

HOBART - LAWRENCE POLICE DEPARTMENT

Connecting and Serving Our Communities



Subject:

Axon Fleet and Body Worn Camera
Recording Guidelines

Scope:

All Department Personnel

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I. PURPOSE

The purpose of this policy and procedure is to establish guidelines for the use of the department's mobile and wearable digital recording equipment in accordance with §165.87, Wis. Stats. This policy will also address the storage and retention of evidence and incidents recorded digitally.

II. POLICY

It is the policy of the Hobart-Lawrence Police Department that officers utilize digital mobile video equipment and/or wearable video equipment, when responding to, or self-initiating, activity in a vehicle or in person. Officers shall record their actions in conformance with guidelines established in this policy and procedure. Any video recorded using this equipment shall be maintained in a manner as outlined herein. The use of the recorders is intended to enhance the mission of the department by accurately capturing contacts between members of the department and the public.

III. DEFINITIONS

- A. AXON Body Worn Camera (BWC): A device worn by a law enforcement officer of this department that is capable of both video and audio recording of the law enforcement operator's activities and interactions with others or collecting digital multimedia evidence as part of an investigation.
- B. AXON Fleet Camera (FC): An in-car device that is capable of both audio and video recording of law enforcement activities, but camera equipment is affixed to the vehicle.
- C. BWC/FC Coordinator: A member of the department assigned responsibility for managing the BWC/FC program, maintaining the equipment, training personnel in its use, and managing the digital video files created.
- D. Camera Buffering: Preloading thirty (30) seconds of video into a reserved temporary area of memory not accessible unless the camera is placed in record mode.

IV. PROCEDURE

A. Program Objectives

1. The department has adopted a mobile and wearable video recording program to accomplish the following objectives:
 - a. To enhance officer safety.
 - b. To accurately capture statements and events during an incident.
 - c. To assist with the prosecution of violators.
 - d. To respond to allegations of officer misconduct.
 - e. To assess officer performance.
 - f. To provide self-critique opportunities for recruit officers participating in the field training process.
 - g. To facilitate department training.
2. Department mobile and wearable video recording equipment, and any video recorded with this equipment, shall be used for official purposes only.

B. General Guidelines

1. All officers utilizing the BWC/FC recording equipment will receive training in the proper use of the equipment.
2. All officers are assigned username and password information for the BWC/FC recording system. Passwords shall not be shared and should remain confidential.
3. At no time is an officer expected to jeopardize his or her safety in order to activate a BWC or FC; however, the BWC and FC shall be activated in situations described in Sections D and E, below.
4. Wis. Stats. §968.31(2)(b) permits an individual to surreptitiously record any conversation in which one party to the conversation has given his or her permission.
5. Officer may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be lawful and beneficial to the investigation.
6. Officers should notify assisting personnel from outside agencies whenever either video or audio recording is in use.

7. Absent legal cause, lawful order, or as supported by this policy, no member of this department may surreptitiously record any other member of this department without the expressed knowledge and consent of all parties.
8. All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department regardless of ownership of the device it was made on, shall remain the property of the department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.
9. Recordings shall not be used by any member of the department for the purpose of embarrassment, harassment, or ridicule.

C. BWC/FC Coordinator

1. The Chief of Police or the authorized designee should designate a coordinator responsible for the following (§165.87 Wis. Stats.):
 - a. Establish procedures for the security, storage, and maintenance of data and recordings.
 - b. Establish procedures for accessing data and recordings.
 - c. Establish procedures for logging or auditing access.
 - d. Establish procedures for transferring, downloading, tagging, or marking events.
 - e. Provide training on this policy to:
 1. Officers who are authorized to use BWC/FC recorders.
 2. Members of the department who use, maintain, store, or are responsible for the release of records and recordings.
 - f. Periodically review the department's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.
 - g. Ensure this policy is available to the public on the department's website.

