



MILWAUKEE POLICE DEPARTMENT

DRAFT

STANDARD OPERATING PROCEDURE

745 – BODY WORN CAMERAS (BWC)

GENERAL ORDER: 2015-XX
ISSUED: XXXX, 2015

EFFECTIVE: XXXX, 2015

REVIEWED/APPROVED BY:
XXX
DATE: XXXX, 2014

ACTION: Creates SOP

WILEAG STANDARD(S): DRAFT

745.00 PURPOSE

The purpose of this policy is to establish guidelines for the use, management, storage and retrieval of recordings from the department’s body worn camera (BWC) system.

BWC’s will be used to enhance the mission of the department and assist department members in the performance of their duties by providing an accurate and unbiased recording between police members and the public.

745.05 POLICY

This policy establishes standards and guidelines related to the capture and use of audio and video recordings produced by Taser Axon Flex body worn cameras.

This policy applies to all members assigned a BWC, to include any members, investigative personnel, and support staff responsible for preparing cases for criminal prosecution and the release of public records. This policy does not apply to the use or management of the DP3 in-car video system that is permanently mounted in police vehicles.

745.10 DEFINITIONS

Body Worn Camera (BWC): A BWC is the two piece Taser Axon camera system that includes the camera and the Tactical Controller (TC). One cannot function without the other.

Event Mode: Records audio and video.

Evidence.com: Web-based, secure, offsite storage solution for the management and storage of audio/video recordings produced by each BWC.

Evidence Transfer Manager (ETM): Docking station that uploads data from a BWC to Evidence.com and recharges the TC.

Normal (Buffering) Mode: The BWC is continuously recording video in 30 second looped increments. This is sometimes known as a pre-event 30 second buffer. Once the member places the TC into Event Mode, the previous 30 seconds of video is included in the evidentiary recording. Only video is recorded in Normal Mode.

Tactical Controller (TC): This is the camera control module and battery that is attached on a belt, placed in a holster or a pocket or otherwise attached to the member's uniform.

745.15 GENERAL INFORMATION

Each BWC system will be used to document various events that occur during the duty shift of the assigned member. Upon completion of the assigned member's shift, all captured data will be preserved in a secure recording storage location. Once captured, these recordings are protected with multiple layers of encryption and cannot be altered in any way. BWC technology facilitates the Department's objectives to collect evidence for criminal prosecutions, ensures both officer and citizen accountability, provides administrative inspection functions, and has the potential to provide a valuable training aid by allowing for the evaluation of officer safety and tactics.

745.20 GENERAL GUIDELINES

A. TRAINING

Members wishing to utilize a BWC must receive the prescribed requisite training prior to using or being assigned a BWC. Any training provided will be commensurate with the level of participation in the BWC program (i.e. camera wearer, detective, administrator, etc...)

B. CARE AND EQUIPMENT

1. The only BWC authorized by the Milwaukee Police Department is the department issued Taser Axon Flex BWC. Personal video recording devices are strictly prohibited.
2. All BWC's and related equipment will be issued to individual members by the BWC Program Administrator.
3. A record of inventory will be maintained by the BWC Program Administrator.
4. Only members that have received the prescribed training will be assigned a BWC.
5. Members assigned a BWC are responsible for the proper care of the equipment.

6. Any BWC that is lost, stolen or damaged will be reported as required by SOP 340.75.

745.25 OPERATIONAL GUIDELINES

A. PRE-SHIFT INSPECTION

Prior to each shift, members assigned a BWC will ensure the unit is adequately charged. Further, they will inspect their BWC and the charging and camera cables and camera to ensure there is no visible damage and the device is in good working order. Any visible damage or concerns about the functionality of the equipment will be brought to the attention of the member's immediate supervisor as soon as it is practical to do so.

B. AUDIO / VIDEO RECORDING

1. Wearing Position of the BWC

The camera mounted on a pair of glasses is the preferred location. The earpiece adapter, brim of a department issued ball cap, shirt label, or motorcycle helmet are secondary mounting options for the member.

