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| UNIVERSITY OF WISCONSIN-MILWAUKEE POLICE DEPARTMENT POLICY | | TITLE: Body Worn Cameras (BWC) | |
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I. PURPOSE

This policy establishes guidelines for the use of body worn cameras (BWC) by officers of the University of Wisconsin -Milwaukee Police Department (UWMPD). The wearing, operation, and capture/review of video of BWC will be addressed in this policy.

II. POLICY

The UWMPD will issue BWC's to police officers and Sergeants assigned to field patrol activity - or other assignments where the use of the BWC is deemed useful - to capture audio/video recording in a variety of circumstances that will provide documentation and transparency of officer's activity in the performance of their duties. In practice, BWC's have been found to support the mission of a police department as a useful aid in the prosecution of crimes, enhancing the public trust and evaluating performance.

III. DEFINITIONS

- A. Audio/Video Recording. The electronic recording of conversation, spoken words, or other sounds and visual images.
- B. Body Worn Camera (BWC). Device worn by UWMPD Officers-Axon Body 2 camera consisting of a microphone, camera and recorder.
- C. Controller Switch. Master on/off power switch located on the top left, outward-facing corner of the BWC device.
- D. Department Member – Any employee of the department including those employees that are not certified police officers.
- E. Event Record Button -- Push button activation switch located in the center of the BWC device.
- F. EVIDENCE.COM. Online Web-based digital media storage facility.
- G. Officer(s) – Officers, Sergeants and any other certified police officer assigned a BWC
- H. Pre-Event Buffering. The Axon BWC is continuously recording in 30 second loops that will capture the previous 30 second interval when the camera is activated.
- I. System Administrator. Persons assigned inventory control and data management of BWC's.

IV. PROCEDURE

A. Training

1. All department officers to be equipped with BWC's must be trained in their use prior to using them in the field. The training will consist of reviewing this policy and familiarization with the BWC device, uploading procedure and recording management. The training will be documented in the training folder.
2. Other department officers and members will be trained consistent with their responsibilities in the BWC program.
3. The dayshift and nightshift Lieutenants will be responsible for oversight of the training and ensuring that relevant staff complete it.

B. Wearing of the BWC

1. The BWC device will be worn on the front of the uniform, in the chest area and will be attached to the outermost garment unless it can be mounted elsewhere in a manner that will not obstruct the camera.
 - a. Officers requesting to use other Axon recording devices or mounting options shall make those requests through the chain of command. Final decisions will be at the discretion of the Chief of Police.

C. Pre-Shift Inspection

1. Prior to each shift, officers assigned BWC's will ensure the unit is charged, in good working order and not physically damaged.
2. No officer will perform field assignments with a malfunctioning BWC. If there are any concerns about the unit they shall be brought to the attention of the officer's immediate supervisor on duty as soon as possible for troubleshooting or replacement.
3. Subsequent to troubleshooting the shift supervisor or designee (officer in charge) will determine whether the BWC is operational or if a replacement is needed. If no BWC is available, then the supervisor will authorize field work without the use of a BWC.
4. The shift supervisor will notify both system administrators when replacement/repairs are needed for a BWC

D. Use of and Recording with the BWC

1. Officers assigned a BWC must wear it at all times when on duty, in uniform and performing duties likely to involve public interaction.