D. AXON Fleet Camera (FC) Operating Guidelines

1. Prior to going into service, each officer will be responsible for making sure that the FC is in good working order during their squad check. To function check the FC and ensure it is in good working order, the officer is to periodically check the following:

- a. Video Recording.
 - b. Audio Recording.
 - c. Accurate time/date and other information on the display.
 - d. Pre-shift function checks shall be classified as “non-evidentiary” video.
 - e. Throughout the officer’s shift or at the end of the officer’s shift, recorded video files shall be given a classification code and the officer should ensure the auto labeling process assigned the appropriate corresponding incident number.
 - f. Activity not requiring an assigned incident number shall be classified with an appropriate code (i.e., non-evidentiary, training, etc.).
2. Malfunctions that cannot be immediately corrected will be reported in an email to the help desk and to the on-duty supervisor or OIC, who will determine whether the vehicle should be removed from service. The malfunction shall also be forwarded to the BWC/FC coordinator.
 3. Officer shall log into their FC software at the beginning of their shift. FC recorders operate in a “buffering” mode until activation by the officer or by one of the programmed activation triggers.
 4. FC recorders will be programmed with the following activation triggers to start automatically:
 - a. Upon activation of the emergency lights.
 - b. If the gun lock is released in a patrol vehicle.
 - c. If the speed of the vehicle reaches 85 mph.
 - d. If a firearm is drawn and the holster has a signal sidearm.
 5. FC recorders shall be manually activated by primary and backup officers upon their arrival at the scene of all calls for service, to include vehicle contacts. Both audio and video recording shall remain activated during the incident for which the system was activated, unless Section 9 or 10, below, apply.
 6. In every situation where the FC has been activated, officers shall also activate their Body Worn Camera (BWC), if not already automatically activated by an automatic activation trigger, upon exiting the vehicle, as the BWC will serve as the primary source of audio for all activity occurring outside the vehicle.
 7. If not already activated as outlined in Sections 4 and 5, above FC recording

equipment shall be activated under all the following circumstances:

- a. Courtesy transports.
 - b. Prisoner transports.
 - c. Incidents likely to generate a citizen complaint.
 - d. Situations where an officer's safety may be in jeopardy.
 - e. All emergency vehicle operations.
 - f. Motor vehicle accident investigations.
8. Officers may activate the FC system at their discretion for other types of incidents the officer believes should be recorded. Officers are encouraged to activate the system for any citizen contact and suspicious or unexplained circumstances.
 9. The FC recording system can be placed back into buffering mode when the officer is reasonably certain nothing of significance would be recorded. Officers shall reactivate the recording system if the situation changes and evidence might be captured on video.
 10. Should officers find it necessary to mute the audio portion of the recording, they shall state on camera prior to muting the audio the reason for doing so.
 11. Officers shall ensure both front and rear cameras are activated during prisoner transports.
 12. During OMVWI investigations, officers should attempt to record pre-stop driving behaviors, when possible, but should not unnecessarily delay stopping the vehicle solely for that purpose. In addition, officers shall make every effort to show the degree of impairment of the driver. This does not, however, relieve the officer of the duty to thoroughly document personal observations of impairment in the written report.
 13. Officers should attempt to position their FC camera in such a way as to best record an incident but should not compromise their safety or the safety of others by positioning their vehicle in a hazardous manner for the purpose of capturing video.
 14. During use of the FC recording system, officers should avoid extraneous noise, e.g., the vehicle's stereo, that could degrade the quality of the recorded audio.
 15. Upon completion of recording any police event, officers shall classify the recording utilizing the dropdown menu available with the FC software and

record the incident number.

16. FC recording systems may be activated for live streaming by a supervisor or system administrator for any legitimate business purpose. Real time notice shall be provided to any involved officer through the system by the following means.
 - a. Audible beep from FC front recording device.
 - b. The flashing recording light will turn purple.

