



STANDARD OPERATING PROCEDURE

WHITEFISH BAY POLICE DEPARTMENT

SUBJECT: **BODY WORN CAMERAS**

SCOPE: All Sworn Personnel

DISTRIBUTION: Standard Operating Procedure Manual

REFERENCE:

REVISED: 02/11/2020

ISSUED: 01/29/2019

EFFECTIVE: 01/29/2019

× RESCINDS 5/22/18 SOP

□ AMENDS

WILEAG 5TH EDITION

STANDARDS:

PURPOSE:

The purpose of this policy is to establish guidelines for the use, management, storage and retrieval of recordings from the department's body worn camera (BWC) system. BWC's will be used to support the mission of the department and assist department members in the performance of their duties by providing an accurate and unbiased recording of interactions between police members and the public.

Each BWC system will be used to document various events that occur during the duty shift of the assigned member. Upon completion of the assigned member's shift, all captured data will be preserved in a secure recording storage location. Once captured, these recordings are protected with multiple layers of encryption and cannot be altered.

BWC technology facilitates the department's objectives to collect evidence for prosecutions, ensures both officer and citizen accountability, facilitates administrative inspection functions, and provides a valuable training aid by allowing for the evaluation of officer and citizen behavior.

This Standard Operating Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. DIRECTIVES
- III. OPERATIONAL GUIDELINES

I. DEFINITIONS

A. AXON MOBILE SMARTPHONE APPLICATION

A smartphone application (app) that allows for a Bluetooth connection from the camera to a supported smartphone device. The app will allow a member to view live or recorded video stored on the camera. Video cannot be altered or modified, but members can tag the video in the field while the video is still stored on the camera. Tagging videos in the field will eliminate the need to tag videos after uploading at the work location. The use of the application will be optional for members to download onto their personal smartphone.

B. 30 SECOND PRE-EVENT BUFFERING

The Axon Body 2 body worn camera is continuously recording video in 30 second looped increments. This is sometimes known as a pre-event 30 second buffer and works similar to the in car video buffer. Audio is not recorded until the member begins a recording. Once the member begins to record, the previous 30 seconds of video is included in the evidentiary recording.

C. BODY WORN CAMERA (BWC)

The department Body Worn Camera or BWC is the **Axon Body 2** camera unit.

D. EVIDENCE.COM

Web-based, secure, offsite storage solution for the management and storage of audio/video recordings produced by each BWC.

E. EVIDENCE SYNC

A desktop-based application that allows Taser CEW logs and Axon Body 2 video to be annotated with meta-data in the same fashion as the Axon Mobile smartphone application prior to uploading to Evidence.com. SYNC streamlines video uploads from the field when you connect Axon cameras to an MDC or at a work location desktop computer.

F. EVIDENCE TRANSFER MANAGER (ETM)

The docking station that uploads data from a BWC to Evidence.com. The ETM also recharges the battery of the Axon Body 2 camera unit.

G. SIGNAL SIDEARM

Axon Signal Sidearm device attached to an officers duty holster that activated the Axon Body 2 camera unit when the firearm is drawn from the holster.

II. DIRECTIVES

A. TRAINING

Members will receive prescribed training prior to being assigned a BWC. Any training provided will be commensurate with the level of participation in the BWC program (e.g., patrol officer, detective, administrator, etc.)

B. CARE AND EQUIPMENT

1. The only BWC authorized by the Whitefish Bay Police Department is the department issued Axon Body 2 BWC. Personal video recording devices are prohibited.
2. All BWC's and related equipment will be issued to individual members by the BWC program administrator or his/her designee.
3. A record of inventory will be maintained by the BWC program administrator; Lieutenant Patrick Whitaker.
4. Only members that have received the prescribed training will be assigned or permitted to wear a BWC.
5. Members assigned a BWC and Signal Sidearm are responsible for the proper care of the equipment. The BWC program administrator shall ensure that batteries in the Signal Sidearm are changed once a year.
6. Any BWC that is lost or stolen shall be reported as soon as possible to a supervisor.
7. The Signal Sidearm shall be assigned to all uniformed officers and attached to their duty holster.

C. REPAIR / REPLACEMENT

1. When a BWC or Signal Sidearm is in need of repair or replacement due to damage; the member assigned the camera must notify a supervisor. The member shall detail the circumstances leading to the damage in an official police incident report if the damage occurred during an incident. If the damage did not occur during a reportable incident, the member shall detail the circumstances in a department memorandum.

