

**VILLAGE OF EAST TROY POLICE DEPARTMENT
GENERAL ORDER**

GENERAL ORDER 34

DATE: 8-15-2023

SUBJECT: BODY WORN CAMERA

RECOMMENDED REVIEW DATE: AUGUST 2025

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PURPOSE: The purpose of this policy is to establish guidelines and procedures for the proper use, care and maintenance of the Department's audio/video recording equipment (Body Worn Cameras).

POLICY

- A. All sworn officers will be issued a Body Worn Camera and will wear these department issued body-worn cameras at all times, while on duty unless unavailable. Part-Time Officers will share the part-time officer camera.

DEFINITIONS

- A. Official Police Contact: Any citizen contact where law enforcement assistance is requested, taken, or enforced. Examples of contact: Traffic enforcement or assistance, any arrests or detentions, or any service requested, whether dispatched to or approached by a citizen.
- B. Body Worn Camera (BWC): A portable audio and/or video recording device intended to be worn by officers to capture audio/video of official police contacts.
- C. Concluded Incident: The complete separation between the member and the individual (example: Traffic stop-Officer has driven away; personal contact has ended, and the individual has left the scene.)
- D. Mobile Audio/Video Recording Equipment: Portable, wireless, electronic devices designed for capturing audio and/or video recordings. This includes body worn camera.

PROCEDURES

- A. Authorized Department Recording/Video Equipment:
 - 1. Only authorized Department audio/video equipment will be used to record incidents related to law enforcement by trained personnel.
 - 2. Emergency/Exigent Circumstances: In rare cases the Chief or Deputy Chief may authorize an officer to use personal or other audio or video equipment. The Chief or Deputy Chief may grant permission to an officer to use personal equipment if the supervisor ensures the captured evidence is properly documented and placed into evidence as soon as practical. All provisions of this policy will still be applied.

B. Assignment and Wearing of Body Worn Cameras:

1. BWC will be assigned to all officers of the department that have been trained. Part-Time officers will share the part-time officer BWC.
2. Each assigned BWC unit will have a department authorized uniform mount for wearing the camera.
3. The BWC will be worn as instructed by the agency; in a manner to maximize the value of the video being captured yet ensuring not to compromise officer safety.

C. Officer BWC Operating Responsibilities:

1. The BWC is the responsibility of the officer that it is assigned to and will be operated according to the manufacturer specs and related training.
2. Prior to the start of a shift, employees shall inspect their assigned BWC and determine it is working properly and shall bring problems to the Deputy Chief as soon as possible.

Proper inspection includes:

- a. The BWC shall be powered on, ready to record and fully charged.
 - b. All components are functioning properly.
 - c. The BWC has previous videos downloaded.
3. All officers will ensure that their BWC is used to record all police officer contacts:
 - a. Once the video recording begins, an incident will be recorded until it is a concluded incident.
 - b. The BWC may be deactivated during non-enforcement activities such as:
 - i. Officer to Officer conversations about items such as charging issues, discussion on strategy or tactics, supervisor directive, topics of a confidential nature and other general conversations.
 - ii. Protecting accident scenes from other vehicular traffic
 - iii. Conducting extended traffic control
 - iv. Awaiting a tow truck
 - v. Rescue call not of enforcement nature
 - vi. Other routine non-citizen contact incidents
 - c. Officers are not required to discontinue recording for anyone except at a supervisor's direction.
 4. Officers may use their BWC to record:
 - a. Circumstances at crime/accident scenes.
 - b. Events such as taking evidence/contraband.
 - c. Actions of suspects while in the back seat of the squad.
 - d. Public events, rallies, demonstrations, protests, or large gathering.
 - e. Any official police function that may require video documentation.
 5. Any contact with a citizen that did not require BWC activation initially, however, becomes contentious, argumentative, or questionable in nature.

6. After the conclusion of an incident and recording devices have been stopped, the recording officer is required to download their videos in accordance with department procedure.
7. Employees will document in reports that BWC recordings were made or not made. Additionally, the report will include the explanation of any stoppages of the video and/or any malfunctions of the BWC.
8. Each employee is responsible for controlling access to their video storage account and complying with security parameters. The viewing of department video recordings by unauthorized persons is strictly prohibited.
 - a. Internal or external sharing of department video recordings will be for official purposes or done through a recognized open records request.
9. Officers are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.
10. Each officer with a BWC shall record all enforcement contacts they are participating in even if multiple officers are involved in an enforcement contact.

D. Special Operating Procedures:

1. Officers will not record meetings with other officers when such talks involve strategy, tactics, supervisor's directive or topics of confidential nature.
2. Officers shall not use BWC to record conversations of an administrative nature e.g. disciplinary actions, supervisor's directives, or talks between employees with the knowledge of all parties involved that the events are being recorded.
3. Officers are encouraged to inform the Chief or Deputy Chief of any recorded sequences that may be of value for training purposes.
4. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recordings in locker rooms. As such only items pertaining to these accidental recordings may be deleted by the Chief of Police or his designee prior to 120 days.
5. Use of BWC or recording equipment is for on-duty, official police business only.