E. Body Worn Camera Operating Guidelines

1. Body Worn Cameras (BWC) shall be worn on the front of the officer's uniform in a position that ensures the best possible audio and video recording.
2. BWC's will be assigned to each officer by the BWC/FC coordinator. Officers shall only use BWC's assigned to them by the BWC/FC coordinator.
3. At the beginning of each shift, officers shall inspect the BWC to ensure it is functioning properly. The inspection shall include the following:
 - a. The docking station light should be green before removing the camera from the dock.
 - b. The camera should vibrate and flash a green light on top of the camera when buffering.
4. BWC's shall always be placed in a buffering mode during an officer's shift unless the officer is inside a locker room, restroom, during confidential discussions with a supervisor, inside the Village or Town Hall not engaged in official duties or with a member of the public (in which case the BWC can be placed in "Sleep Mode"), or as directed in the *Officer Involved Shootings* policy.
5. When in buffering mode, BWC's will be automatically activated by the following automated triggers:
 - a. Activation of an officer's electronic control device (ECD). This automated response will also activate the FC of each officer within close proximity to the activated ECD whose FCs is in buffering mode.
 - b. Drawing of an officer's handgun from any holster equipped with an activation sensor. This automated response will also activate the FC of each officer within close proximity to the officer who has drawn his or her handgun if the FCs are in buffering mode.

6. BWC's shall be manually activated by primary and back-up officers upon their arrival at the scene of all calls for service, to include vehicle contacts. BWC's shall remain activated during the incident, unless Sections 9 or 10, below apply.
7. If not already activated as outlined in Section 5, above, BWC recording equipment shall be activated under the following circumstances:
 - a. Incident likely to generate a citizen complaint.
 - b. Situations where an officer's safety might be in jeopardy.
8. Officers may activate their BWC at their discretion for other types of incidents the officer believes should be recorded. Officers are encouraged to activate their BWC for any citizen contact and suspicious or unexplained circumstances.
9. The BWC can be placed back into buffering mode when the officer is reasonably certain nothing of significance would be recorded or when video is already being captured by another camera. Officers shall reactivate their BWC if the situation changes and evidence might be captured on video.
10. When discussing tactics or investigative processes with assisting officers or a supervisor, the BWC can be muted. BWC may also be muted during a domestic violence investigation, during the period of time the officer is discussing a safety plan with the victim. The officer should announce and record the reason for muting the recording and resume audio recording once the safety plan or investigative process discussion has been completed.
 - a. Officer should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect a victim's right to privacy by discontinuing their recording whenever it reasonably appears to the officer that such privacy outweighs any legitimate law enforcement interest in recording.
11. Many BWC emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

F. Post-recording Requirements

1. Officers may review video prior to writing a report when the video is associated with an incident for which a report is required, and the officer deems it necessary to refresh his or her recollection of the incident.
2. Written reports shall note the existence of BWC or FC recordings whenever video relating to the incident has been recorded.

3. Officers shall document in their report any instance of intentional video deactivation or where recording equipment stopped functioning properly during official use. In all cases, such a malfunction shall be reported to a supervisor as well as the BWC/FC coordinator.

G. FC Recording Data Storage and Retention

1. The FC recorder system enables digital video to upload automatically through “Priority Evidence Upload,” which uses LTE connectivity.
 - a. FC video files are retained in and managed through the Hobart-Lawrence Police Department Evidence.com cloud storage account.
2. When any uploaded FC videos have evidentiary value, the officer shall enter information related to the video, including a description of the video, into the department’s GERP, records management system. Information entered into the GERP system shall include the video type/source (BWC/FC), file name, and patrol vehicle number.
3. All uploaded FC videos having evidentiary value shall be uploaded to the secure digital evidence storage location – evidence.com.
 - a. Records personnel will ensure that there is a “case” created to share with the District Attorney’s office with all evidentiary video associated with each in-custody or referral.
4. Digital video files from the following types of incidents shall be deemed as having evidentiary value and will be classified in all cases.
 - a. All investigations/ arrests/ referrals involving State charges.
 - b. Municipal violations for which the officer believes the video will further support the citation.
 - c. Operating while intoxicated incidents.
 - d. Vehicle pursuits.
 - e. Crime scene footage.
 - f. Death investigations.
 - g. Fatal or serious injury vehicle accidents.
 - h. Use of Force incidents involving Control Alternatives and greater.
 - i. Any other incident where the officer believes the video will supplement their written report.