2. BWC and Signal Sidearm replacement parts and/or systems can be made available by contacting the BWC program administrator. The proper documentation, outlined above, must have been filed with a copy made available for review by the BWC program administrator before replacement parts or systems will be issued.

III. OPERATIONAL GUIDELINES

A. PRE-SHIFT INSPECTION

Prior to each shift, members assigned a BWC will ensure the unit is adequately charged. Further, members will inspect their camera unit to ensure there is no visible damage and the device is in good working order. Any visible damage or concerns about the functionality of the equipment will be brought to the attention of the member's immediate supervisor as soon as it is practical to do so.

At the beginning of each shift, the officer should remove the BWC from the dock and affix the BWC to their uniform and conduct a function check to ensure the BWC is working properly.

B. AUDIO / VIDEO RECORDING

1. Wearing Position of the BWC

- a. The Axon Body 2 BWC may be worn on various locations on the officer's body with the use of department approved mounting accessories and can be adjusted depending on the individual officer's body size.
- b. The purpose is to place the camera in the best position to record as much audio/video information as possible.
- c. Officers are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.

2. Use of and Recording with the BWC

- a. A member assigned a BWC must wear it at all times when on duty, in uniform and performing or likely to perform enforcement duties.
- b. In car video and body cameras are each considered a tool in the performance of law enforcement duties. When a member is assigned a BWC and operating a vehicle equipped with in-car video, both the in-car video body microphone and the BWC will be worn.

c. The department recognizes that officer safety is paramount. Members with a BWC who arrive on a scene or engage in an enforcement contact must start recording as soon as it is safe and practical to do so. If multiple members are on scene with a BWC, all members with a BWC will record.

d. Members with a BWC shall make every effort to activate their BWC for all investigative or enforcement contacts including, but not limited to:

1. Vehicle stops
2. Impaired driver investigations
3. Field interviews and pedestrian stops
4. Searches of persons or property
5. Dispatched calls for service
6. Crime scenes
7. Crash scenes (may be turned off if member is waiting on a tow truck and no additional enforcement activity is likely)
8. Advising a subject of Miranda warnings
9. Suspect/witness statements and interviews
10. Vehicle and foot pursuits
11. Emergency response to critical incidents

e. Recording at the Criminal Justice Facility (CJF) will cease upon entry to the facility unless approved by CJF staff.

f. Once a BWC is recording, members must continue to record until either the completion of the event or until they leave the scene and their involvement in the event ceases.

g. While not required by policy or state law, members assigned a BWC may find it valuable to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has been shown to reduce incidents of use of force.

h. A BWC is not specifically designed to log evidence or to be used for any situation where fine detail and resolution is necessary. Members are encouraged, however, to use their assigned BWC to record crime scenes prior to the arrival of a detective, especially if the scene may change or be compromised.

i. For efficiency, members assigned a BWC can view and tag captured video via the Axon mobile smartphone app or by using Sync prior to uploading to Evidence.com.

C. EXCEPTIONS TO RECORDING

1. Police members have discretion in whether or not to record potentially sensitive events or circumstances (e.g., victims of a sexual assault, child victim statements / interviews, nude persons who are not the target of enforcement action, or a citizen victim/witness who requests they not be recorded while giving a statement, or where otherwise authorized in this policy).
2. Police members may deactivate BWC's during non-enforcement activities such as:
 - a. Member to member conversations about crime charging issues or other general conversations.
 - b. Police members may deactivate their BWC's while transporting citizens or prisoners if the transport is being made in a department owned vehicle equipped with squad camera equipment and such equipment is activated.
 - c. Police members do not need to record their interactions with citizens or prisoners while in the police station if they are in rooms equipped with video and audio recording equipment and such equipment is activated.
 - d. Traffic control at fires, crime scenes, or crash scenes when the member's likelihood of being involved in enforcement activities is low.
 - e. Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the member is gathering additional evidence (e.g., OWI blood draws)).
3. Members shall make a verbal notation on the recording anytime he or she plans to intentionally stop a recording prior to the completion of an event or incident. The verbal notation must include the reason why the member is stopping the recording.

D. PROHIBITED RECORDINGS

In keeping with the department's mission statement of performing police services in an ethical and professional manner, members assigned a BWC shall adhere to the following guidelines:

1. BWC's shall not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms (Wis. Stat. § 175.22). Any purposeful or accidental recordings made under these circumstances may be deleted prior to the standard 130 day retention period at the direction of the Chief of Police or their designee.

