

BODY-WORN CAMERA AND IN-CAR VIDEO SYSTEM

2/090.00

I. 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 and in-car video (ICV) system.

The use of body-worn cameras and in-car video systems is approved to achieve the following objectives:

1. Provide additional documentation of police-public interactions, arrests, and critical incidents. This also enhances the accuracy of police reports and testimonies in court.
2. Improve the department's ability to review probable cause for arrests, document officer and suspect interactions, and collect evidence for investigative and prosecutorial purposes. This information is also valuable for officer training.
3. Document crime and accident scenes, as well as other events that involve the confiscation and documentation of evidence or contraband.

II. POLICY

The Franklin Police Department utilizes body-worn cameras (BWC) and in-car video systems (ICV) to visually and audibly document interactions between department members and the public. This policy has been established to comply with the standards set by the State of Wisconsin, specifically outlined in Wisconsin State Statute 165.87 regarding body cameras and law enforcement.

Before using department-issued body-worn cameras and in-car video systems, all members must complete department-approved training on the proper operation, care, and the policies governing the use of these devices. This policy applies to all members assigned a BWC or ICV by the Chief of Police or their designated representative.

III. DEFINITIONS

- A. Body-Worn Camera - A camera system designed to be worn by police officers to capture digital recordings, including but not limited to audio, video, and photographs.
- B. Electronic Recording - A visual and/or audio recording using digital or analog storage format.
- C. Recorded Media - Refers to audio and/or video signals recorded on any of several storage media, including analog tape (VHS, SVHS, Hi 8mm), digital tape (DV) or other portable digital storage media (CD, DVD, hard drive, streaming media, cloud media storage, files like MPEG, MP4, AVI, etc.) or any storage device capable of recording not listed in this definition.
- D. In-Car Video Systems - A system capable of recording audio and visual signals, installed in a vehicle, generally including a camera, microphone, remote transmitter, recorder, and monitor.

IV. BODY-WORN CAMERA PROCEDURES

- A. Members are required to use only the body-worn cameras issued by the Franklin Police Department. The use of personally owned recording devices for department-related activities while on duty is prohibited unless expressly permitted by an on-duty supervisor. Any member who uses a personal recording device for department-related activities must comply with all relevant provisions of this policy, including requirements for retention and release of recordings.
- B. Supervisory personnel must ensure that members equipped with body-worn cameras utilize them in accordance with this policy.
- C. User Responsibilities
 1. Uniformed members assigned to patrol duties are responsible for ensuring they are equipped with a department-issued body-worn camera that is fully charged and in good working condition at the start of their shifts.
 2. Uniformed members not on patrol and any sworn members in non-uniformed positions may carry an approved body-worn camera whenever they believe it may be useful. They must ensure the camera is fully charged and functional before use.
 - a. If a body-worn camera is available, uniformed members not on patrol, as well as sworn members in non-uniformed roles, are required to wear the camera when conducting a pre-planned arrest or executing a search warrant.

