



# POLICY & PROCEDURE

## UW-GREEN BAY POLICE DEPARTMENT

<b>SUBJECT:</b>	BODY WORN CAMERA	<b>SCOPE:</b>	All Employees
<b>CHAPTER:</b>	Records	<b>NUMBER:</b>	10.3.1
<b>DISTRIBUTION:</b>	Policy Manual	<b>EFFECTIVE:</b>	06/01/2019
<b>APPROVED:</b>	Tony Decker, Chief of Police	<b>REVIEWED:</b>	05/01/2022
<b>REFERENCE:</b>	§165.87, Policy 6.3.6	<b>REVISED:</b>	05/01/2020, 11/23/2020

### I. PURPOSE

**This is a mandatory policy under Wisconsin State Statute §165.87.**

The purpose of this policy is intended to provide officers with instructions on when and how to use body-worn cameras so that officers may reliably record their contacts with the public in accordance with the law and guidance from the University of Wisconsin System.

### II. POLICY

Officers shall activate the body worn camera when such use is appropriate in the proper performance of his or her official duties and where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operation. All officers shall be trained on Body Worn Cameras and department practices and data will be periodically reviewed to confirm compliance with §165.87.

### III. DEFINITIONS

- A. Body Worn Camera (BWC): An externally worn device designed to be carried on an officer's person that has the ability to record video, with or without sound.
- B. Mobile Device: A device carried on an officer's person, such as a cellular phone, that has the ability to record video with or without sound, but is not designed to be worn externally for the capturing of contacts with the public.
- C. Critical Incident: Any event that an officer is involved in that could reasonably result in, or actually does result in death or the great bodily harm (§939.22(4)) of any person, either through direct action or by the lack of action.

### IV. PROCEDURE

#### A. General Guidelines

1. The use of BWC's was adopted to accomplish several objectives. The primary objectives is to allow for accurate documentation of police-public contacts, arrests, and critical incidents. Secondary objectives include enhancing the accuracy of officer reports and their testimony in court by memorializing the

incident, as well as incidental documentation of crime scenes and potential evidence. This will also enhance this agency's ability to review probable cause for arrest, the officer-suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.

2. Only Department issued BWC's may be used. Any officer who may be dispatched to respond to a call for service shall attempt to use a BWC in accordance with this policy. If a BWC is unavailable to an officer at the start of their shift due to limited quantity or operational defects the officer shall, as soon as practical, attempt to procure a functional BWC when it's reasonable to believe one is available.
3. The use of a mobile device is not an acceptable replacement for a BWC and officers are prohibited from using a department owned mobile device as such without exigent justification.
  - a. The use of a department owned mobile device operating the "Axon Capture" or "Axon View" applications is not prohibited.

## B. USE

1. As BWC's can be digitally signed out, officers shall attempt to digitally assign the BWC to themselves prior to use, shall notify a supervisor if they create a recording while assigned to another officer, or discover a recording of another officer under their name.
2. Officers are prohibited from logging in, or attempting to log in, as another user in the BWC system, unless there is an investigative need and with express permission from the Chief of Police.
3. Department members shall not surreptitiously record another Department member without a court order unless lawfully authorized by the Chief of Police or their authorized designee.
4. Officers are prohibited from handling, modifying, or in any way altering the BWC or BWC associated equipment in a way which would diminish its functionality. This specifically includes but is not limited to intentionally failing to charge the BWC, obscuring the video lens or audio mic, or wearing the BWC in manner which is likely to render it ineffective or prone to loss.
  - a. For this policy, BWC associated equipment is inclusive of any signaling device which is capable of communicating with or triggering a recording on a BWC.
5. BWC's are by definition a body worn camera and officers shall not use them as a concealed recording device without incident specific approval of a Sgt rank supervisor or higher.
6. Officers shall activate the BWC to record any citizen contacts in which they or another officer is engaged in official duties and a reasonable officer would expect enforcement action could occur regardless of actual action taken. This

excludes parking citations to unoccupied vehicles, but is inclusive of all other warnings, citations, or contacts where a referral for criminal charges or custodial arrest may occur.