2. BWC's shall not be used to record a body cavity search, which are only allowed to occur in a hospital or medical setting. BWC's will be used to record searches done by officers in the field (e.g., pat-downs, vehicle searches).
3. BWC's will not be intentionally activated to record conversations of fellow members without their knowledge during routine and non-enforcement activities. This includes while a member is on a rest break, while report writing, attending roll calls, general discussions with other members, discussing a case with another member, or performing other administrative functions.
4. BWC's will not be utilized to surreptitiously record conversations of the public and/or other members of the department.
5. Members utilizing a BWC will not knowingly record undercover officers or confidential informants.
6. BWC's will not be utilized to record any off duty or personal activity.
7. Officers shall use the "Mute Mode" of the Signal Sidearm when drawing their weapons in non-emergency situations.) During firearms training BWC should be turned off unless otherwise directed.

E. CRITICAL INCIDENT PROTOCOL

1. A critical incident for the purpose of this SOP is any police action or activity that directly or indirectly results in great bodily harm or death to a department member and/or a citizen.
2. In the event of a critical incident, members assigned a body worn camera will refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and the member is instructed to review any recorded data.
3. If the critical incident is investigated by an outside agency, the outside agency lead investigator shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
4. If the critical incident is investigated by the department, the Chief of Police, or in the absence of the Chief, the Lieutenant(s), shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
5. This section does not prohibit members in critical incidents with ongoing exigency from viewing body worn camera recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel, etc.).

6. If there are BWC's in use during a critical incident; a police supervisor not involved in the actual critical incident will take physical custody of any BWC's that may have captured the incident and deliver them to the police station. The same police supervisor will immediately upload them into Evidence.com by placing the camera device into a camera charging/download port.

F. IMPOUNDING OF DATA, DATA UPLOADING AND VIDEO CATAGORIZATION

1. Prior to docking their camera, members should use the Axon Mobile smartphone App or Sync to assign the appropriate category, ID and Title to each individual recording. For efficiency, members should make an effort to tag and categorize their videos throughout their shift using the Axon mobile app or Sync when possible. Instructions for categorizing, titling and identifying each individual recording follow:

a. ID field: Enter the call/case number (when applicable).

1. Members should use the following formats in the **ID field**:

Call/case number: (eight digit number) e.g., 18-XXXXXX

b. **Title field**:

Provide a brief explanation of what is recorded.

Examples: DV investigation, suspect interview, T.S., arrest for POCS, FI, etc.

c. **Category fields**:

There are 13 category choices for each individual recording. Members will primarily use only seven of the categories. If multiple categories apply to an event, members should choose the category with the highest retention period available to them.

Categories 1 and 9 are for administrative purposes and required by Taser. Categories 4, 11, 12 and 13 are reserved for supervision and command staff. If a member has recorded what would be considered a category 4 (critical incident), 12 (training), or 13 (use of force), event; they should notify their supervisor or the program administrator for permission to have the item categorized as such.

2. Recording Management Categories

a. The following recording categories are to be used.

Categories:

1. Uncategorized

- a. Used when the video contains no discernable incident or activity.
- b. Retention of video in this category is 130 days.

2. Active Investigation / Evidence

- a. All video files associated with an active or open investigation without an arrest or citation will be saved in this category.
- b. Evidentiary recordings will be maintained as required by law, and subject to record requests.

3. Administrative Hold

- a. Any recording can be placed on administrative hold by a supervisor.
- b. Recordings on administrative hold will be retained as required by law.

4. Critical Incident

- a. For the purpose of this SOP, a critical incident is any police action or activity that directly or indirectly results in great bodily harm or death to a department member and/or a citizen.
- b. All recordings of critical incidents will be placed in this category by supervisors or command staff only.
- c. Incidents in this category are only viewable by the Chief and/or Lieutenants who may share the recordings with other members as determined by the Chief or Lieutenants.
- d. Once videos are placed in this category they may only be reassigned to a different category or deleted at the direction of the Chief of Police or Lieutenants.
- e. Retention of critical incidents is permanent.

5. Emergency Detentions

- a. All recordings associated with emergency detentions (ED's) will be retained in this category.

- b. Files retained in this category will be preserved for 7 years from the date of recording.

6. Incident - No Official Police Action Taken / Call Advised

- a. All video files that have contact with the public having no immediate evidentiary value at the time of recording will be saved in this category.
- b. Any file not tagged into another category by a member will be placed into this category.
- c. Files retained in this category will be preserved for 130 days from the date of recording.

