

# POLICY

WAUNAKEE POLICE DEPARTMENT

CHAPTER 26

DATE: 01/01/21	
SUBJECT: BODY WORN CAMERA (BWC)	
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<p><b><u>INTRODUCTION</u></b></p> <p>It is the policy of this department that officers shall activate the Body Worn Camera (BWC) when such use is appropriate for the proper performance of his or her official duties, where the recordings are consistent with this policy and the law. It is recognized the audio and video captured from the use of BWCs may not show the complete interaction or cover every angle of an event. The department views BWC video as one item available when considering the totality of the circumstances in a particular situation or incident.</p> <p><b><u>GENERAL POLICY</u></b></p> <p>This policy is intended to provide officers with instructions on when and how to use body worn cameras (BWCs) so that officers may reliably record their contacts with the public in accordance with the law.</p> <p><b><u>SCOPE</u></b></p> <p>This order applies to all members of this Department.</p>	

## **26.1 Procedures**

- A. It is the policy of the Waunakee Police Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations.
- B. The use of BWCs is approved to accomplish the following objectives:
  - 1. Allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
  - 2. Audio and video recordings enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
  - 3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

## **26.2 When and How to use BWC**

- A. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties unless there is an immediate threat to the officer's safety making the activation impossible or dangerous. In that case, the BWC shall be activated when it is safe to do so.
- B. Officers are not required to obtain consent from private citizens to utilize the BWC in their presence. When initiating police action it is at the officer's discretion to advise individuals they are being recorded with the BWC; however, there may be situations where it is beneficial to notify citizens that they are being recorded on a BWC. In locations where individuals have a reasonable expectation of privacy, such as a private residence, they may decline to be recorded unless the recording is being made pursuant to an arrest, individuals present are being confrontational, or a search of the residence or the individual is being conducted. In cases where the requested termination of video recording is appropriate, the officer may discontinue recording. Should the situation change and the previously listed criterion is met, the officer shall re-activate the BWC.
- C. If an officer fails to activate the BWC, or an interruption in recording occurs, the officer will document the reason for the failure to start, interruption, or termination of recording in a report.

- D. Officers have discretion in whether or not to record potentially sensitive events or circumstances (i.e. victims of sexual assaults, child victim statements/interviews, or a citizen victim/witness who requests they not be recorded while giving a statement.) If an officer feels it is necessary to stop recording within constraints of this policy, the officer will verbally indicate their intent to stop recording before stopping the device and upon reactivation of the camera, state that the camera was restarted. Documentation can be in the form of an incident report, arrest report, or other electronic means approved by the Chief of Police.
- E. Deliberative process conversations involving law enforcement, which are not participated in by citizens, which include but are not limited to discussions on charging decisions, and comparing witness accounts, should be muted. Officers shall make a verbal notation on the recording anytime he/she plans to mute a recording. The verbal notation must include the reason the recording is being muted. Once the recording is unmuted, a verbal notation should be made as well. Examples when officers may choose to deactivate their BWC equipment include, but are not limited to:
  - 1. Running checks and completing paperwork in a squad car, away from the violator, during a traffic stop.
  - 2. Conferring with backup officers away from the suspect or any person involved in the incident.
  - 3. While speaking with anyone who is not directly involved in the incident such as medical or fire personnel.
- F. Civilians shall not be allowed to review the recordings at the scene.

### **26.3 Procedures for BWC Use**

- A. BWC equipment is issued primarily to uniform personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
- B. Police personnel shall use only BWCs issued by the Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this agency.
- C. Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in this policy and equipment.

- D. BWC equipment is the responsibility of the individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
- E. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- F. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or designee.
- G. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
- H. Officer Involved Incidents

The department recognizes that video images captured on the BWC are two dimensional and cannot always capture the entire scene due to a number of limiting factors. The BWC files should be considered but one piece of evidence collected from a scene or incident and not a singularly inclusive piece of evidence.

An Officer Involved Incident includes:

1. Officer involved shootings,
2. In-custody deaths, and
3. Any intentional act by an officer which proximately causes injury likely to produce death to another.

Following an Officer Involved Incident, involved officers, herein defined as both involved officers and witness officers to the incident, personnel, and their representatives shall not view their video, or any video capturing their image, or the incident on any device.

The initial interview of an officer involved in an Officer Involved Incident should occur before the officer has reviewed any audio/video recordings of the incident. Once an involved officer has provided an initial statement, he/she may request to see any relevant video. The lead investigator of the Officer Involved Incident will contact the District Attorney's Office for approval and guidance on subsequent statements.

- I. In the event of an unintentional activation of the BWC during non-enforcement or non-investigative activity, including, but not limited to, restroom, meal breaks, or other areas where a reasonable expectation of privacy exists, officers may request the recording to be deleted or locked out. An email detailing the circumstances of the unintentional recording will be forwarded, via the chain of command, to the Chief of Police. All requests for deletion or lock out, and the outcome of the request, shall be maintained.
- J. Officers shall note in incident, arrest, and related reports (CFSS) when recordings were made during the incident in question. Officers shall indicate on their CFSS by checking the box that a BWC video was captured during a specific incident.
- K. BWC recordings are not a replacement for written reports.

#### **26.4 Restrictions on Using the BWC**

- A. The BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
  - 1. Communication with other police personnel without permission of the Chief of Police or designee.
  - 2. Encounters with undercover officers or confidential informants.
  - 3. When on break or otherwise engaged in personal activities.
  - 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

#### **26.5 Storage**

- A. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
- B. All images and sounds recorded by the BWC are the exclusive property of the Waunakee Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
- C. All access to BWC files must be specifically authorized by the Chief of Police or designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

- D. Files should be securely stored in accordance with state records retention laws, for a minimum of 180 days, and no longer than useful for purposes of training or for use in an investigation or prosecution.

**26.6 Supervisory Responsibilities:**

- A. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
- B. Supervisors will review a sample of at least five (5) random BWC recordings on a monthly basis to ensure the equipment is operating properly and that officers are using the devices appropriately and in accordance with the policy.

**By order of Adam J. Kreitzman, Chief of Police**