	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

PURPOSE:

The purpose of this policy is to provide members of the Caledonia Police Department with guidelines for the operation, management oversight, storage and dissemination of electronic media recorded using Body Worn Cameras (BWC).

POLICY


It is the policy of the Caledonia Police Department that whenever an officer, who has been issued a body worn camera, has reason to believe that a contact will be investigatory or enforcement in nature, or believes it is in the best interest of the Caledonia Police Department, the contact should be recorded. In general, contacts of an investigatory nature or enforcement action include but are not limited to:

- Citations
- Arrests
- Warnings
- Accident Investigation
- Chapter 51 / Mental Health
- Self-Initiated Activity (i.e. traffic stops, field interrogations, etc.)
- Investigations to be submitted for Complaint
- Prisoner processing

PROGRAM OBJECTIVES

The Caledonia Police Department has adopted the use of BWCs in order to accomplish the following objectives:

- A. Provide for transparency as it relates to the actions of the police in providing law enforcement services.
- B. Accurate documentation of events, actions, conditions, and statements made during arrests and critical incidents to enhance officer reports, collection of evidence and testimony in court.

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

C. The enhancement of the police department’s ability to review probable cause for arrest, arrest procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.

D. Protect officers from false allegations of improper police conduct.

1. Note...Under s. 973.06 (1) (av) the costs, fees, and surcharges taxable against the defendant shall consist of the following items and no others if a defendant violates s. 946.41 by obstructing an officer; the reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate the false information that the defendant provided or the physical evidence that the defendant placed. Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles.


DEFINITIONS

Use of Force Incident - Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.

Body Worn Camera (BWC) - A portable audio and/or video recording device which can be worn on an officer’s body.

PROCEDURES

- A. Care and use of the BWC recording equipment is the responsibility of the officer assigned to that equipment and shall be used in conformity with Department policy and training.
- B. Prior to each shift, officers shall determine whether their recording equipment is working properly and shall report any problems to a supervisor as soon as practical.
 1. Officers will ensure their BWC is functioning properly throughout their shift.
 2. Any malfunction shall be reported to a supervisor as soon as practicable.
- C. Officers acting in an undercover capacity are exempt from the requirements of using a BWC.

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

D. Detectives should use a BWC when applicable as described throughout this policy. However, it is recognized that based on their plainclothes investigative assignment, there may be times when a BWC would not be practical and may not be available.

I. OPERATING GUIDLINES:


A. Once recording, personnel shall ensure there are no obvious obstructions to recording.

B. Once recording has begun it shall remain on until the incident has reached its active incident conclusion, or the officer has left the scene. Officers must remember to turn off the recording at the “active incident conclusion” of the incident. *Active Incident Conclusion does not mean the entire event needs to be over. It is not necessary to continue to use your body camera for extended evidence collection, processing, neighborhood witness searches, scene clean up etc.*


1. Officers are required to make a verbal announcement on the video recording anytime he/she plans to intentionally mute the audio or completely turn off a BWC prior to the completion of an event. The announcement must include the reason(s) why the BWC is being muted or turned off.
2. When a BWC is not used or turned off pursuant to one of the listed exceptions, and the event is documented in an incident report, the incident report must clearly articulate why the BWC was not used or turned off.

C. Officers may choose to deactivate their recording equipment in certain circumstances. These include, but are not limited to:

1. When authorized by a supervisor.
2. When interacting with victim who is a child.
3. When interacting with a victim or witness who requests not to be recorded while giving a statement.
4. When interacting with someone who is at the hospital awaiting medical clearance unless enforcement or investigatory actions are likely, the likelihood of additional criminal activity or escape attempt is high, the subject is making voluntary statements, or the officer is gathering additional evidence (e.g. legal blood draws).

