

# Chapter 28

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## Officer Body Worn Camera

03-28-1      **Officer Body Worn Camera**

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### I.      PURPOSE

The purpose of this policy is to provide standards for the use and maintenance of the Body Worn Cameras. These cameras are provided to personnel to assist in the performance of their duties by providing audio and video records of contacts. This policy will address the storage, retention of evidence, and incidents captured on audio/video files.

### II.     POLICY

It is the policy of the Kaukauna Police Department that activities associated with calls for police service and officer initiated activity shall be recorded using body worn cameras in a manner consistent with this policy. Furthermore, uniform procedures will be followed for the storage and safekeeping of audio/video recordings.

### III.    DISCUSSION

The objective of this policy is to increase the efficiency of the department's mission to, "promote a partnership for a safer community", increase officer safety, and safeguard the rights of our citizens and personnel in the use of this technology. Audio and video recordings captured by assigned personnel during law enforcement or investigative actions are evidence and a public record, and, therefore subject to rules of evidence and Wisconsin Public Records Law, Wis. Stat. §19.31-19.39.

It is understood the recording captured from a BWC provides an objective record of the event; however, does not necessarily reflect the experience, state of mind of the individual assigned personnel, or events occurring outside the recording capabilities of the camera angle. The video recording has limitations and may depict events differently than the events recalled by the involved personnel. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved employee and may not capture information observed by the employee.

#### IV. DEFINITIONS

- A. BWC (Body Worn Camera): Equipment worn by department personnel that captures audio/video and includes a camera, microphone, and electronic storage device.
- B. Web-Based Storage Facility: A virtual warehouse that stores digitally encrypted data in a highly secure environment accessible to personnel based on assigned levels of security clearance.
- C. Evidence Transfer Manager (ETM): A router with built in docking stations physically installed within the police department. The ETM simultaneously recharges the device while uploading all digitally encrypted data to the web based storage facility (evidence.com).
- D. Video/Audio Recordings: Includes both VHS videotapes and digital files.

#### V. PROCEDURE

- A. Training
  - 1. All officers using a BWC device shall receive training in the use of the equipment.
  - 2. The training will include techniques that will help to ensure an incident is accurately documented and properly stored.
- B. Responsibilities of Personnel assigned BWC
  - 1. The BWC equipment, as well as any recorded audio/video obtained through its use, are the property of the Kaukauna Police Department and shall be for authorized use only.
  - 2. At the beginning of each shift, the officer should remove the BWC from the ETM and affix the BWC to their uniform, verify the camera is connected to Axon View app, and periodically conduct a function check to ensure the following functions of the BWC are working properly:
    - a. Video recording
    - b. Audio recording
    - c. Accurate time/date and other information on the display
    - d. Pre shift function checks shall be classified as “non-evidentiary video.”

3. Officers assigned a BWC are responsible for keeping the unit in good working order. This includes ensuring the charging of the battery and downloading of the video files.
4. Officers not assigned a BWC may check out a BWC assigned to their unit through the Sergeant assigned to that unit. Officers checking out shared units should ensure the unit is assigned to them to accurately depict the owner of the audio/video files created.
5. Throughout the officer's shift or at the end of the officer's shift, recorded video files shall be given a classification code and corresponding incident number. Incident number format shall consist of nine characters starting with the letter K, the last two digits of the calendar year, then the six digits from the incident numbering system (e.g. K18000000).
6. Activity not requiring an assigned incident number can be classified as "citizen contact, non-evidentiary video, or training demo" without an incident number being assigned.
7. At the end of the officer's shift the officer shall return the BWC to the evidence.com dock (ETM) to upload the digitally encrypted data to the web based storage facility and recharge the battery. Officers are responsible to ensure the BWC is functioning with a GREEN battery status.
8. If a BWC is damaged or not properly functioning, it shall be taken out of service and a Sergeant should be notified.

C. Activation of Body Worn Camera

1. Uniformed sworn personnel and CSO's assigned a BWC should record all investigative, enforcement, and call for service contacts. Officers working non-uniform assignments are encouraged to record events when practical.
2. Circumstances when a BWC may not be used include but are not limited to:
  - a. Officer safety prohibits due to sudden assault or unexpected altercation.
  - b. Speaking with an informant or community member providing information who request deactivation of BWC prior to providing information.
  - c. A health care provider is discussing medical issues with a patient

- d. While in the hospital waiting for a person in custody to be medically cleared unless their behavior dictates the need for continued activation of the BWC.
  - e. While debriefing with other officers regarding specific details or tactics of a call for service.
  - f. When developing a tactical plan or creating a safety plan for a victim.
  - g. Personnel are prohibited from utilizing the issued BWC for personal use.
  - h. Any other incident where the officer can articulate the necessity and totality of the circumstances that led to not activating the BWC.
3. A BWC should be activated when an officer is engaged in emergency vehicle operation.

E. Retention of BWC Evidence

1. Once categorized, audio/video files will be retained according to the standards established in § 165.87 . There is generally no need for an officer to prepare evidence labels for this type of evidence.
2. Requests for audio/video files will be handled as other requests for release of information. Refer to the policy entitled, release of information.

F. BWC Files of Significant Use of Force Incidents

1. As soon as practicable after the incident is under control, a KPD supervisor shall direct the collection and upload of all known BWC files from the following types of incidents:
  - a. All incidents involving the use of deadly force against a person.
  - b. All incidents involving the use of force by a KPD officer that result in great bodily harm or death to a person.
  - c. All BWC files from all KPD officers involved in motor vehicle pursuits that result in great bodily harm or death to a person.
  - d. Any other incident as directed by the Chief or his/her designee.
2. An officer involved in the significant use of force will be allowed to view their BWC video, but only after providing an initial verbal statement to

investigators. After providing an initial verbal statement, the officer will be allowed to view the BWC and complete a written report and/or provide their final statement. Exceptions to this restriction may include, for example, when viewing the files is immediately necessary to identify a potential suspect(s) and/or witnesses. If this is necessary, a person not directly involved in the incident should view the files.

3. No citizen witness to these incidents shall view any BWC files from the incident prior to being interviewed about the incident, without an authorization from the Chief of Police or his/her designee.

#### G. Non-Evidence BWC Files

1. BWC files that are not evidence will be retained for no less than 121 days for a BWC video, to allow availability of these audio/video files for a reasonable time period as required under open records policy.
2. After not less than 121 days for a BWC video, these BWC files may be disposed of according to the KPD records retention schedule and § 165.87.

#### H. Reports

1. Officers shall document in their reports if an incident was or was not recorded with a BWC. If the incident was not recorded, the officer shall document in his/her report the reason the incident was not recorded.
2. Officers are encouraged to review their BWC video prior to completing an incident report to aid in its accuracy.
3. Although incidents may be recorded, incident reports must be complete and thorough. A report lacking detail and simply referring to the BWC recording is not acceptable.

#### I. Body Worn Cameras Recordings Storage and Integrity

1. The Assistant Chief of Police and the BWC Coordinator shall periodically review the BWC program and recommend modifications as necessary.