- a. The only authorized BWC is the department issued device. No personal recording devices are allowed.
 - b. Officers shall activate a recording as soon as practical taking officer safety into consideration. The recording shall continue until the completion of the event or they have left the scene.
 - c. While not required by policy or state law, officers assigned a BWC may find it valuable to inform other parties that they are being recorded. This may prove influential in garnering cooperation of subjects.
 - d. The use of the BWC shall be included in all police reports and citations. The notation "BWC used" will suffice. Conversely, non-activation of a BWC in a situation where activation would occur shall be documented.
 - e. If an officer is aware that a juvenile has been recorded during an incident, the officer will determine if the juvenile is identifiable within the context of the recording, be it either video and/or audio representation. If the juvenile is identifiable, the officer will ensure this is documented in the police report or CAD entry.
 - f. The BWC shall be powered off when the officer is inside the UW Milwaukee Police Department building, except:
 - i. When meeting with a citizen inside the department lobby
 - ii. When needed for use in an interview room
 - iii. When needed for the booking process at UWMPD
 - iv. When given a lawful order by a supervisor to turn the unit on
2. The police department squad cameras have triggers (Axon Signal Unit-ASU) which will automatically turn on the squad car cameras. In turn, when this ASU is activated, a BWC within 30 feet of this ASU will also turn on (including those BWC in the vehicle). The following are triggers for the ASU:
- a. Activation of the light bar.
 - b. Opening of the rear doors of the police vehicle.
 - c. Unlocking of the squad gun mount.
 - d. Squad speed in excess of 50 M.P.H. (To be removed)
3. Officers shall manually activate the BWC recording in the following situations:
- a. When dispatched and/or responding to calls for service.
 - b. All citizen contacts initiated pursuant to a law enforcement investigation or investigation of possible criminal activity.
 - c. Traffic stops and motorist assists.
 - d. Arrests, transport and booking of prisoners at UWMPD until secured in cell or released.

- e. Search or pat down of persons or property.
 - f. Clearing crime scenes but not processing them
 - g. Crash investigations
 - h. Suspect/Witness statements
 - i. Vehicle/foot pursuit
 - j. Administering Miranda warning
 - k. Critical incidents
 - l. Interactions with citizens that become adversarial.
 - m. Any incident where the officer believes its use would be appropriate, or valuable to document the incident/encounter as potential evidence, and is not prohibited by this policy.
4. Officers will not activate the BWC or will cease recording with the BWC in the following circumstances. (Prior to deactivating a recording, the officer shall make a verbal notation as to the reason).
- a. Areas where there is an expectation of privacy, including restrooms, locker rooms and dressing rooms (Wis. Stat. § 175.22) unless it is part of an investigation.
 - b. Those persons not subject to enforcement action who are nude, partially nude, or partially undressed.
 - c. When the respect for a person's dignity and privacy outweigh the need to record e.g., traumatized victim of sensitive crime, interviews of children.
 - d. Officer-to-officer (or other member) general conversations including discussing cases or investigative strategies.
 - e. Non-work related activity or personal business.
 - f. To record conversations of fellow department member without their knowledge and consent during non-law enforcement activity.
 - g. Citizen victims or witnesses who request not to be recorded.
 - h. Interaction with undercover officers or confidential informants unless used to document a criminal investigation.
 - i. Upon entry into the Criminal Justice Facility (CJF) unless approved by CJF staff.
 - j. As otherwise authorized by a supervisor or this policy.
 - k. Recognizing that there are certain areas in medical treatment facilities in which there is a higher expectation of privacy, BWC equipment shall only be activated:
 - i. In public areas, such as waiting rooms or hallways, with the exception of psychiatric waiting rooms, and;
 - ii. In patient care or clinical areas only when, in the officer's reasonable judgement, there is a potential threat or harm to patients, visitors, guests or employees.

- iii. NOTE: There is a heightened sensitivity to activating BWC equipment in pediatric, psychiatric and emergency room clinical areas.
- l. BWC will not be utilized to surreptitiously record conversations of the public and/or other members of the department.
- m. Pursuant to a lawful order from a supervisor.

E. Supervisory Responsibilities

- 1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
 - a. Supervisors will review a sample of recordings on a monthly basis to ensure the BWC equipment is functioning properly and to ensure the BWC is being deployed in accordance with this policy.
 - b. Supervisors will take timely and appropriate corrective action to address known discrepancies.

F. Uploading, Categorizing and Managing Recordings

- 1. At the conclusion of each shift, the officer will dock the BWC device and upload the data.
- 2. On the officer's next shift, they will categorize and tag the recordings as needed and appropriate.
- 3. Requests for deletion of any recording (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or designee. All requests and final decisions to delete a recording shall be kept on file for a time equal to the record retention schedule for a similar state record.