5. All other digital videos not classified as having evidentiary value shall be purged in accordance with the records retention schedule established in the *Records Management* policy.

H. BWC Recording Data Storage and Retention

1. BWC's must be docked on the charging/download dock in the police area to upload recordings to storage and remove them from the device.
 - a. BWC video files are retained in and managed through the Hobart-Lawrence Police Department Evidence.com cloud storage account.
 - b. BWC video files shall be uploaded at the completion of the officer's shift unless approved by a supervisor, at which point they will be uploaded at the beginning of the officer's next shift.
2. BWC's use an auto-labeling process that connects the computer-aided dispatch (CAD) to the related video. Each officer is responsible for ensuring his or her videos are properly labeled and categorized. Videos not auto labelled must be manually labelled by the responsible officer.
3. When any uploaded BWC videos have evidentiary value, the officer shall enter information related to the video, including a description of the video, into the department's GERP, records management system. Information entered into the GERP system shall include the video type/source (BWC/FC), file name, and patrol vehicle number.
4. All uploaded BWC videos having evidentiary value shall be uploaded to the secure digital evidence storage location – evidence.com.
 - a. Records personnel will ensure that there is a "case" created to share with the District Attorney's office with all evidentiary video associated with each in-custody or referral.
5. All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period of less than 120 days, §165.87 Wis. Stat., with the following exceptions:
 - a. Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
 1. Death or actual or alleged physical injury to any person in the recording.
 2. An encounter resulting in custodial arrest.

3. A search during a temporary detention pursuant to §968.25.
 4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal.
- b. Recordings used in any criminal, civil or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
 - c. Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by an officer from this department or another law enforcement agency, member of a board of the Police Commission, prosecutor, defendant, or a court.

I. Data Security and Access

1. BWC and FC videos are validated when uploaded to the Evidence.com account.
2. Security and access rights to all digital videos are password protected and controlled by the BWC/FC coordinator.
3. Security and access rights established by the BWC/FC coordinator are as follows:
 - a. Supervisors are permitted to view all digital videos, edit the metadata and categories of videos once they have been uploaded.
 - b. Investigators are permitted to view their own videos. An investigator needing to view another officer's video should submit a request to his or her immediate supervisor through the Evidence.com video management site.
 - c. Officers are permitted to view their own videos. Officers needing to view another officer's video should submit a request to that officer or a supervisor through the Evidence.com video management site.
 - d. Records personnel are permitted to view all digital videos, edit the metadata and categories of videos, upload/download videos, and create duplicate and redact/blurred copies of videos.
 - e. The BWC/FC coordinator is permitted to view all digital videos, edit the classification of videos, create copies, and delete videos. The BWC/FC coordinator is also permitted to configure the system settings.

4. Officers shall not access video files in a manner outside the scope of their assigned security and access rights.
5. Access to digital videos, consistent with assigned user rights, is available on any device containing the BWC/FC client software.
6. Requests for the release of BWC/FC recordings shall be processed in accordance with the *Records Management* policy.

J. Duplication of Video Files

1. Video recordings generated through use of department BWC/FC systems are the property of the Hobart-Lawrence Police Department and shall be treated as a public record in accordance with the *Records Management* policy.
2. Video duplication capabilities shall be controlled by system configuration and individual access and security settings managed by the BWC/FC coordinator.
3. Copies of video files shall not be made for personal or nonofficial use.

K. Administrative Application of Digital Video

1. Supervisors may review videos depicting performance by their assigned officers, with emphasis on reviewing recordings of pursuits, use of force incidents, consent searches, and citizen complaints, for the purpose of:
 - a. Assessing officer performance and safety.
 - b. Determining whether BWC/FC equipment is functioning and being used in accordance with policy.
 - c. Identifying videos that may have training value.
2. Video that contains material deemed beneficial for training purposes may be used for that purpose with the approval of the captain.
 - a. Officers may notify a supervisor when they are aware of video that may be appropriate for training.
 - b. Under no circumstances shall a recording be used or shown for the purpose of ridicule or embarrassing the employee.

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