



CITY OF SUN PRAIRIE POLICE DEPARTMENT POLICY AND PROCEDURE



Body Worn Cameras

Field Operations Policy No. F-41

Eff. Date: 01/22/19

Policy

It is the policy of this department that officers shall activate the body worn camera (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 law. This policy does not govern the use of other recording devices used in undercover operations.

Objective

This policy is intended to provide officers with instructions for the use, management, storage and retrieval of recordings from the department's BWC system. BWCs will be used to support the mission of the department and assist department members in the performance of their duties so that officers may reliably record their contacts with the public.

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs assist in documentation of police-public law enforcement 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 this agency'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.

Definitions

Body Worn Camera (BWC):

A portable audio and/or audio video recording device which can be worn on an officer's body.

Law Enforcement Contact:

Those contacts where there is a clear enforcement or investigative purpose.

Procedure

A. GENERAL PROCEDURES

1. Wearing position of the BWC

- a. The BWC shall be clipped to the center chest area of the member officer's body.

2. BWC Use

a. BWC equipment is issued primarily to uniformed personnel as authorized by the department. Officers who are assigned to the following functions must use a BWC unless otherwise authorized by a supervisor:

- i. Patrol Officer
- ii. Patrol OIC
- iii. District Liaison Officer
- iv. School Liaison Officer
- v. K-9 Officer
- vi. SET Callout
- vii. Warrant Entry Team
- viii. Community Service Officer

b. Members are encouraged, when safe and practicable, to activate their BWC under circumstances that lead the member to believe that the specifics of the event may need to be retrieved or reviewed.

c. If an individual requests a member to activate their body worn camera outside the definition of a law enforcement contact, the member shall accommodate the request as long as it is not in conflict with a prohibited recording.

d. Members shall activate the BWC to record all law enforcement contacts including, but not limited to:

- i. Vehicle stops
- ii. Impaired driver investigations
- iii. Field interviews
- iv. Transporting citizens or prisoners
- v. Searches of person or property
- vi. Crash scenes (may be turned off if member is waiting on a tow truck and no additional enforcement activity is likely)

- vii. Advising a subject of Miranda warnings (in the field)
- viii. Suspect/witness statements and interviews
- ix. Vehicle and foot pursuits
- x. Emergency response to critical incidents
- xi. Crime scenes

e. It may not be immediately apparent to a member which subjects are witnesses, victims, suspects or unrelated bystanders. Members will keep the BWC activated while they determine the role each person took in the incident. Members are not expected to make a positive determination of what each person's role was prior to conducting interviews, so the standard will be reasonable belief based on the available information.

f. While not required by state law, members should, whenever practicable, inform individuals that they are being recorded.

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

3. Exceptions to Recordings

a. Members have discretion in whether or not to record potentially sensitive events or circumstances (e.g., victims of sexual assault, child victim statements/interviews, nude persons who are not the target of enforcement action, a citizen/victim/witness who requests they not be recorded while giving a statement/interview or where otherwise authorized in this policy).

b. Members may deactivate the BWC's during non-enforcement activities such as:

i. Member to member and other partner agency conversations about crime charging issues or other general conversations.

ii. When on break or otherwise engaged in personal activities.

iii. Traffic control at fires, crime scenes or crash scenes where the member's likelihood of being involved in enforcement activities is low.

iv. Lengthy hospital stays awaiting medical clearance with a suspect or victim (unless enforcement actions are likely, the likelihood of additional criminal activity is high, the suspect is making voluntary statements or the officer is gathering additional evidence (e.g. OWI blood draws)).

c. 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

statement must include the reason why the member is stopping the recording. If an officer engaging in an official law enforcement contact capacity 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.

