

Body-Worn Cameras

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media (Wis. Stat. § 165.87).

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

420.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

420.3 RESPONSIBILITIES

420.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the BWC coordinator include (Wis. Stat. § 165.87):

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (g) Make this policy available to the public on the department website.
- (h) Coordinating with the Records Supervisor to (see the Records Management and Records Maintenance and Release policies):
 - 1. Determine and apply proper retention periods to BWC media.
 - 2. Develop procedures for the appropriate release of BWC media.
- (i) Develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).
- (j) Periodically reviewing the department's practices regarding BWCs and BWC media for compliance with this policy and the law.
- (k) Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.

420.3.2 MEMBER RESPONSIBILITIES

Every member utilizing a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order.

Members should wear their assigned BWC on their outermost garment positioned in a way that maximizes their ability to capture video footage of the member's activities. Members are

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

At the end of each shift, the BWC must be placed in a transfer station to ensure all recorded files are securely uploaded.

Members shall report any malfunction or damage to the on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC.

420.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

420.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

Members must not use department BWCs, 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.

Members may not use secondary recording devices, such as video cameras or cell phones, to capture footage from BWCs.

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.

420.5 ACTIVATION OF BWC

All members equipped with a 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:

- (a) Traffic stops
- (b) Arrests
- (c) Searches
- (d) Interviews
- (e) Pursuits,
- (f) Any other police-related contact.

Activation should occur before arrival/exiting the squad car or when emergency lights have been activated.

Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

420.5.1 SCHOOL RESOURCE OFFICER (SRO)

School Resource Officers (SRO) should not activate BWCs 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).

- (a) This guideline does not apply to responding officers who are not SROs when they are dispatched to any call at a public, private, or parochial elementary or secondary school.

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

420.5.2 DETECTIVE BUREAU PERSONNEL

Detective Bureau Personnel shall activate BWCs during the following investigative enforcement and evidence-collection activities, unless an authorized exception applies:

- (a) Recording formal investigative interviews when doing so improves evidentiary integrity, preserves statements, and supports case outcomes.
- (b) Planned and unplanned arrests and custodial detentions.
- (c) Execution of search warrants and arrest warrants when present and participating
- (d) Crime scene walkthroughs when narrating observations, collecting evidence in the field, or conducting initial scene documentation.
- (e) Suspect transports, prisoner handoffs, or other enforcement-related custody events, where practicable.
- (f) Field interviews/street encounters that are investigatory in nature and may generate statements, admissions, consent searches, or evidence.
- (g) Canvassing and witness contacts when statements are being obtained or when the interaction is likely to become evidentiary.
- (h) Consent searches/ knock-and-talks. Activate the BWC for all consent-based encounters intended to obtain permission to enter, search, recover property, or otherwise gather evidence (including "knock-and-talk" contacts), and ensure the consent discussion is captured when feasible.
- (i) Identification procedures. Activate the BWC when conducting or administering identification procedures (e.g., show-ups, field identifications), where legally permissible and practicable, and when doing so will not compromise investigative integrity or applicable protocols.
- (j) Evidence recovery/ consent-based property pickups. Activate the BWC when receiving, recovering, or accepting evidentiary property by consent (e.g., clothing, phones, weapons, digital media, or other items) and narrate the nature of the item, source, and circumstances of transfer when feasible.
- (k) On-scene statement collection. Activate the BWC when obtaining on-scene statements, spontaneous utterances, or admissions during follow-up contacts, canvassing, or investigative responses, when the interaction is likely to be evidentiary.

The authorized exceptions where Detective Bureau personnel may delay activation, stop recording, mute audio, or avoid recording only when a legitimate investigative, safety, or privacy concern exists, include:

- (a) Confidential informant (CI) handling/source protection/undercover-sensitive interactions where recording could jeopardize source safety, compromise an undercover role, or undermine investigative integrity.
- (b) Sensitive victim/witness situations where recording could increase trauma, inhibit cooperation, or capture private information beyond what is necessary for the investigative purpose.

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

- (c) Joint operations where a partner agency's rules or operational needs require a coordinated approach, and an authorized supervisor approves the exception where feasible.
- (d) Operational safety or investigative integrity concerns (e.g., revealing tactics, locations, identities, surveillance methods, or protected investigative techniques) that outweigh the evidentiary benefit in that moment.
- (e) Legal restrictions or prosecutorial direction (e.g., locations or circumstances restricted by law, court order, or specific prosecutorial guidance).

420.5.3 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

420.5.4 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim, witness, or minor.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

420.5.5 PRE-RECORDED EVENT

Every BWC will begin a 30 second pre-recording without audio after a manual or triggered activation.

Body-Worn Cameras

420.5.6 RECORD-AFTER-THE-FACT (RAF)

The BWC is equipped with a Record-After-the-Fact (RAF) function that permits authorized personnel to retrieve and preserve video of an incident that occurred while the BWC was not actively recording. The RAF function may be used when an officer failed to activate the BWC or was otherwise unable to activate the recording function due to the circumstances of the incident. The RAF function shall not be used as a substitute for the timely activation of the BWC as required by this policy. If the use of the Record-After-the-Fact (RAF) function is warranted, the supervisor shall immediately notify a Command Staff member and provide the circumstances of the incident and the reason RAF is being requested. The Command Staff member shall determine whether access to the RAF recording is authorized. Because RAF video is retained on the BWC for a limited period and is automatically overwritten, the supervisor shall promptly initiate the approval process to ensure the recording is preserved before it is overwritten.