2. Use of and Recording with the BWC

- a. A member assigned a BWC must wear it at all times when in uniform and performing or likely to perform enforcement duties.
- b. The department recognizes that officer safety is paramount in any situation. Bearing this in mind, members with a BWC who arrive on a scene or engage in an enforcement contact must place their camera in the "On/Event" Mode as soon as it is safe and practical to do so. If multiple members are on scene with a BWC, all members with a BWC will record.
- c. Members with a BWC will make every effort to activate their BWC for all investigative or enforcement contacts such as, but not limited to, the following examples:
 1. Vehicle stops
 2. Impaired driver investigations
 3. Filed Interviews and Pedestrian stops
 4. Transporting citizens or prisoners
 5. Searches of persons or property
 6. Dispatched calls for service
 7. At crime scenes
 8. At crash scenes (may be turned off if member is waiting on a tow truck and no additional enforcement activity is likely).
 9. Advising a subject of Miranda warnings

10. Conducting suspect/witness statements and interviews
11. Vehicle and foot pursuits
12. Emergency response to critical incidents

- d. Recording is not necessary in Department booking rooms.
- e. Recording at the Criminal Justice Facility (CJF) will cease upon entry to the facility unless approved by CJF staff.
- f. Once a BWC is in the "On or Record" mode, members must continue to record until either the completion of the event or until they leave the scene and their involvement in the event will cease.
- g. While not required by policy or by state law, it may be of value to inform other parties that they are being recorded. This has proven to be influential in garnering cooperation of subjects and has been proven to reduce incidents of use of force.
- h. A BWC is not designed to log evidence or to be used for any situation where fine detail and resolution are necessary, however members are encouraged to record the overall crime scenes prior to the arrival of CST's or Forensic Investigators if the scene may change or be compromised.
- i. Members assigned a BWC can view captured video through Evidence.com once the data has been downloaded from the BWC. This will allow the member to refresh their memories prior to the completion of a citation, ARS report or to prepare for court proceedings.

C. EXCEPTIONS TO RECORDING

1. Police members have discretion in whether or not to record potentially sensitive events or circumstances (e.g. victims of a sexual assault, child victim statements/interviews, nude persons who are not the target of enforcement action, or a citizen victim/witness, if they prefer or request they not be recorded while giving a statement, or where otherwise authorized in this policy).
2. Police members may deactivate BWC's during non-enforcement activities such as:
 - a. Member to member conversations about crime charging issues or other general conversations.
 - b. Traffic control at fires, crime scenes, or crash scenes when the member's likelihood of being involved in enforcement activities is low.

c. Lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity is high or the member is gathering additional evidence. E.g. OWI blood draws, suspects making voluntary statements, or probability of escape attempt).

3. Members shall make a verbal notation on the recording anytime a member intentionally plans to stop a recording prior to the completion of an event or incident. The notation must include the reason why the member is stopping the recording.

D. PROHIBITED RECORDINGS

In keeping with the department's core values of respect and integrity, members assigned a BWC will adhere to the following guidelines:

- a. BWC's will not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms (WI S.S. 175.22). As such, these are the only items pertaining to these accidental recordings which may be deleted at the direction of the Chief of Police or his/her designee prior to the 120 day retention period.
- b. BWC's shall not be used to record a strip search or a body cavity search conducted in a hospital setting.
- c. BWC's will not be intentionally activated to record conversations of fellow members without their knowledge during routine and non-enforcement activities. This includes while a member is on a rest break, while report writing, attending Roll Calls, general discussions with other members, discussing a case with another member, or performing other administrative functions.
- d. BWC's will not be utilized to surreptitiously record conversations of the public and/or other members of the department.
- e. Members utilizing a BWC will not knowingly record undercover officers or confidential informants.
- f. BWC's will not be utilized to record any off duty or personal activity.

E. CRITICAL INCIDENT PROTOCOL

In the event of a critical incident, (i.e. officer involved shooting, serious injury or death, serious use of force incident, serious police equipment accident, etc.), members with a BWC will refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and it can be done in conjunction with current critical incident protocols that are in place. This will not prohibit members from viewing the recorded data captured by the BWC in the event of exigency where viewing will assist with critical details pertinent to the

investigation such as the description of outstanding suspects, suspect vehicles and direction of travel, etc...

If there were BWC's in use during a police involved critical incident, a police supervisor not involved in the actual critical incident will take physical custody of any BWC's that may have captured the incident and deliver them to the nearest police district where the police supervisor will immediately download/upload them into Evidence.com.

F. IMPOUNDING OF DATA AND DATA UPLOADING

1. At the end of each shift, BWC assigned members will place their TC into the ETM to download all recorded data from the BWC into Evidence.com.
2. TC's should not be removed from the ETM until all data is downloaded and the TC is fully charged as demonstrated by the appropriate indicator lights.
3. The recorded data is considered to be impounded once downloaded and the BWC will be cleared of existing data.
4. After videos are downloaded, members must assign the appropriate category to each individual recording utilizing the corresponding CAD number (when available).
 - a. Members will primarily use only four of the categories (categories 2-5). Members are only able to choose one category per event. If multiple categories apply to an event, members should use the highest category number available to them. If an officer wishes to apply multiple categories to an event, a supervisor can perform this function. Categories 1 and 9 are for administrative purposes and required by Taser. Categories 6 and 7 are reserved for supervision and Command Staff.
 - b. The recording management categories are:
 1. Uncategorized
 - a. Not to be used by Milwaukee PD
 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. All video files placed in this category will be retained 120 days after the recording date prior to being automatically purged.