7. Municipal Traffic and Ordinance Citations and/or Arrests

- a. All recordings that have potential use in Whitefish Bay Municipal Court will be retained in this category.
- b. Files retained in this category will be preserved for 3 years from the date of recording.

8. Officer Injury

- a. All recordings in which a member is becomes injured will be retained in this category.
- b. Files retained in this category will be preserved for 2 years from the date of recording.

9. Pending Review

This folder is populated when there is a technical issue with a recording. Files with technical issues are forced into this folder automatically until reviewed by a department administrator and/or a Axon Corporation administrator. Once the technical issues with a recording are resolved, it will be re-categorized as appropriate.

10. State Traffic Citations & Misdemeanor or Felony Arrests

- a. All recordings associated with circuit court will be retained in this category.
- b. Files retained in this category will be preserved for 7 years from the date of recording.

11. Testing

- a. Recordings made in order to test equipment.
- b. Files retained in this category will be preserved for 130 days from the date of recording.
- e. Retention of critical incidents is permanent.

12. Training

This category will be used by supervisors to permanently save recordings that can be used for teaching or training other members.

13. Pending Review

This folder is populated when there is a technical issue with a recording. Files with technical issues are forced into this folder automatically until reviewed by a department administrator and/or a Axon Corporation administrator. Once the technical issues with a recording are resolved, it will be re-categorized as appropriate.

- 3. At the end of each shift, members assigned a BWC will place their camera into the ETM for automatic uploading of all recorded data from the BWC into Evidence.com.
- 4. The recorded data is considered to be impounded once uploaded. Upon upload to Evidence.com, the BWC will be cleared of existing data and ready for use during the member's next shift.

G. REPORTING / DOCUMENTATION

- 1. The use of a BWC does not relieve an officer from completing a comprehensive report for an incident regardless of how simple or brief the report can be completed.
- 2. When a BWC records an incident resulting in either an arrest or citation, the use of the BWC will be documented in the citation and/or written report. If a citation is issued, the words "On Officer Video" will be written in the lower right hand corner of a paper citation or typed in the Agency Notes section when using TraCS.

H. DEPARTMENT REVIEW / TRAINING

1. All recordings made with a BWC are the property of the Whitefish Bay Police Department.

Recordings may be reviewed:

- a. By a department member to ensure a BWC system is working properly.
- b. By a police member viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case preparation.
- c. By authorized persons for the purpose of reviewing evidence and processing records requests.
- d. By a supervisor to investigate a specific act or allegation by another member or by a member of the public. While recorded data shall not be routinely or randomly viewed by supervisory members for the sole purpose of enforcing policy violations, the Chief of Police or his/her designee may order periodic integrity inspections of recordings.
- e. By authorized department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.
- f. By others with permission of a supervisor if they are participating in an official investigation.
- g. By members of the Village of Whitefish Bay Police Commission that are participating in an official investigation or review of a citizen complaint, alleged misconduct of a police member, or for a member's appeal of discipline rendered by the Chief.

2. BWC recordings may be used for the purposes of training. Members aware of BWC recordings that may serve as a training aid for other members should notify a supervisor who will review the recording to determine its feasibility as a training aid.

- a. Members involved in a recording that has been deemed a training aid will be notified by a supervisor of the intent to use the recording for training purposes.
- b. Members objecting to the display of a recording will submit their written objection on a police department memorandum. The member's commanding officer will determine if the training value outweighs the member's

objection.

- c. Supervisors having received the involved member's permission to use a video for training or when a member's objection for use has been overruled by the commanding officer shall categorize the video as a category 9 (training) video.

3. BWC recordings will never be used with the intent of belittling, ridiculing or embarrassing any member of the department, notwithstanding the potential use of BWC recordings in disciplinary matters.

I. DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS

1. All digital media that is captured with a BWC is the property of and will be retained by the Whitefish Bay Police Department for a minimum of 130 days following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc.

2. Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or his/her designee is strictly prohibited. Members are prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone or any social media application.

3. With the proper Evidence.com permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or his/her designee.

4. Members will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and such viewing has been approved by a supervisor. Members shall advise citizens that they may request a copy of the recording through the public records process.

5. The release of video requested through a public records request will be handled in accordance with existing policy and public records laws. Reproduction fees for duplication of recordings will be established by the Whitefish Bay Police Department

6. Prior to the release of any BWC recording to the public, Open Records will ensure that proper redactions have been made in accordance with state law.

Michael D. Young
Chief of Police

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

AM172: 02/11/2020 revised