

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	<b>MOBILE AUDIO/VIDEO RECORDING EQUIPMENT</b>	NUMBER:	6.1.8
		ISSUED:	11/6/2012
SCOPE:	All Police Personnel	EFFECTIVE:	11/6/2012
DISTRIBUTION:	General Orders Manual, and All Police Personnel	<input type="checkbox"/> RESCINDS	
		<input type="checkbox"/> AMENDS	
REFERENCE:	G.O. 13.3 Employee Harassment WI State Statute 175.22 SOP – Use of Mobile Audio/Video Recording Equipment	WILEAG STANDARDS 5 <sup>th</sup> EDITION: N/A	

**INDEX AS:** Audio/Video Recording Equipment  
Mobile Audio/Video Recording Equipment  
Video Recording Equipment  
Body Worn Camera

**PURPOSE:** The purpose of this Order is to establish guidelines to be followed during the use of wearable or body-worn audio and video (BWC) recording equipment.

This Order consists of the following numbered sections:

- I. POLICY
- II. LEGAL ISSUES/CONFIDENTIALITY
- III. DEFINITIONS
- IV. PROGRAM OBJECTIVES
- V. PRACTICES
- VI. OPERATING PROCEDURES
- VII. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE
- VIII. RECORDING CONTROL AND MANAGEMENT

## I. POLICY

- A. Body-worn video recorders shall be worn by patrol officers and shift supervisors or OIC's while on duty, based upon the availability of the body-worn video (BWC) equipment. The use of body-worn video (BWC) recorders is intended to assist Department personnel in the performance of their duties by providing an accurate and unbiased recorded account of incidents.
- B. To maximize effectiveness of the body-worn video (BWC) recorders and maintain integrity of evidence and related documentation, all personnel assigned the use of these devices will adhere to the procedures outlined within this General Order.

## II. LEGAL ISSUES/CONFIDENTIALITY

- A. All recording media, images, and audio are property of the Port Washington Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.
- B. Under no circumstances will any member of the Port Washington Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police.
- C. Use of body-worn cameras for any purpose other than in accordance with this General Order is prohibited.
- D. All data, images, video and metadata captured by body-worn cameras are subject to State statutes and City policies regarding retention of records.

## III. DEFINITIONS

- A. **USE OF FORCE INCIDENT:** Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.
- B. **BODY-WORN CAMERA (BWC):** A portable audio/ video recording device designed to be worn by police officers to capture digital multimedia evidence.

- C. **DIGITAL MULTIMEDIA EVIDENCE (DME):** All digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.
- D. **MOBILE AUDIO/VIDEO RECORDING EQUIPMENT:** Portable, wireless, electronic recording devices designed for capturing audio and/or video recordings. This includes body-worn video cameras.

#### IV. PROGRAM OBJECTIVES

- A. The Port Washington Police Department has adopted the use of BWC mobile audio/video recording equipment in order to accomplish the following objectives:
  - 1. To record contacts with the public to secure unbiased evidence and documentation of events, actions, conditions, and statements made during arrests and critical incidents, and to augment officer's reports, evidence collection, and as an aid in the prosecution of offenses.
  - 2. To protect officers from false allegations of improper police conduct.
  - 3. To provide a means for reviewing probable cause for arrest, arrest procedures, officer/suspect interactions, evidence related to investigations, etc.
  - 4. To allow for supervisory review to ensure that department policies and procedures are followed, and
  - 5. To capture footage that may be helpful for training purposes.

#### V. PRACTICES

- A. Department issued and approved BWCs are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- B. Prior to using a BWC, officers shall receive Department-approved training on its proper operation and care and the Department's policy with respect to the use of the BWC. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

- C. BWCs and equipment should 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 assigned. Officers shall inspect and test BWCs prior to each shift to verify proper functioning and shall notify their supervisor of any problems.
- D. In the event that a BWC is lost, upon discovery the officer shall immediately notify his/her supervisor.
- E. Officers shall wear BWCs above the midline of their torso and in position designed to produce an effective recording.
- F. Officers shall not use personally-owned BWCs while on duty.
- G. When not in use, all BWC equipment must be securely stored in a suitable location within the police department.

