY & PROCEDURE

SHOREWOOD HILLS POLICE DEPARTMENT

SUBJECT: BODY WORN CAMERAS

SCOPE: All Sworn Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statute: 175.22 Locker Rooms
WI State Statute: 19.32(2)

NUMBER: 9.03
ISSUED: 03/15/2018
EFFECTIVE: 03/15/2018
 RESCINDS
 AMENDS
WILEAG STANDARDS: N/A

PURPOSE: The purpose of this Policy & Procedure is to provide direction for the use of Body Worn Camera (BWC) devices. The use of Department-approved BWC systems can provide powerful evidence of criminal activity and has proved to be a valuable tool for law enforcement in documenting officers' honesty, integrity and professionalism.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROGRAM OBJECTIVES
- IV. OPERATING PROCEDURES
- V. OPERATING GUIDELINES
- VI. APPROVED USE OF BWC
- VII. PROHIBITED USE OF BWC
- VIII. RECORDING CONTROL AND MANAGEMENT

I. POLICY

A. Officers shall use their BWC systems in compliance with manufacture's operational guidelines, Department training and this policy. It is the policy of the Department to authorize use of BWCs to collect audio-visual evidence of criminal activity, to evaluate officers' performance and as a training tool for members. BWCs will generally be utilized in situations to include but are not limited to:

1. Citations
2. Arrests
3. Warnings
4. Investigations to be submitted for Complaint

II. DEFINITIONS

A. (BWC) BODY-WORN CAMERA (EQUIPMENT): a recording device worn by the officer on the uniform that captures audio and video of the encounter between police and citizens. The video is from the officer's perspective and is used to better document the event.

B. LAW ENFORCEMENT ACTION: any official action taken by officers of this department in the performance of their duties. These include, but are not limited to: traffic stops, calls for service, investigative stops, crash investigations, citizen interviews, and any other situation where an officer may have an accusatorial encounter with citizens.

C. RECORDINGS: Refers to audio-video signals recorded on any of several storage devices, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, etc.)

D. USE OF FORCE INCIDENT: Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.

III. PROGRAM OBJECTIVES

A. The Shorewood Hills Police Department has adopted the use of body worn camera equipment (BWC) in order to accomplish the following objectives:

1. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents to enhance officer reports, collection of evidence and testimony in court.

2. The enhancement of the Department's ability to review probable cause for arrest, arrest procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.
3. Protect officers from false allegations of improper police conduct.

IV. OPERATING PROCEDURES

- A. Only sworn members of the Department shall be authorized to utilize BWCs as a part of their duties.
- B. Officers shall only use the issued equipment to record encounters between citizens and the police. No personal devices may be used.
- C. Care and use of the mobile audio/video recording equipment is the responsibility of the officer assigned to that equipment and shall be used in conformity with Department policy and training.
- D. Prior to each shift, officers shall determine whether their recording equipment is working properly and shall report any problems to a supervisor as soon as practical.
 1. Officers will power on the BWC and ensure it is functioning properly throughout their shift.
 2. The officer will ensure the encoded date/time is accurate.
 3. Any malfunction shall be reported to a supervisor as soon as practicable.

V. OPERATING GUIDELINES:

- A. The BWC should be activated when an officer is engaging in an official law enforcement action. The device may be manually activated or activated using the trigger from the patrol vehicle in-car camera.
- B. Officers should notify individuals they are in contact with that a BWC is being utilized. This should be done when practical and should not compromise officer safety or the integrity of an investigation
- C. There are circumstances where utilizing a BWC may hinder an investigation including, but not limited to interviewing a victim of a crime, confidential informants, juveniles or situations involving medical treatment or care. In these types of situations, officers should ask involved individuals for consent to record the interaction. If the individual does not want the interaction recorded, the officer will comply with the request and document in the incident report that the BWC was not activated and the reason why.
- D. In locations where individuals have a reasonable expectation of privacy, such as a residence or medical setting, they may decline to be recorded unless the recording is being made pursuant to official law enforcement duties.

- E. Request to have recordings deleted from the video server (eg. Recordings of a personal nature) must be made to the Chief or designee in writing. All requests for deletion and the decision regarding the request will be kept for the duration the video would have been maintained under WI open records laws.
- F. Once recording, personnel shall ensure there are no obvious obstructions to recording.
- G. Once recording has begun it shall remain on until the incident has reached its conclusion or the officer has left the scene.
- H. With automatic activation, officers will record all of the events in view of the BWC. The BWC will not be powered off until after the officer clears the scene unless directed by a supervisor or the exemptions in 9.03 (V)(C) or 9.03(V)(D) are applicable. Automatic activation of the BWC system occurs when the in-car camera is activated.
- I. Manual activation is required for any citizen contact other than the listed exceptions, any situation where there is potential evidence to be recorded or where directed by a supervisor.
- J. Manual activation is not required for:
 - 1. Station calls
 - 2. Lunch breaks; non-meal breaks
 - 3. Foot patrols
 - 4. Non-investigative contacts
- K. The equipment may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic or perimeter assignments at critical incidents.
- L. Officers shall document in all incident reports whenever recordings are made during an incident in question. This should be done at the beginning of the report when the officer(s) identify if bank or juvenile information is included in the report.
- M. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes, court, or unusual circumstances or events.
- N. Officers shall not intentionally alter or attempt to alter recordings in any way.
- O. Use of BWCs is for on-duty, official police business only.