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

5. When there are articulable reasonable circumstances present as to why the camera should be stopped.
 6. When interacting with a confidential informant.
 7. When conducting a custodial interrogation or interview in a room which is equipped with recording equipment and the recording equipment is used in place of a body worn camera.
 8. When interacting with an undercover officer.
 9. When in another law enforcement facility that is equipped with cameras that record.
- D. In many instances, it may be better to mute your BWC rather than completely stop the recording. This allows for a seamless video recording of the event. Situations where muting the BWC may be appropriate include but are not limited to the following:
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.
 4. The equipment may be deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic or perimeter assignments at critical incidents.
- (If muting the recording for an authorized reason, be sure to provide a verbal announcement as to why the video is being muted. Also, be sure to unmute the audio before continuing with the event.)
- E. Officers shall document in all incident reports whenever recordings are made during an incident in question.
 - F. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes, court, or unusual circumstances or events.
 - G. Officers shall not intentionally alter or attempt to alter recordings in any way.
 - H. Officers shall not use BWC recording equipment to record administrative conversations,

	<u>TITLE</u> BODY WORN CAMERAS	<u>CHAPTER</u> 3	<u>ORDER NUMBER</u> 3.11
	<u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE	<u>DATE</u> 06-18-20	<u>REVISED</u>
	<u>REVIEW DATE</u> 06-2022	<u>DISTRIBUTION</u> ALL PERSONNEL	<u>PAGE(S)</u> 9

i.e. disciplinary actions, supervisor’s directives, or talks between employees.

- I. Use of BWCs is for on-duty, official police business only; they are not to be used to record any off duty or social activity
- J. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms.
- K. Officers are prohibited from using BWCs while conducting strip searches or while body cavity searches are conducted.
- L. Juveniles will be recorded as an adult would.
- M. There is no requirement that officers notify someone they are being recorded; however, officers must be aware that it may be beneficial to inform the other person(s) that a recording of the interaction is being made. If a person expresses a desire to know whether the officer is recording them, the officer shall respond truthfully.


II. USE OF BODY CAMS DURING WITNESS/VICTIM AND SUSPECT STATEMENTS

Officers will be allowed to use their body camera to enhance the documentation of what victims/witnesses/suspects report to us. This is not a replacement of vital facts; it is a way of keeping the flow of a conversation moving without having to break from the interview to catch up on non-vital information. Even though an incident may be documented via BWC footage, officers must still provide a written narrative as they would if BWC footage was not available.

III. RECORDING CONTROL AND MANAGEMENT

Recordings are subject to existing State of Wisconsin open records laws.

- A. The Records Department is charged with the duplication of recordings. The fee will include the cost of storage media and the actual necessary costs of the reproduction effort.

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

- B. Recordings may be duplicated for another criminal justice agency when required for trial, or otherwise authorized by the Chief or the Chief’s designee.

Recordings may be shown to Caledonia Police Department employees for training and evaluation purposes.

- C. Recordings may be shown to persons other than Caledonia Police Department employees provided prior approval is obtained from the Chief or the Chief’s designee.


STORAGE OF MEDIA

BWC data should be downloaded before the end of the officer’s shift. This storage shall be maintained in secured cloud storage and only accessible by the assigned supervisor(s), except that an officer may have access to review his/her own video.

- A. Officers are required to classify and tag their video with the Case number and appropriate retention level based on the call type and/or the severity of the incident. The following categories are available for selection:
- a. General – 120 days (any video not classified)
 - b. Squad Check – 120 days
 - c. Accident – 2 years / 730 days
 - d. Chapter 51 – 2 years / 730 days
 - e. Municipal Ordinance or Municipal Traffic – 2 years / 730 days
 - f. OWI – 3 years / 1095 days
 - g. Other Misdemeanor – 3 years / 1095 days
 - h. Felony – 7 years / 2555 days
 - i. Use of Force – 7 years / 2555 days
 - j. Administrative Hold – Requires Manual Purge

MEDIA INTEGRITY


- A. The BWC recordings generated are property of the Caledonia Police Department.
- B. BWC recordings are subject to Wisconsin Open Records Laws.

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

- C. Release of copies of recordings for prosecution shall be coordinated through the District Attorney and/or the Village Attorney's Office.
- D. Release of copies of recordings for civil proceedings shall be coordinated through Village Records.
- E. All BWC media and recordings are the sole possessions of the Caledonia Police Department. As such, no recording shall be released, shared, duplicated or distributed without authorization from the Department records custodian.