420.5.7 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

420.6 DEACTIVATION OF BWC

Unless otherwise authorized by this policy or directed by a supervisor, members shall keep their BWC activated until the call for service or law enforcement-related function has concluded.

A member may deactivate the BWC when the member is no longer actively engaged in a law enforcement-related function, such as while awaiting the arrival of a tow truck or family member, or while in the Franklin Police Department booking area following completion of a custodial search. Similar circumstances may warrant deactivation when continued recording is not reasonably necessary.

If a member deactivates the BWC before the call for service or law enforcement-related function has concluded, the member shall verbally state the intent to deactivate the BWC and provide the

Body-Worn Cameras

reason for doing so. The verbal statement shall be captured on the recording before the BWC is deactivated, when reasonably practicable.

After a custodial search has been completed, the officer shall deactivate their Body-Worn Camera (BWC) while in the Franklin Police Department booking area unless continued recording is required for a legitimate law enforcement purpose. Examples of circumstances requiring continued recording include, but are not limited to:

- (a) The detainee becomes combative, assaultive, or actively resists officers.
- (b) A use of force occurs or appears imminent.
- (c) The detainee makes spontaneous statements or admissions relevant to a criminal investigation.
- (d) An evidentiary search, seizure, or recovery of contraband is conducted after the initial custodial search.
- (e) Medical emergencies, significant injuries, or other unusual incidents occur.
- (f) Recording is otherwise required by law, Department policy, or at the direction of a supervisor

420.6.1 TAGGING BWC MEDIA

After deactivating the BWC, members should tag all media captured by their BWC with the case or incident number and the event type. BWC media should be tagged in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, the media should be tagged using the event type with the longest retention period.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

420.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

Body-Worn Cameras

420.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy. All access to this data is auditable to ensure that only authorized users are accessing it for legitimate and authorized purposes.

- (a) BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines: BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes.
- (c) Members who are subject to a disciplinary investigation may choose to review their BWC recordings in the presence of their attorney or labor representative. The officer is also permitted to review recordings from other BWCs that capture their image or voice during the incident in question.
- (d) Members should review their recordings as a resource while preparing written reports.
- (e) An officer involved in an Officer-Involved Critical Incident or an Officer-Involved Death cannot view BWC recordings until they have completed an initial report or statement.
- (f) Investigators who are participating in an official investigation relating to a personnel complaint, administrative investigation, or criminal investigation may review BWC media pertaining to their assigned cases.
- (g) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (h) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct periodic documented reviews of their subordinate's BWC media to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
- (i) The Training Coordinator may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Coordinator should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (j) Field Training Officers may review recordings to evaluate and train their trainees.
- (k) Records personnel may access BWC media when necessary to conduct department-related duties.

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

- (l) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.
- (m) BWC media 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.
- (n) Recordings can be reviewed by anyone who has received permission from the Chief of Police or an authorized designee.

420.7.2 RESTRICTED BWC MEDIA

BWC media depicting sensitive circumstances or events should be restricted. BWC media should be restricted when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

420.7.3 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of (Wis. Stat. § 165.87):

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy and body cameras law (Wis. Stat. § 165.87). Records personnel shall review BWC media before public release.

Unless disclosure is allowed by law, BWC media that depicts the image or voice of a recorded subject who is a victim of a sensitive or violent crime or a minor should not be released to the public. Before release, the BWC media may be redacted as provided by law (Wis. Stat. § 165.87).

Body-Worn Cameras

420.8 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

420.9 RETENTION OF BWC MEDIA

BWC media should be retained in accordance with state records retention laws but in no event for a period less than 120 days (Wis. Stat. § 165.87).

Exceptions to the 120-day retention period for BWC media include (Wis. Stat. § 165.87):

- (a) BWC media should be retained until the final disposition of any investigation, case, or complaint which depicts:
 - 1. A death or actual or alleged physical injury to any person.
 - 2. An encounter resulting in custodial arrest.
 - 3. A search during a temporary detention pursuant to Wis. Stat. § 968.25.
 - 4. An encounter involving the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal.
- (b) BWC media used in any criminal, civil, or administrative proceeding should be retained until the final disposition of the proceeding or an order from the court or hearing officer that the media is no longer needed.
- (c) BWC media that has evidentiary value in a prosecution should be retained upon a timely directive to the Department to preserve it.
- (d) BWC media subject to a request to inspect or copy it should be retained for those time periods specified in Wis. Stat. § 19.35(5).

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

420.10 ANNUAL PROGRAM REVIEW

The BWC program, including this policy, will be reviewed annually to determine whether it continues to meet the department's objectives.

420.11 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include (Wis. Stat. § 165.87):

Franklin Police Department

Law Enforcement Services Manual

Body-Worn Cameras

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.
- (f) BWC media retention periods.
- (g) The contents of this policy.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system and this policy, including appropriate access, use, and security procedures, and BWC media retention periods and release requirements (Wis. Stat. § 165.87).