- a. Officers shall comply with policy 6.3.6 *Electronic Recording of Interrogations* and are prohibited from using a BWC as a substitute for a more robust recording system such as those in the interview room(s). This policy does not prohibit using a BWC in conjunction with the more robust interview room recording system.
7. When a person has a reasonable expectation of privacy (residence, private office, etc.) the officer shall notify them as soon as practical the officer is using a BWC. If the person makes a request that the BWC be stopped, the officer shall comply, unless the recording is being made in pursuance of enforcement investigation, arrest action, or the search of a place, object, or individual.
    - a. Medical and mental health facilities are known areas of significantly elevated expectations of privacy for individuals and as such, shall require exceptional justification for the use of a BWC.
    - b. Officers should be sensitive to privacy concerns in cases of nudity, in situations involving abuse, and in sexual assault investigations. In general officers should not record victims in these circumstances unless there is an articulable reason to do so.
  8. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated within an official report. At no time is an officer expected to jeopardize her/his safety to manipulate a BWC.
    - a. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.
  9. Officers will handle all recordings as an official record or as evidence and their dissemination against policy is prohibited, and may be unlawful under state statutes. Accordingly, all BWC captured data is the sole property of the Department and officers shall not edit, alter, erase, duplicate, copy, share, replay/review solely for entertainment, or otherwise distribute in any manner BWC recordings without prior approval and written authorization of the Chief of Police or their designee.
    - a. Employees are prohibited from accessing the secure portion of Evidence.com unless in the performance of their official duties.
    - b. The application of ID, Title, and Category to a recording on evidence.com is not prohibited.
    - c. The custodian of records, or their designee, may apply any manipulations or redactions necessary to produce and comply

with lawful public records request to a duplicative copy of any recording.

10. To assist with identifying and preserving data and recordings, officers should download and then digitally identify the data in accordance with procedure. Officers shall document the existence of the recording in any related case report.
11. A supervisor, a supervisor's designee, or an assigned evidence technician shall take custody of as soon as practical any body camera that reasonably is believed to have recorded an incident involving death or great bodily harm to an individual, resulting from the use of force by a law enforcement officer, or when a law enforcement officer's discharges a firearm.
  - a. Any officer wearing a BWC shall provide their BWC in compliance with the above as soon as practical and/or upon request.
  - b. An officer involved in such a qualifying incident shall not review nor be informed about the recordings contents before the officer completes any required initial reports, statements, or interviews regarding the incident.
  - c. Absent of death or injury to an individual, the discharging of a firearm to destroy a diseased or injured animal does not trigger this section.
12. If an officer is suspected of wrongdoing which is not a critical incident the department reserves the right to limit or restrict an officer from viewing the data captured by any BWC. Any officer suspected of wrongdoing may be shown BWC video files by investigators, but are not entitled to a review unless required by law.
13. Officers should use careful discretion in cases in which a person may be unwilling or reluctant to share information about a crime if they are being recorded. Consideration should be given to whether obtaining the information outweighs the potential evidentiary value of capturing the statement on video.

#### C. POLICY ACCESS

1. This written policy shall be conspicuously posted on the University of Wisconsin-Green Bay Police Department's webpage or similarly accessible website this agency maintains, as directed by law.
2. This Department will strive to maintain the privacy of any recorded subject who is a minor or the victim of a sensitive or violent crime. Data from BWC's shall only be released when lawful to do so, and with appropriate redaction, unless the public interest in allowing access is so great it outweighs public policy and privacy concerns set forth by the state.

#### D. STORAGE

1. Data from a body camera shall be retained for which ever is longer, 120 days or the final disposition of the incident, and may be destroyed thereafter if retention serves no official purposes.
  - a. This data specifically includes, but is not limited to;
    1. An encounter about which a formal or informal officer complaint has been filed.
    2. An encounter which results in a custodial arrest.
    3. An encounter during which a law enforcement officer discharged his or her firearm (not including animal destruction) or uses any force.
    4. An encounter that resulted in any actual or *alleged* physical injury or death of any person.
2. BWC data is subject to the right to inspection under §19.35 with some exceptions as outlined in §165.87. The public records balancing test, applicable state law restrictions or exceptions, and the public policy guidance provided shall be reviewed prior to any release.
3. Recordings shall be retained for a period beyond 120 days if a request or directive to preserve the recording is made before its destruction by a police officer, a commissioner of any Police and Fire Commission, a prosecutor, the defendant, or a court of law.
4. BWC files may be securely downloaded periodically during an officers shift but shall be done before an officer completes their assigned shift.

#### E. DISCIPLINARY MEASURES

1. Non-compliance with with this policy shall be dealt with according to Departmental policy and University of Wisconsin-Green Bay disciplinary protocols.



April 13, 2022

TONY DECKER, CHIEF OF POLICE

*This policy shall become effective either immediately upon my signature or on the last date noted in the Revised Date field of page one. When a revision becomes effective, it shall be the standard and shall supersede all previous versions of the policy. Historical policies shall be maintained for no less than 7 years.*