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3. If a body-worn camera malfunctions or if the user becomes aware of any issues at any time, the member must promptly report the problem to their supervisor and obtain a functional device as soon as reasonably possible.
 4. Body-worn cameras should be worn in a way that maximizes their ability to capture video footage of the member's activities.
 5. At the end of each shift, the body-worn camera must be placed in a transfer station to ensure all recorded files are securely downloaded.
- D. There is no requirement that members notify an individual they are being recorded; however, members must be aware that it may be beneficial to inform the individual(s) that a recording of the interaction is being made. If an individual expresses a desire to know whether or not the member is recording them, the member will respond truthfully.
- E. Activation of the Body-Worn Camera (BWC)
1. All members equipped with a body-worn camera (BWC) are required to activate the BWC at the earliest possible time, when it is safe and practical, after they are dispatched to a call for service and during law enforcement-related encounters and activities, including, but not limited to, traffic stops, arrests, searches, interviews, pursuits, and any other police-related contact. This should occur before arrival/exiting the squad car or when emergency lights have been activated.
 - a. Members are never expected to compromise their safety to activate a BWC. However, the camera should be turned on as soon as reasonably possible in the situations described above.
 2. Members have the discretion to decide whether to activate the body-worn camera during community outreach events, such as neighborhood meetings or department outreach programs.
 3. School Resource Officer (SRO):
 - a. Body-worn cameras should not be activated while on the grounds of any public, private, or parochial elementary or secondary school, unless the SRO is responding to suspected criminal activity that could lead to an arrest, the use of force, or disruptive or confrontational behavior towards the officer(s).
 - b. This guideline does not apply to responding patrol officers who are not SROs when they are dispatched to any call at a public, private, or parochial elementary or secondary school.
- F. Deactivation of the Body-Worn Camera (BWC)
1. When the body-worn camera (BWC) is activated to document an event, it must remain on until the entire event has concluded, unless:
 - a. The event is of such length that deactivating the BWC is necessary to conserve recording time. However, the member must reasonably believe that turning off the BWC will not result in the loss of critical documentary information.
 - b. The member verbally communicates their intention to stop the recording, including the reason for deactivation.
 2. Members must make a verbal notation on the recording any time they plan to mute it. This verbal note should clearly state the reason for muting the recording. Once the recording is unmuted, a verbal notation must again be made.
- G. Pre-Recorded Event
1. Every issued body-worn camera (BWC) will begin a 30 second pre-recording without audio after a manual or triggered activation of the body-worn camera.
- H. Record-After-The-Fact (RAF)
1. Every issued body-worn camera (BWC) will have a Record-After-The-Fact (RAF) function enabled. This function allows supervisors to create a recording after an event that was not recorded unintentionally for investigative purposes. Additionally, this function could be utilized to record an event, in which the officer was unable to activate their body-worn camera (ambush, critical incident, crash, etc.).
 2. The Supervisor should create the event in RAF as soon as practical.
 3. Intentional failure to activate and reliance on Record-After-The-Fact (RAF) is prohibited.

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I. Request for Deletion of Accidental Recordings

- a. If a body-worn camera (BWC) is activated and the resulting recording captures personal or private conversations or activities of an officer that are unrelated to any ongoing criminal or internal affairs investigation, or that otherwise lack a valid official purpose, and have no apparent evidentiary or investigatory value, the officer may request the deletion of the accidentally recorded BWC file. This request should be submitted in writing as an "In the Matter Of" report, detailing the circumstances of the request, to the Chief of Police. All deletion requests and their outcomes will be documented and maintained.

J. Body-Worn Camera Program and Policy Review

- a. The Body-Worn Camera program, including the policy, will be reviewed annually to determine whether it continues to meet the department's objectives.

V. IN-CAR VIDEO SYSTEM PROCEDURES

A. Members are required to use only the in-car video system issued by the Franklin Police Department. The use of personally owned recording devices for department-related activities while on duty is prohibited unless expressly permitted by an on-duty supervisor. Any member who uses a personal recording device for department-related activities must comply with all relevant provisions of this policy, including requirements for retention and release of recordings.

B. User responsibilities

1. Before each shift, members must check that their in-car video system (ICV) is functioning correctly. If the ICV is not working, the user should notify the shift supervisor and take the vehicle out of service, unless the supervisor requests that the vehicle remain in service. Additionally, the user must complete a Franklin Police Department Squad Maintenance & Repair form.
2. Before going into service, each user must ensure they are properly equipped to record audio and video in the field.

A. Activation of the in-car video system

1. The in-car video system (ICV) installed in vehicles will automatically activate under the following conditions: when the emergency lights are turned on, when the gun lock is engaged, when hard braking or significant G-force is detected, or when manually activated.
2. The ICV should be activated in any of the following situations:
 - a. Traffic stops, including but not limited to traffic violations, assisting stranded motorists, and conducting crime interdiction stops.
 - b. All emergency vehicle operations.
 - c. Vehicle pursuits.
 - d. Encounters with suspicious vehicles or individuals.
 - e. Transporting prisoners in custody.
 - f. Operating While Intoxicated (OWI) investigations, including field sobriety tests.
 - g. Any event as directed by a supervisor.
 - h. Any other circumstance where the member believes that a recording of an incident would be appropriate.