3. Municipal Traffic and Ordinance Citations and/or Arrests

a. All recordings that have potential use in Milwaukee Municipal Court will be retained in this category.

b. Files retained in this category will be preserved for 3 years.

4. State Traffic Citations, Misdemeanor or Felony Arrests and Emergency Detentions

a. All recordings associated with circuit court will be retained in this category.

b. Files retained in this category will be preserved for 10 years.

5. 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 as required by law, and subject to corresponding record requests.

6. Training

a. This category will be used by supervisors to save recordings that can be used for teaching or training other members.

7. Critical Incident

a. All recordings of major or critical incidents will be placed in this category by supervisors or Command Staff only.

b. Once videos are placed in this category, they may only be reassigned to a different category or deleted at direction of the Chief of Police or his/her designee.

8. Administrative Hold

a. Any recording can be placed on administrative hold by a supervisor.

b. Recordings on administrative hold will be held and secured as required by law.

9. 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 or a Taser Corporation Administrator

5. After videos are downloaded, members must add detailed comments or tags in the corresponding sections. Examples include an incident number, a CAD number or citation number when applicable.

G. REPORTING / DOCUMENTATION

1. The use of a BWC will be documented in the opening paragraph of an RMS incident or supplemental report.
2. When a BWC records an incident that resulted in an arrest or citation being issued, the use of the BWC will be documented in the citation and/or the ARS narrative. If a citation is issued, the words "On Officer Video" will be written in the lower right hand corner of a paper citation or typed in the "Agency Notes" section when using TraCS.
3. Members will immediately report any loss of, or damage to, any part of a BWC and/or data captured to their immediate supervisor who will prepare a memorandum to their commanding officer through the chain of command.

H. DEPARTMENT REVIEW / TRAINING

1. All recordings made with a BWC are the property of the Milwaukee Police Department and the department retains the right to review captured video.

Recordings may be reviewed:

- a. By a department member to ensure the BWC system is working properly.
- b. By a police member viewing their individually assigned recordings to assist with writing a report, supplement, citation or memorandum.
- c. By authorized persons for the purpose of reviewing evidence.
- d. By a supervisor to investigate a specific act or allegation by another member or by the public.
- e. By authorized department personnel participating in an official investigation, such as a citizen complaint, administrative inquiry or criminal investigation.

- f. By others with permission of a supervisor if they are participating in an official investigation.
2. BWC recordings may be used for the purposes of training. Members aware of BWC recordings that may serve as a training aid for other members should be reported to a supervisor and supervisors will review the recording to determine its feasibility as a training aid.
 - a. Members involved in a recording that has been deemed a training aid will be notified by a supervisor of the intent to use the recording for training purposes.
 - b. Members objecting to the display of a recording will submit their written objection on a Department Memorandum (Form PM-9). The member's commanding officer will determine if the training value outweighs the member's objection.
 - c. Supervisors having received the involved member's permission to use a video for training or when a member's objection for use has been overruled by the Commanding Officer, a supervisor shall categorize the video as a Category 6 (Training) video.
3. BWC recordings will NEVER be used a means to belittle, ridicule or embarrass any member of the department.
4. The Inspections Division will conduct periodic random body camera footage review as recommended by WILEAG and defined by the internal policies of the Inspection Division.

I. DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS

1. All digital media that is captured with a BWC is the property of and will be retained by the Milwaukee Police Department for a minimum of 120 days following the date it is recorded. Captured video may be retained for longer periods in the event the video is the subject of a litigation hold, a criminal case, part of discovery, etc...
2. Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or his designee is strictly prohibited. Members are also prohibited from making copies of a BWC audio/video recording by using another recording device such as a cell phone.
3. Recordings may be duplicated for any criminal justice agency or as otherwise authorized by the Chief of police or his/her designee.
4. Members will not allow citizens to review video captured by a BWC unless there is an investigative reason to do so and has been approved by a supervisor.

Members shall advise citizens they may request a copy of the recording through the open records process.

5. The release of video requested through a public open records request will be handled in accordance with existing policy and public records laws. Reproduction fees for duplication of recordings will be established by the City of Milwaukee. See SOP 260 Open Records for additional information.
6. Prior to the release of any BWC recording, Open Records will ensure that proper redactions according to law have been made.

EDWARD A. FLYNN
CHIEF OF POLICE

EAF:djw