E. Special BWC Use Considerations:

1. Hospitals: Upon entering a hospital/clinic, the officer will only activate the BWC if they have contact with a victim/witness/suspect. The officer will make every reasonable effort not to record medical procedures or medical communication unless enforcement or investigatory actions are likely.
2. Schools: School Resource Officer (SRO) will wear their BWC at all times while on duty at the schools and use the BWC as directed in this policy. The SRO will make every reasonable effort not to record within the school locker room areas, the health offices or other areas where there is a higher expectation of privacy.
 - a. The SRO should not use the BWC as documentation of a school disciplinary matter or to record school administrative discussions.
 - b. Officers responding to a call for service at a school shall use their BWC as directed in this policy.
3. Wisconsin State Statute 968.31 establishes that the State of Wisconsin is a single party consent state for recording conversations. Officers are not required to provide a warning or notice that a conversation that they are a part of is being recorded.

F. Supervisory Responsibilities:

Supervisors shall ensure that:

1. All employees follow procedures for the operation of the department BWC's, handling of recordings, and documenting the recordings.
2. If the supervisor received a complaint concerning employee conduct, the supervisor will determine if the incident has been recorded. If recorded, the supervisor will retain the video for administrative purposes.
3. Repairs/replacement needs are handled by the Deputy Chief.
4. At the direction of the Chief of Police, the Deputy Chief will conduct an audit of each officer's use of department assigned BWC's for policy compliance and performance reviews.

G. Video Control and Management:

This section applies to all audio/video recordings produced by the department as part of daily patrols, investigations, or special events/enforcement actions.

1. There are two levels of recording control and management located in the Axon“V” drive.
 - a. Downloads Folder
 - i. All BWC recorded video files will be downloaded daily to the officers file under this folder. Part-Time officers will download to Part-Time file.
 - ii. This folder is for immediate downloads and temporary storage only until the officer determines the proper storage of the video file.
 - iii. Officers will verify files from the BWC were downloaded into the officer file. Once verified officers will delete files on BWC.
 - iv. Officers will need to review these files as soon as possible to determine if the files need to be burned to a disc and entered into evidence.
 - v. Officers will have 120 days to determine if the video files need to be saved and entered into evidence. After 120 days the files will be deleted.
 - vi. Recordings in the Download Folder will be saved for 120 days.
 - b. Administrative Hold Folder
 - i. BWC recordings can be placed on administrative hold by the Chief of Police or Deputy Chief of Police.
 - ii. BWC recordings on administrative hold shall be saved in the “Administrative Hold” file and secured as required by law.
2. Evidentiary recordings will be burned to a disc and placed into evidence under appropriate incident number. These evidentiary recordings will be maintained as required by law and subject to corresponding open records requests. Evidentiary recordings will include:
 - a. Use of Force incidents
 - b. Pursuits
 - c. Major Crimes
 - d. Arrests
 - e. Recordings that have potential for use in court
 - f. Any other incidents an officer believes a recording should be saved and entered for evidence.
3. No employee shall delete or alter any recordings. Only the Chief of Police or his designee are allowed to delete or alter recordings, if necessary, in very rare instances.
4. Officers will have access to their own videos for viewing to assist in completing reports.
5. Officers can allow department officers to view their BWC recordings for only official police purposes.
 - a. BWC recordings shall not be viewed for entertainment purposes.
 - b. Officers shall not show BWC recordings to any person outside the department.
6. Any department BWC recordings may be shown for training and evaluation purposes.

H. Video Release and Duplication:

1. All video recordings are the property of the Village of East Troy Police Department and shall remain in the Department's control unless released for other purposes (i.e., prosecution, open records request, news releases).
2. Videos are subject to State of Wisconsin open records laws. The Village of East Troy Police Department will establish a reproduction fee schedule for the duplication of videos. This fee will include the cost of materials, and the actual necessary and direct costs of the reproduction effort.
3. Recordings will be provided to the respective District attorney's offices for purpose of evidence and upon mutual aid requests from other law enforcement agencies.
4. Recordings may be shown to persons other than Village of East Troy Police Department employees provided prior approval is obtained for the Chief of Police or his designee.
5. Requests for recordings by other law enforcement agencies or members of the criminal justice system will be provided with approval from Chief of Police or his designee.
6. Requests for recordings by the general public or media outlets will be completed in accordance with open records laws. Special consideration may need to be given for privacy issues associated with the recording (i.e. school environment, health information, recordings from hospital, inside personal residences, juvenile contacts).
7. The Chief of Police or his designee may release department recordings to the media or make recordings publicly available for significant incidents or recordings associated with a press release/social media post.

BY ORDER OF:



JEREMY SWENDROWSKI
CHIEF OF POLICE
VILLAGE OF EAST TROY POLICE DEPARTMENT