## VI. OPERATING PROCEDURES

### A. Officer Responsibility

1. Care and use of the BWC audio/video recording equipment is the responsibility of the officer assigned to that equipment and shall be used in conformity with police department policy and training.
2. Officers shall log the deployment and return of each BWC at the start and end of each shift in the log book designated for that purpose.
3. Prior to each shift, officers shall determine whether their recording equipment is working properly and shall report any problems to the Shift Supervisor or officer in charge (OIC) as soon as practical.
4. BWC's should generally be worn on the officer's center torso and should be properly adjusted, according to the individual officer's height
  - a) The intent is to mount the BWC in the best position possible on the officer's torso so as **to capture the video image that best represents the officer's field of view.**
  - b) Officers **are not** expected to jeopardize their safety in exchange for obtaining better audio/video recordings.

5. Whenever an officer has reason to believe that a contact may be of an enforcement nature, may have evidentiary value, etc., the contact should be recorded. Tactical activities including building searches, searches for suspects, and building checks at alarm calls **shall** be recorded.

Examples of BWC uses include, but are not limited to:

- a) Officer/subject contacts during traffic stops.
  - b) Officer/subject contacts during an arrest including approach, custody, statements, transportation, booking process and release.
  - c) Officer/subject contacts of arrested subjects taken to the Ozaukee County Jail or Juvenile Detention Center. Recording will cease upon entry to these facilities unless approved by facility staff.
  - d) Any other contacts with persons under circumstances that lead the officer to believe that the specifics of the contact may need to be retrieved or reviewed.
6. Continuous, non-stop recording during contacts or incidents of an enforcement nature is not required when officers are not in direct contact with the suspect, or other persons involved. Examples of when officers **may** choose to deactivate their recording equipment include, but are not limited to:
    - a) Running checks and completing paperwork in a squad car, away from the violator, during a traffic stop.
    - b) Conferring with backup officers away from the suspect or any person involved in the incident.
    - c) While speaking with anyone who is not directly involved in the incident such as medical or fire personnel.
    - d) The BWC may be de-activated during non-enforcement activities such as protecting accident scenes from other vehicular traffic or perimeter assignments at critical incidents.
  7. Officers shall clearly document the use of BWC within all pertinent reports, whenever recordings are made during a contact or incident in question.

8. Each officer equipped with a BWC is encouraged to record enforcement contacts they participate in. If multiple officers are involved in an enforcement contact, all officers are encouraged to record the contact. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes.
- B. BWCs shall not be used to record:
1. Communications with other police personnel.
  2. Encounters with undercover officers or informants.
  3. When an officer is on break or is otherwise engaged in personal activities.
  4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room (Wis. Stats. 175.22) or break room.
  5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
  6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

## VII. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE

- A. Use of BWC recording equipment is reserved for on-duty, official police business only.
- B. Officers shall upload all files from BWCs to the Department's secure cloud storage via the BWC multi-dock at the end of their shift, and as per the manufacturer's instructions. Each file shall contain information related to the date, BWC identifier, incident report/citation, and assigned officer for easy identification and retrieval.
1. All uploaded video related to a criminal or traffic case, or that which may be useful to the Department for training purposes, as well as any video that should be retained indefinitely must be categorized as such by the officer.

2. All files from BWCs shall be securely stored in accordance with State records retention requirements and for no longer than useful purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under the control of a criminal justice agency.
  3. Officers shall not use BWC or other audio/video recording equipment to record administrative conversations, i.e. disciplinary actions, supervisor's directives, or conversations between employees.
- C. It is not the intent of the Department to review DME for the purpose of general performance review, for routine preparation of performance reports or evaluation, or to discover policy violations. Supervisors and internal affairs personnel may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.
- D. Supervisor Responsibility
1. It is incumbent upon shift supervisors and OIC's to deploy and ensure that officers utilize BWC's according to the General Order guidelines.
  2. Supervisors shall conduct random weekly reviews of selected recordings in order to assess officer performance as well as flag videos that may be appropriate for training or retention purposes.
  3. If a citizen complaint is associated with a recorded event, or an officer has reason to believe an incident may generate a citizen complaint, the officer shall notify his/her supervisor who shall flag the video for indefinite retention.