This area to expand subsequent to training on the system

G. Authorized Use, Access and Review of Recordings

- 1. Recordings made by the BWC are the sole property of the UWMPD. Personal use or unauthorized copies of recordings are prohibited.
- 2. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or designee.
- 3. Civilians shall not be allowed to review recordings at the scene. All viewing of recordings by non-police department personnel would fall under the department's open records policy.
- 4. Recordings may be viewed under the following circumstances:
 - a. To ensure the unit is working properly.
 - b. An officer reviewing their own recording to aid in writing reports.

- c. An officer reviewing their own recording to aid in court preparation.
 - d. By authorized department or university personnel conducting an official investigation.
 - e. By a supervisor in the performance of their duties.
 - f. By authorized persons processing records requests.
5. If an officer is suspected of wrong doing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
 6. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
 7. BWC recordings will never be used with the intent of belittling, ridiculing or embarrassing any officer or member of the department, notwithstanding the potential use of BWC recordings in disciplinary matters.
 8. The Chief of Police or designee will review and determine appropriate release of all videos to be released to the District Attorney's office.
 9. With proper Evidence.com permission level, recordings may be duplicated or shared with criminal justice agencies or when otherwise authorized by the Chief of Police or his/her designee.

H. Critical Incidents

1. A critical incident is any activity that results in death or great bodily harm to a department member or citizen.
2. Department members shall not review recordings of critical incidents until receiving guidance from the Chief of Police or his/her designee or the investigative authority if an outside agency unless there are exigent circumstances to aid the investigation, e.g., suspect information.
3. A UWMPD supervisor not involved in the incident will respond to the scene and after conferring with the lead investigator, collect any BWC that may have recorded the incident and take them to the department and immediately upload the data from the device to Evidence.com.

I. Records Requests

1. All open records requests will be received through the University Relations and Communications Office (public-records@uwm.edu).
2. Recordings will be retained for a minimum of 130 days or as otherwise required by the Wisconsin Public Records Law or statutes of limitation.
3. Variable Retention of public records
 - a. For recordings that may otherwise be destroyed, upon receipt of a request pursuant to the Wisconsin Public Records Law, the recording will be retained as follows:
 - i. until the request is granted; or
 - ii. 60 days after the request is denied; or

- iii. if the requestor is a committed or incarcerated person, 90 days after the request is denied.
- b. If UWM receives notice that an action relating to the denial of a recording has been commenced, the recording must be retained until after the court issues an order in that action and the time for appeal has expired, or until an order in such an appeal is issued.

J. Impounding of Data, Data Uploading and Video Categorization

- 1. The UW Milwaukee Police Department utilizes a tool within evidence.com that integrates with our Records Management System. This integration allows for the “tagging” of recordings with the appropriate CAD/Police Report number. In the event the recording is not tagged automatically; the following procedures should take place in order to appropriately tag the video after upload. This shall occur at the end of the officers shift unless permission granted by a supervisor to delay the tagging. ID field: Enter the CAD number or Police Report number (when applicable).
 - a. Officers should use the following formats in the ID field:

CAD number: CAD (nine-digit cad number) e.g., 17-09-15-123456
The format should be year-month-day- 6-digit number.
The year, month and day should all be 2-digit numbers
Police Report Number: The 6 digit police report number e.g., 170001
Recognize that the first two numbers represent the year
 - b. Title field:

Provide a brief explanation of what is recorded.
Examples: DV, suspect interview, T.S., arrest for POCS, FI, etc.
 - c. Category fields:

There are 14 category choices for each individual recording. Officers will primarily use only seven of the categories (categories 2-8). If multiple categories apply to an event, members should choose the category with the highest retention period available to them. Categories 1 and 13 are for administrative purposes and required by Axon. Categories 9, 10, 11 and 12 are reserved for supervision and command staff. If a member has recorded what would be considered a category 10 (training), 11 (use of force), or 12 (critical incident) event, they should notify their supervisor or the program administrator for permission to have the item categorized as such.