B. Deactivation of the in-car video system

1. When the in-car video system (ICV) is activated to document an event, it must remain on until the entire event has concluded, unless:
 - a. The event is of such length that deactivating the ICV is necessary to conserve recording time. However, the member must reasonably believe that turning off the ICV will not result in the loss of critical documentary information.
 - b. The member verbally communicates their intention to stop the recording, including the reason for

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deactivation.

VI. PROHIBITED USE OF THE BODY-WORN CAMERA AND IN-CAR VIDEO SYSTEM

- A. The body-worn camera (BWC) and in-car video system (ICV) are to be used exclusively for official duties. They must not be used to record the following:
 - 1. Strip searches or body cavity searches, in accordance with Franklin policy 2/110.00 (Strip Searches, Body Cavity Searches, and Searches of Disabled Persons). BWCs may be used to document searches conducted by officers in the field, such as custodial searches, pat-downs, and vehicle searches.
 - 2. In restrooms, locker rooms, or any other locations where individuals have a reasonable expectation of privacy. Members must power off the BWC in these areas and turn it back on once they have exited.
 - 3. Encounters with undercover officers or confidential informants, unless the recording is explicitly intended to document an operation or criminal investigation.
 - 4. During breaks or personal activities.
- B. Members are prohibited from using department-issued body-worn cameras and in-car video systems to secretly record conversations with other department members unless lawfully authorized by the Chief of Police.
- C. Members must not use department-issued body-worn cameras, in-car video systems, or recording media for personal purposes. They are prohibited from making personal copies of recordings created while on duty or when acting in their official capacity.
- D. Members may not use secondary recording devices, such as video cameras or cell phones, to capture footage from body-worn cameras and in-car recording equipment.
- E. Members must refrain from retaining recordings of activities or information obtained while on duty. Duplication or distribution of such recordings is not allowed, except for authorized legitimate department business purposes.
- F. Recordings must not be used to embarrass, harass, or ridicule any individual.

VII. DOCUMENTATION, IDENTIFICATION, AND PRESERVATION/STORAGE OF RECORDINGS

- A. To assist with identifying and preserving data and recordings, personnel must electronically tag or categorize recordings from body-worn cameras and in-car video systems with relevant information, such as the case number and type of recording, whenever possible.
- B. All files will be downloaded to and stored on a secure server designated by the department that is compatible with the body-worn camera (BWC) and in-car video system (ICV) in use, and/or through a secure cloud service provided by the BWC/ICV vendor.
- C. Recorded media considered to have evidentiary value (such as suspect interviews and recordings made during OWI investigations, etc.) must be transferred to storage media (CD, DVD, or other file storage devices) and placed into evidence storage. Copies may be made as needed, clearly marked, and utilized for legal purposes as well as to fulfill records requests.
- D. When the use of a body-worn camera (BWC) and in-car video system (ICV) is related to an event documented in an incident report, the report must indicate that BWC and/or ICV footage was captured.
- E. If a member fails to activate the body-worn camera or in-car video system, does not record the entire contact, or interrupts the recording, the member must document the reason for the lack of a recording, the interruption, or the termination in the incident report or CAD narrative.

VIII. REVIEW OF BODY WORN CAMERA AND IN-CAR VIDEO RECORDED MEDIA FILES

- A. All images and audio recorded by the body-worn cameras and in-car video system are the exclusive property of the Franklin Police Department. Accessing, copying, or releasing these files for non-law enforcement purposes is strictly prohibited.
- B. Access to body-worn camera and in-car video system data (including images, sounds, and metadata) must be specifically authorized by the Chief of Police or their designee. Additionally, all access to this data is auditable to ensure that only authorized users are accessing it for legitimate and authorized purposes.