## VIII. RECORDING CONTROL AND MANAGEMENT

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

1. The Records Division supervisor shall establish a reproduction fee for the duplication of recordings. The fee will include the cost of storage media and the actual necessary costs of the reproduction effort.
  2. Archived (uploaded) BWC files shall be duplicated as necessary by the Department's Records Clerks for use by other criminal justice agencies, when required for trial, or as otherwise authorized by the Chief or the Chief's designee.
    - a) Whenever copies of original archived video files are needed/requested, the authoring officer who recorded and uploaded the original video file(s) to cloud storage is responsible for identifying and sending the video file(s) in question to Records via department email to [Records@pwpd.org](mailto:Records@pwpd.org) and requesting Records to "burn" the file(s) to DVD or Blu-Ray disk(s) and have delivered to the appropriate destination/requestor, the requisite number of duplicate videos "burned" for the purpose(s) cited above.
- B. Recordings may be shown to Port Washington Police Department employees for training and/or evaluation purposes upon completion of a criminal case.
1. Recordings may be shown to persons other than Port Washington Police Department employees provided prior approval is obtained from the Chief or the Chief's designee.
    - a) Review of BWC recordings by the prosecutor (District Attorney, Assistant District Attorney, City Attorney or Assistant City Attorney) are exempt from the above requirements.
- C. Recording control and management levels
1. General
    - a) The VIEVU Solution software program automatically recognizes all uploaded video files as "*general*" video files at the time of upload to the secure cloud storage.
      - (i) "*General*" video files will be automatically and permanently purged from the cloud storage server one-hundred and thirty (130) days from the date of upload, unless the officer opts to manually extend the retention period to "**Never Delete**" from the "Edit File Details" screen and "Save" the change.



- b) All video files that contain potential evidentiary content shall be “*flagged*” for permanent retention by the officer to prevent the automatic purging of the file at the conclusion of the pre-set retention period described above.
  - (i) To “*flag*” a video file for permanent retention the officer must, from the “Edit File Details” screen, select the “Never Delete” option from the “Extend Retention” dropdown box. Then click on the green “SAVE” button in the lower right-hand corner of the screen before exiting.

## 2. Evidence

- (i) If the officer or supervisor believes a video recording to be of evidentiary value, i.e. may be required at some future time as evidence in a hearing or trial, is the result of a misdemeanor or felony contact or action, etc., the officer **must** manually “*flag*” the video file for permanent retention from the “Edit File Details” screen by selecting the “Never Delete” option from the “Extend Retention” dropdown box. Then click on the green “SAVE” button in the lower right-hand corner of the screen before exiting.
- b) All recordings of use of force incidents shall be “*flagged*” at the time of upload as “**Never Delete**” and retained as evidence.

## 3. Video File Lockdown

- a) “*Lockdown*” prevents access to, or deletion of a video file by an unauthorized user.
  - (i) Typically, videos documenting use of force, officer involved shooting incidents or incidents of a potentially highly sensitive nature qualify for “**Lockdown**.”
  - (ii) If an officer feels it necessary and/or appropriate, the officer can place the recording into “**Lockdown**” mode by simply going to the VIEVU “Edit File Details” screen and clicking on the “Lockdown” button to change the status to “Yes.” The default “Lockdown” setting is “No.” Then click on the green “SAVE” button in the lower right-hand corner of the screen before exiting.

- b) Videos marked for “**Lockdown**” in the “Edit File Details” screen can only be viewed or copied by users with “**View Lockdown Video**” security rights. Only users with “**View Lockdown Video**” security rights (Chief and Captains) can remove a video from “**Lockdown**” status.
  - (i) **If a video file is removed from “Lockdown” status it is no longer automatically preserved for permanent retention.**
  - (ii) If the video file in question is still to be permanently retained, the Chief or Captain removing the “**Lockdown**” status must manually extend the retention period to “**Never Delete**” and then click the green “Save” button before leaving the “Edit File Details” screen.

#### D. Video File Identification

- 1. To assist with the future retrieval of video files, officers shall upon upload of a video file, select the appropriate “*category*” from the “Category” dropdown box which most closely fits the nature of the contact or incident documented in the video.
  - a) Officers shall attach the appropriate related data (Category, case/report number, etc.) and any descriptive “comments” to each video file upon completion of the file upload to cloud storage by entering the data/comment into the various fields found in the “Edit File Details” screen and saving same before exiting.

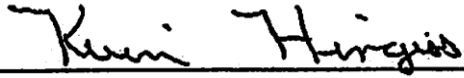
#### E. 120 Day Record Retention

- 1. Recordings held at the “*General*” retention level shall be saved for a **minimum** of 120 days, as per authorized by City Ordinance and the Wisconsin Department of Administration.

#### F. Auto Video Purge

- 1. In compliance with the State of Wisconsin Records Retention Schedule, videos not manually flagged for indefinite retention (“**Never Delete**”) will be automatically purged from the server one-hundred and thirty (130) days from the date of video file upload.
- 2. Once auto-purged a video file cannot be recovered.

**APPROVED:**

Handwritten signature of Kevin Hingiss in black ink, written over a horizontal line.

Chief Kevin Hingiss

**DATE:**

4/26/19

Revised 4/26/19  
Revised 7/12/16  
Revised 11/20/12