VI. APPROVED USE OF BWC

- A. Officers should record their interactions while in direct contact with the public on incidents or contacts as outlined above. Additional examples include but are not limited to:
 - 1. All officer/subject contacts during traffic stops.
 - 2. All officer/subject contacts during an arrest including approach, custody, statements, transportation, Department booking process and release.
 - 3. All officer/subject contacts of arrested subjects taken to the Dane County Jail or Juvenile Detention Center. Recordings will cease upon entry to the Juvenile Reception Center unless approved by facility staff.
 - 4. Any other contacts with persons under circumstances that lead the officer to believe that the specifics of the contact may need to be retrieved or reviewed.

VII. PROHIBITED USE OF BWC

- A. BWCs shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between an officer and a member of the public.
- B. The department shall not utilize any biometric technology, such as facial recognition, to conduct searches of video files or passive searches of the public. Stored video and audio data from a BWC shall not:
 - 1. Be used to create a database or pool of mug shots;
 - 2. Be used as fillers in photo arrays; or
 - 3. Be searched using facial recognition software.
- C. Audio or video recording devices shall not be used in Department locker rooms, restrooms or any other intimate places where there would be a reasonable expectation of privacy.
- D. Generally officers will not record interactions with confidential informants or undercover officers. If a conversation needs to be recorded it is encouraged to capture the audio portions only.
- E. Officers will not activate their BWC to record a trial or portions of a trial in court.
- F. Officers shall not record tactical planning briefings.
- G. Officers shall not access, obtain or view video footage from another officer without the permission of a supervisor after demonstrating a reasonable need to do so. This does not preclude a Training Officer or Supervisor from reviewing recordings of individuals they are training/supervising for the purpose of coaching/mentoring.

- H. Employees shall not convert, obtain, or copy any BWC footage for personal use. No images, footage or BWC information will be released to any social media site without the permission of the Chief of Police.
- I. Officers shall not use BWC recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or talks between employees.
- J. Officers are expressly prohibited from viewing the video file until after an initial incident report is complete when:
 - 1. An officer is suspected of wrongdoing; or
 - 2. An officer is involved in a critical incident, such as an officer involved shooting or other serious use of force.

VIII. RECORDING CONTROL AND MANAGEMENT

- A. Recordings are subject to existing State of Wisconsin open records laws.
 - 1. The Records Custodian will establish a reproduction fee for the duplication of recordings. The fee will include the cost of storage media and the actual necessary costs of the reproduction effort.
 - 2. Recordings may be duplicated for another criminal justice agency when required for trial, or otherwise authorized by the Chief or designee.
- B. Recordings may be shown to Shorewood Hills Police Department employees for training and evaluation purposes.
 - 1. Recordings may be shown to persons other than Shorewood Hills Police Department employees provided prior approval is obtained from the Chief or designee.

C. Storage of Media

BWC media will be downloaded utilizing the BWC dock in the SHPD squad room. The server for the video system will be secured in the VOSH server room at SHPD.

- 1. Storage of Media as Evidence; the recording media will be recorded as evidence when any of the following events are captured. These recording will be kept until the case has been adjudicated and time limits for appeal have expired or 180 days from the creation of the recording, whichever is greater. Once the time limits have been met, the recordings will be deleted:
 - a) Operating while intoxicated arrests
 - b) Physical altercation(s)
 - c) Patrol vehicle collision

- d) Injury to officer or citizen
 - e) Pursuit
 - f) Shooting incident/use of force incident
 - g) Incident involving citizen complaint
 - h) Any other incident in the officers or supervisors judgment that should be secured as evidence
2. Storage of Media not held as evidence
- a) The recordings will be downloaded to the video server utilizing the BWC dock in the SHPD squad room.
 - b) The recorded media will be stored in files identified in weekly increments.
 - c) After 180 days, pursuant to Policy & Procedure 10.04: Retention of Records, the recorded data will be deleted.
- D. Media integrity
- 1. The BWC recordings generated are property of the Department.
 - 2. BWC recordings are subject to Wisconsin Open Records Laws.
 - 3. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the Village Attorney's Office.
 - 4. Release of copies of recordings for civil proceedings shall be coordinated through the Village Attorney's Office.
 - 5. All BWC media and recordings are possessions of the Department. As such, no recording shall be released, shared, duplicated or distributed without authorization from the Chief of Police.
- E. Miscellaneous
- 1. No employee shall attempt to erase, alter, or cause to be erased or altered, any BWC media. The only exceptions would be pursuant Policy & Procedure: 10.04 Retention of Records or 9.03 (V)(E).
 - 2. Supervisors will coordinate the repair or replacement of BWC equipment.
 - a) Supervisors will ensure officers follow established procedures for the use and maintenance of BWC equipment and the proper documentation of its use.
 - 3. Recordings used for training purposes.

- a) When an incident that is recorded that is perceived to be of value as training aid, the officer responsible for the recording will notify his/her supervisor.
 - b) The supervisor will review the recording to determine the value for training.
 - c) The supervisor will obtain expressed permission from the Chief of Police or designee to use the recording for training.
4. Recording review.
- a) The BWC recordings may be routinely or randomly reviewed by supervisors to monitor officer performance.
 - b) Field Training Officers should routinely use the recordings of probationary officers during the FTO process for constructive critique review.
 - c) Officers may review their own recordings within the squad car prior to the data being downloaded. With the exceptions listed in 9.03 (VII)(J).
 - d) No recording shall be used or shown for the purpose of officer ridicule or embarrassment.

F. Recordings Retention; 180 Day Hold

- 1. Recordings are considered records as defined by Wisconsin Statute 19.32(2). Pursuant Policy 10.04: Retention of Records, recordings will be saved at minimum 180 days.

Aaron P Chapin
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial or their designee

03/15/2018