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C. Body-worn cameras and in-car video system may have their media files reviewed in the following situations:

1. When preparing written reports.
 - a. Members should review their recordings as a resource while preparing written reports. (Refer to the exceptions for Officer-Involved Critical Incidents / Officer Involved Deaths below for guidance in those cases.) Members should only view recordings that they have a legitimate reason to access.
2. By Supervisors.
 - a. Supervisors may review recordings at any time to ensure the equipment's functionality, adherence to policies and procedures, and to identify areas where additional training or guidance may be necessary.
 - b. Supervisors will monthly review two random body-worn camera recordings and two random in-car recordings of the department members they supervise. The supervisor will keep a record of the videos reviewed.
3. By any department-established investigator who is participating in an official investigation relating to a personnel complaint, administrative investigation, or criminal investigation.
4. Field Training Officers may review recordings to evaluate and train their trainees.
5. An officer who is subject to a disciplinary investigation may choose to review their body-worn camera (BWC) and in-car video system (ICV) recordings in the presence of their attorney or labor representative. The officer is also permitted to review recordings from other BWCs and/or ICVs that capture their image or voice during the incident in question.
6. Members who are aware of body-worn camera and in-car video system recordings that could serve as training aids for other personnel should notify a supervisor. The supervisor will then review the recordings to assess their suitability for training. Members involved in a recording that is designated as a training aid will be informed by a supervisor of the intent to use that recording for training purposes.
7. Recordings may be reviewed pursuant to lawful process or by court personnel authorized to examine evidence related to a case
8. Recordings can be reviewed by anyone who has received permission from the Chief of Police or an authorized designee.
9. In compliance with public records requests. Recordings may be released, if permitted, following the Open Records Policy 2/095.00.

D. Officer-Involved Critical Incidents / Officer Involved Deaths Exceptions

1. An officer involved in an Officer-Involved Critical Incident or an Officer-Involved Death cannot view body-worn camera and in-car video system recordings until they have completed an initial report or statement.
- E. Body-worn camera and in-car video system recordings may be shared only with other law enforcement agencies for legitimate law enforcement purposes.
- F. Civilians are not permitted to review the recordings at the scene of an incident.
- G. Body-worn camera and in-car video system video files may not be used to create a database of facial images or be randomly searched using biometric or facial recognition software.
1. Members are not prohibited from using recognition software to analyze the recording of a specific incident if they have reason to believe that a particular suspect or person in need of assistance may appear in that recording. However, this use must be approved by the member's direct supervisor.

IX. RETENTION OF RECORDINGS

- A. All recordings from body-worn cameras and in-car video system shall be retained for a period consistent with the established records retention schedule. However, they must be kept for a minimum of 120 days (Wis. Stat. § 165.87).
- B. Exceptions to the 120-day retention period for body-worn cameras include the following situations (Wis. Stat. § 165.87):
1. Recordings should be retained until the final disposition of any investigation, case, or complaint related to:
 - a. A death or actual or alleged physical injury to a person captured in the recording.

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- b. An encounter resulting in a custodial arrest.
 - c. A search conducted during a temporary detention under Wis. Stat. § 968.25.
 - d. An encounter resulting in the use of force, except when the only use of force involves euthanizing an injured wild animal.
- 2. Recordings used in any criminal, civil, or administrative proceeding must not be destroyed except following a final disposition from the court or a hearing officer after a determination that the recordings are no longer needed, or by an official order from the court or a hearing officer.
- 3. Recordings may be retained beyond the 120 days if a request or directive to preserve them is made before the expiration of that period by an officer from this department or another law enforcement agency, a member of a board of fire and police commission, a prosecutor, a defendant, or a court.

X. RELEASE OF AUDIO/VIDEO RECORDINGS

- A. Requests for the release of audio and video recordings will be processed according to the Open Records Policy 2/095.00.