K. Recording Management Categories

- 1. Uncategorized

- a. Used when the video contains no discernable incident or activity.
 - b. Retention of video in this category is 130 days.
2. Incident - No Official Police Action Taken / Call Advised
 - a. All video files that have contact with the public having no immediate evidentiary value at the time of recording will be saved in this category.
 - b. Any file not tagged into another category by a member will be placed into this category.
 - c. Files retained in this category will be preserved for 130 days from the date of recording.
3. University of Wisconsin System (UWS) citations and any other non-traffic forfeiture citations (i.e. Underage Drinking)
 - a. All recordings that have potential use in Milwaukee County Circuit Court will be retained in this category.
 - b. Files retained in this category will be preserved for 3 years from the date of recording.
4. Uniform Traffic Citations (UTC)
 - a. All recordings that have potential use in Milwaukee County Circuit Court will be retained in this category.
 - b. Files retained in this category will be preserved for 3 years from the date of recording.
5. Criminal Traffic Citations & Misdemeanor or Felony Arrests
 - a. All recordings associated with circuit court will be retained in this category.
 - b. Files retained in this category will be preserved for 7 years from the date of recording.
6. Emergency Detentions
 - a. All recordings associated with emergency detentions (ED's) will be retained in this category.
 - b. Files retained in this category will be preserved for 7 years from the date of recording.
7. Active Investigation / Evidence
 - a. All video files associated with an active or open investigation without an arrest or citation will be saved in this category.
 - b. Evidentiary recordings will be maintained for 25 years.

8. Officer Injury

- a. All recordings in which a department member becomes injured will be retained in this category.
- b. Files retained in this category will be preserved for 2 years from the date of recording.
- c. Incidents in this category are only viewable by command staff, who may share the recordings with other members as determined by the Chief or designee.

9. Testing

- a. Recordings made in order to test equipment.
- b. Files retained in this category will be preserved for 130 days from the date of recording.

10. Training

This category can be used by supervisors to permanently save recordings that can be used for teaching or training other members.
Files retained in this category will be preserved indefinitely

11. Use of Force

- a. All recordings in which a department member is involved in a use of force not rising to the level of a critical incident will be retained in this category.
- b. Files retained in this category will be preserved for 7 years from the date of recording.
- c. Incidents in this category are only viewable by command staff, who may share the recordings with other members as determined by the Chief or designee.

12. Critical Incident

- a. For the purpose of this policy, a critical incident is any police action or activity that directly or indirectly results in great bodily harm or death to a department member and/or a citizen.
- b. All recordings of critical incidents will be placed in this category by command staff only.
- c. Incidents in this category are only viewable by command staff, who may share the recordings with other members as determined by the Chief or designee.

- d. Once videos are placed in this category they may only be reassigned to a different category or deleted at the direction of the Chief of Police or his/her designee.
- e. Retention of critical incidents is permanent.

13. Administrative Hold

- a. Any recording can be placed on administrative hold by Command Staff.
- b. Recordings on administrative hold will be retained until reassigned to another folder or deleted.
- c. Incidents in this category are only viewable by command staff, who may share the recordings with other members as determined by the Chief or designee.

14. Pending Review

This folder is populated when there is a technical issue with a recording. Files with technical issues are forced into this folder automatically until reviewed by a department administrator and/or an Axon Corporation administrator. Once the technical issues with a recording are resolved, it will be re-categorized as appropriate.

15. Open Records

- a. All video files associated with an open records request to the University will be saved in this category.
- d. Recordings in this category will be maintained for 5 years or as dictated by Wisconsin Public Records Law.

At the end of each shift, officers assigned a BWC will place their camera into the Evidence Transfer Manager docking station for automatic uploading of all recorded data from the BWC into Evidence.com.

The recorded data is considered to be impounded once uploaded. Upon upload to Evidence.com, the BWC will be cleared of existing data and ready for use during the member's next shift.