4. Prohibited Recordings

a. Unless there is a clear investigative need, BWCs will 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 retention period at the direction of the chief of police or his/her designee. Such requests and final dispositions will be retained on file.

b. BWCs shall not be used to record a body cavity search, which are only allowed to occur in a hospital or medical setting. BWCs will be used to record searches done by officers in the field (e.g. pat-downs, vehicle searches).

c. BWCs will not be intentionally activated to record conversations of fellow members without their knowledge during routine and non-enforcement activities. This includes when a member is on a rest break, while report writing, attending roll calls, general discussion with other members, discussing a case with another member or performing other administrative functions.

d. BWCs will not be utilized to surreptitiously record conversations of the public and/or other member of the department.

e. Members utilizing a BWC will not knowingly record undercover officers or confidential informants.

f. BWCs will not be utilized to record any off duty or personal activity.

5. Critical Incident Protocol

a. A critical incident for the purpose of his policy is defined as:

i. Any use of deadly force by an officer which results in serious injury or death to any person;

ii. Any intentional use of deadly force by an officer, including discharge of a firearm toward another person, whether or not the person is injured;

iii. An in custody death;

iv. Any incident in which an officer is actively engaged, which results in the death or serious injury of any person, including the officer (for example, a serious motor vehicle crash involving a squad car).

b. In the event of a critical incident, members assigned a BWC will refrain from viewing the recorded data until the investigative entity determines in the involved member(s) will be permitted to view the recorded data.

c. This section does not prohibit members in critical incidents with ongoing exigency from viewing BWC recordings that may aid the present investigation (e.g. suspect decryptions, suspect vehicles, direction of travel, etc.).

6. Reporting/Documentation

a. The use of a BWC will be documented in incident, arrest, citation and related reports.

7. Care and Equipment

a. Members shall use only BWCs issued by the Sun Prairie Police Department.

b. BWC equipment is the responsibility of individual members and will be used with reasonable care to ensure proper functioning.

c. Members shall inspect and test the BWC prior to each shift. Equipment malfunctions shall be brought to the attention of the member's supervisor as soon as possible.

d. In the event there are not enough BWCs available due to repair and maintenance, the member who is not able to equip themselves with a BWC will notify their supervisor as soon as possible.

8. Department Review/Training

a. All data, images, video and metadata captured, recorded or otherwise produced by the BWC are the sole property of this department.

b. Members will receive prescribed training prior to being assigned a BWC. Additional training may be required at periodic intervals to ensure continued effective use and operation of the equipment, proper calibration and performance and to incorporate changes, updates or other revisions in policy and equipment.

c. Recordings may be reviewed:

i. By a member to ensure a BWC system is working properly.

ii. By a member viewing their individually assigned recordings to assist with writing a report, supplement, citation, memorandum or court case disposition.

iii. By authorized persons for the purpose of reviewing evidence and processing records requests.

iv. By authorized department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.

- v. By a supervisor to investigate a specific act or allegation by another member or a member of the public.
 - vi. By supervisors, on a regular and random basis, to ensure that the BWC equipment is operating properly and that members are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.
- d. BWC recordings may be used for the purpose of training. Members are encouraged to inform their supervisor of any recordings that may be of value as a training aid.

9. Data Privacy/Retention of Recordings/Records Requests

- a. All recordings should 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. Recordings shall be securely stored in accordance with state records retention laws for a minimum of 120 days following the date it is recorded. Certain recordings will be retained for longer periods based on the following retention schedule (consistent with Policy F-28, In-Car Audio/Video Recordings):
 - i. All other offenses (MOC, UTC, warnings) -- 1 year
 - ii. Misdemeanor crimes -- 3 years
 - iii. All other felony crimes -- 7 years
 - iv. Robbery -- indefinitely
 - v. Rape/Sex Assault -- indefinitely
 - vi. Homicide/Suicide/Death -- indefinitely
- c. Members shall not edit, alter, erase, duplicate, copy, share or otherwise distribute BWC recordings. Members are prohibited from making copies of BWC recordings by using another recording device such as a cell phone.
- d. The chief of police or his/her designee may authorize specific members to access, copy or release recordings.
- e. 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.
- f. The release of recordings requested through a public records request will be handled in accordance with existing policy and public records laws. Prior to any release to the public,

the records bureau will ensure that proper redactions have been made in accordance with state law.

V. ATTACHMENTS:

None

New Policy