Miscellaneous

- A. It is not necessary for officers to volunteer the fact that the enforcement contact is being recorded. However, if asked, officers shall advise persons as to whether the BWC are recording or not.
- B. Officers are not required to initiate or stop recording based on the demand on of a citizen, involved party, or suspect.
- C. No employee shall attempt to erase, alter, or cause to be erased or altered, any BWC media.
- D. Supervisors will coordinate the repair or replacement of BWC equipment.
 - 1. Supervisors will ensure officers follow established procedures for the use of maintenance of BWC equipment and the proper documentation of its use.
- E. Recordings used for training purposes.
 - 1. When an incident that is recorded is perceived to be of value as a training aid, the officer responsible for the recording will notify his/her supervisor.
 - 2. The supervisor will review the recording to determine the value for training.
 - 3. The supervisor will obtain expressed permission from the Chief of Police or his/her

	<p align="center"><u>TITLE</u> BODY WORN CAMERAS</p>	<p align="center"><u>CHAPTER</u> 3</p>	<p align="center"><u>ORDER NUMBER</u> 3.11</p>
	<p align="center"><u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE</p>	<p align="center"><u>DATE</u> 06-18-20</p>	<p align="center"><u>REVISED</u></p>
	<p align="center"><u>REVIEW DATE</u> 06-2022</p>	<p align="center"><u>DISTRIBUTION</u> ALL PERSONNEL</p>	<p align="center"><u>PAGE(S)</u> 9</p>

designee to use the recording for training.

F. Video review.

1. The BWC recordings may be routinely or randomly reviewed by supervisors to monitor officer performance.
2. Field Training Officers should routinely use the recordings of probationary officers during the FTO process for constructive critique review.
3. Officers may review their own recordings at the station prior to the data being downloaded. (This may be beneficial when generating a report).
4. No recording shall be used or shown for the purpose of officer ridicule or embarrassment.


G. Recordings Minimal Retention; 120 Day Hold

1. BWC data that is used in a criminal, civil or administrative proceeding may not be destroyed except: upon final disposition, including appeals; a determination from the court or hearing examiner that the data is no longer needed; or the data is no longer needed or an order from the court or hearing examiner.

BWC data that captures any of the following shall be retained until final disposition of any investigation, case or complaint to which the data pertain:

- a. An encounter that resulted in the death of any individual or alleged physical injury to an individual
- b. An encounter that resulted in a custodial arrest
- c. A search during an authorized temporary questioning as described in § 968.25 (i.e. Terry Stop)
- d. An encounter that included the use of force by a law enforcement officer (does not apply to the destruction of an injured wild animal)

All BWC data shall be retained for a minimum of 120 days after the date of recording.

GENERAL ORDER 	<u>TITLE</u> BODY WORN CAMERAS	<u>CHAPTER</u> 3	<u>ORDER NUMBER</u> 3.11
	<u>AUTHORITY</u> CHRISTOPHER BOTSCH CHIEF OF POLICE	<u>DATE</u> 06-18-20	<u>REVISED</u>
	<u>REVIEW DATE</u> 06-2022	<u>DISTRIBUTION</u> ALL PERSONNEL	<u>PAGE(S)</u> 9

A request for retention of BWC footage beyond 120 days may be made by: a law enforcement officer; a law enforcement agency; police and fire commission; a prosecutor; a defendant; or a court that determines that the BWC data has evidentiary value in a prosecution.

A person who wishes to make a preservation request, must submit an open records request to the Department within 120 days after the date of the recording.

H. CRITICAL INCIDENTS

Officers involved in a critical incident and/or officer involved death should cease recording once it is determined the scene is secured. BWCs shall be given to an on-scene supervisor who will maintain chain of custody. The supervisor shall ensure that BWC recordings are uploaded and/or archived as directed by the designated investigators.

Involved officer(s) and/or witness officer(s) shall not review any BWC recording prior to providing a formal statement to the designated investigators unless specifically authorized by a CAPD supervisor.

Note: The assigned investigators may elect to provide the involved/witness officer(s) an opportunity to view BWC recordings prior to providing a formal statement, however, this will be at the investigators' discretion.