

# UW Whitewater Police



## Body-Worn Cameras

Number: 41.3.8	No. Pages: 4
-------------------	-----------------

Special Instructions: CALEA 41.3.8			
Approved By: Chief Kiederlen	Effective Date:	Revised Date: 5/02/2024	Revision number: 3

### I. Purpose

This general order is intended to provide UW-Whitewater Police Department (UWWPD) with guidelines on when and how to use body-worn cameras (BWCs).

### II. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) that BWC's shall be activated when such use is appropriate to the proper performance of official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### III. Procedure

**A. Criminal and Administrative Use of Camera Data:** UWWPD has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs 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 also enhance UWWPD's ability to review probable cause for arrest, personnel and public interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for 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.

**B. UWWPD Philosophy on Use of Body Cameras**

1. Personnel who are assigned BWC equipment must use the equipment as directed by policy unless otherwise authorized by supervisory personnel.
2. Personnel shall only use BWCs issued by UWWPD. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of UWWPD.
3. Personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior authorization of the chief or his/her designee.

# UW Whitewater Police

4. Personnel shall note in reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
  - a. BWC recordings are located in a secure website through the BWC vendor (Halo). BWC recordings are *noted* in the case file, but are *not stored* in the case file.

**C. Activation and Deactivation of the BWC:** This section is not intended to describe every possible situation where the BWC may be used. In some circumstances it may not be possible to capture images of an incident, due to conditions or location of the BWC, however the audio portion can be valuable evidence and is subject to the same activation requirements.

1. All sworn officers responding to, or initiating, a call for service shall activate their BWC.
2. Any contact that becomes adversarial in an incident that would not otherwise require recording. In those situations, it may be impractical or unreasonable for officers to activate their BWC before taking police action. It is expected that once the immediacy of the situation is over, officers will activate their BWC to record the remainder of the incident.
3. In addition to the required situations, officers may activate the system anytime they believe its use would be appropriate and/or valuable to document an incident.
4. There may be instances in which an officer is required to take immediate action to an event that occurs directly in front of them, which may not allow time to activate their BWC. As soon as the officer can safely contain the situation, the officer should activate the BWC.
5. If sworn personnel fails to activate the BWC, fails to record the entire contact, or interrupts the recording, they will have an articulable reason, placed into the incident report, as to why. It is recognized that equipment failure can occur.
6. The BWC may be deactivated when:
  - a. The incident or event is of such duration that the BWC is deactivated to conserve power or storage capacity.
  - b. There is reasonable belief that deactivation will not result in the loss of critical evidence.
  - c. Officers can deactivate BWC when discussing the incident amongst themselves or supervisors when determining potential outcomes.
  - d. Deactivation is reasonable and necessary to protect the safety of the officer or others.
  - e. Deactivation is approved or ordered by a supervisor.
  - f. The event that is being recorded is over.
7. Personnel who may have inadvertently activated the BWC, can make an email request to their supervisor requesting deletion. With supervisory approval, the request will be sent to the BWC vendor for deletion.

**D. Restrictions on Using the BWC:** BWCs shall be used only in conjunction with official duties. The BWC shall not generally be used to knowingly record:

# UW Whitewater Police

1. Communications with other police personnel without the permission of the chief or his/her 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.

## **E. Equipment Maintenance and Inspection Procedures**

1. BWC equipment is the responsibility of individual and will be used with reasonable care to ensure proper functioning.
2. Personnel assigned BWCs should inspect their BWC at the start of their shift to ensure it is functioning.
3. Equipment malfunctions or damage to BWCs shall be brought to the attention of a supervisor as soon as reasonably possible so that a replacement unit may be procured.

## **F. Training Requirements:** Personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations of the BWC. This training shall include, at minimum:

1. Requirements and restrictions for activation/deactivation of the device;
2. The organization's philosophy on the use of recording devices, including limitations involving special circumstances, such as contacts with juveniles or other agency employees; and
3. Equipment maintenance and inspection procedures.
4. In addition to the above, all newly hired or promoted supervisors are required to be trained on the following:
  - a. How to review and locate officer videos
  - b. How to conduct random reviews of videos and document the results for annual reviews
  - c. Type of administrative reviews, such as pursuits or use of force and complaints, that require a supervisor to review body worn camera footage
  - d. What to do when a body worn camera is not working properly

## **G. Data Storage and Retention**

1. All files shall be securely downloaded in a reasonable timeframe.
2. Access to BWC data (images, sounds, and metadata) is limited to only those who have an account with the BWC vendor.
3. Files should be securely stored in accordance with state records retention laws.
  - a. Per Wisconsin Statutes 165.87 (2)(a), all data from a body camera used on a law enforcement officer must be retained for a minimum of 120 days after the date of recording.
  - b. Data from a body camera used on a law enforcement officer that record any of the following shall be retained until final disposition of any investigation, case, or complaint to which the data pertain.

# UW Whitewater Police

- i. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual;
    - ii. An encounter that resulted in a custodial arrest;
    - iii. A search during an authorized temporary questioning;
    - iv. An encounter that included use of force by a law enforcement officer, except if the only use of force was the use of a firearm to dispatch an injured wild animal.
  - c. Further retention requirements can be found in Wisconsin State Statute 165.87 Body cameras and law enforcement.
4. Files will be stored no longer than:
  - a. Required by records retention laws; or
  - b. Than is useful for purposes of training; or
  - c. For use in an investigation and/or matter requiring adjudication.

## **H. Review of Camera Captured Data**

1. Supervisory personnel shall ensure that personnel equipped with BWC devices utilize them in accordance with policy and procedure defined herein.
2. Supervisors or designee, will review BWC recordings to ensure that the equipment is operating properly, that personnel are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.
  - a. This review will occur monthly and be documented on the BWC Review Spreadsheet.
  - b. One video per BWC will be reviewed by supervisory personnel or designee.