

VILLAGE OF PEWAUKEE POLICE DEPARTMENT



POLICY MANUAL

Chapter 6	REVIEWED DATE 17 NOV 23	ORIGINAL POLICY NUMBER 1.12, 1.65, 2.13, 2.15, 2.16, 2.17, 2.18, 2.19, 2.50, 3.40
Section 1		Previous Versions 01 JAN 07, 07 DEC 10, 11 JUN 13, 25 FEB 14, 25 JUN 14, 27 MAR 16, 18 APR 18
WILEAG Standard 6 th Edition	6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 6.1.9, 6.1.10, 6.1.11, 6.1.12, 6.1.13, and 6.1.14	TOTAL PAGES 9 of 10

6.1.10 Body Worn Cameras

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 surreptitious recording devices used in undercover operations. BWC recording guidelines are established and enforced by security measures and storage and data retention.

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6.1.10 Body Cameras

1. The Use, Maintenance, & Storage of Body Cameras
 - A. This agency has adopted the use of the Body Worn Cameras (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 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.
2. Officer Limitations of Wearing BWC's
 - A. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. BWC equipment must be used unless otherwise authorized by supervisory personnel.

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3. Limitations Imposed on Situations, Persons, or Encounters That May Be Recorded by a Body Camera
 - A. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
 1. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
 2. When discussing tactics or investigative processes with assisting officers or a supervisor, the wearable camera can be muted. Wearable cameras may also be muted during a domestic violence investigation, during the period of time the officer is discussing a safety plan with the victim. The officer should announce and record the reason for muting the recording and resume audio recording once the safety plan or investigative process discussion has been completed.
 3. Officers may review video prior to writing a report when the video is associated with an incident for which a report is required and the officer deems it necessary to refresh his or her recollection of the incident.

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4. Written reports shall note the existence of mobile or body worn video recordings whenever video relating to the incident has been recorded.
 5. Officers shall document in their report any instance of intentional video deactivation or where recording equipment stopped functioning properly during an official use. In all cases, such a malfunction shall be reported to the shift supervisor as well as the MVR/WVR coordinator.
 6. Civilians shall not be allowed to review the recordings at the scene.
4. Circumstances Requiring System Activation/Deactivation of BWC
- A. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties, such as:
 1. Courtesy Transports;
 2. Prisoner Transports;
 3. Incidents Likely to generate a citizen complaint;
 4. Situations where an officer's safety may be in jeopardy;
 5. All emergency vehicle operations;
 6. Motor vehicle accident investigations.
 - B. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document

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why a recording was not made, was interrupted, or was terminated.

- C. Officers may activate the BWC recording system at their discretion for other types of incidents the officer believes should be recorded.
 - D. Civilians shall not be allowed to review the recordings at the scene.
5. Guidelines Regarding Data Storage, Security, Access & Release.
- A. Body Worn Cameras must be docked on the charging/download dock at their designated stations to upload recordings to storage and remove them from the device.
 - 1. BWC video files are retained in and managed through the Eyewitness Data Vault cloud storage account.
 - 2. BWC video files shall be uploaded at the completion of the officer's shift unless approved by a supervisor, at which point they will be uploaded at the beginning of the officer's next shift.
 - B. Each officer is responsible for ensuring his or her videos are properly labeled and categorized. Videos must be manually labelled by the responsible officer.
 - C. When any uploaded BWC digital video has evidentiary value, the officer shall enter information related to the video, including the incident report number, description of video, location and

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potential disposition (i.e., warning, citation, arrest, no action taken).

- D. The MVR/BWC videos are validated when uploaded through Kustom Signal to the department's Eyewitness Data Vault account.
 2. Security and access rights to all digital videos are password protected and controlled by the MVR/BWC coordinator.
- E. Security and access rights established by the MVR/BWC coordinator are as follows:
 1. Supervisors and investigators are permitted to view all digital videos once they have been uploaded.
 2. Officers are permitted to view their own MVR and BWC videos.
 3. MVR/BWC coordinator and his/her designee are permitted to view all digital videos, edit the metadata and categories of videos, upload/download videos, and create duplicate and redacted/blurred copies of videos.
 4. The MVR/WVR coordinator is permitted to view all digital videos, edit the classification of videos, create copies, and delete videos. The MVR/BWC coordinator is also permitted to configure the system settings.

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6. Minimum Data Retention, § 165.87 Wis Stats.
 - A. All data from a body camera used on a law enforcement officer shall 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, except as provided in pars. (1) and (2):
 1. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
 2. An encounter that resulted in a custodial arrest.
 3. A search during an authorized temporary questioning.
 4. An encounter that included the use of force by a law enforcement officer, unless the only use of force was the use of a firearm to dispatch an injured wild animal.
 - C. Retention beyond the period determined under par. (A) or (B) may be directed by a law enforcement officer or law enforcement agency, a board of police commissioners, a prosecutor, a defendant, or a court that determines that the data have evidentiary value in a prosecution. A person making a

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preservation directive under this paragraph shall submit the directive to the Village of Pewaukee Police Department for the record within 120 days after the date of recording.

- D. Data from a body camera used on an officer that are 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 are no longer needed, or an order from the court or hearing examiner.
7. Maintaining The Privacy for Sensitive/Violent Crime Victims, Minors
- A. It shall be the policy of this agency to maintain the privacy of a record subject who is a victim of a sensitive or violent crime or who is a minor and that access to data from a body camera used on a law enforcement officer that record such a record subject shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision regarding the privacy of a record subject who is a victim of a sensitive or violent crime does not apply if the record subject, or his or her next of kin if the record subject is deceased, does not object to granting access to the data. The presumption under this subdivision regarding the privacy of a record subject who is a minor does not apply if the parent or legal guardian of

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the record subject does not object to granting access to the data.
Reference § 165.87(3)(c)1, Wis. Stats.

8. Training On Authorized Use of Body Cameras
 - A. Police personnel shall successfully complete the Department's approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
 9. Training For All Employees That Use, Maintain, Store, Release Body Camera Data
 - A. BWC equipment is the responsibility of 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.
 - B. 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.
- 6.1.10.10 Supervisory Responsibilities
- A. Supervisors shall ensure that officers equipped with MVR and / or BWC devices utilize them in accordance with policy and procedures defined herein.

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- B. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that authorized personnel make repairs in a timely manner.
- C. Supervisors shall conduct periodic reviews, minimum once every 3(three) months, of officer assigned media in order to:
 - 1. Assess/evaluate officer's performance.
 - 2. Ensure proper functioning of MVR and/or BWC equipment.
 - 3. Determine if MVR and/or BWC equipment is being operated properly.
 - 4. Identify records that may be appropriate for training purposes.

6.1.11 Emergency Detentions

- 1. Chapter 51.15
 - a. Involuntary Mental Commitment (Ch. 51.15) may be initiated when a police officer has a reason to believe that an individual is mentally ill, drug dependent, or developmentally disabled and constitutes a serious risk of substantial harm to him / herself or others.
 - b. Waukesha County Crisis Intervention Services must approve a Ch. 51.15 Emergency Detention.