

## **Body Worn Cameras (replacing “Portable Audio/Video Recorders” 01/2025)**

### **424.1 GENERAL 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 in accordance with Wis. Stat. §165.87 for training and use of BWC.

### **424.2 POLICY**

BWC technology shall be utilized to facilitate the Osseo Police Department's objectives to collect evidence for prosecutions, ensures both Officer and citizen accountability, facilitate administrative inspection functions, and provide a valuable training aid by allowing for the evaluation of Officer and citizen behavior.

### **424.3 ISSUANCE OF BODY WORN CAMERA**

**424.3.1** All BWC's and related equipment will be issued to individual Full-time Officers by the Chief of Police or his/her designee. Part-time Officers will share a BWC and utilize it every shift it is available to do so.

**424.3.2** Only Officers that have been trained in this policy, policies referenced within and use of the BWC will be issued or permitted to wear a BWC.

### **424.4 WEARING POSITION OF BODY WORN CAMERA**

The BWC may be worn on various locations on the Officer's body and can be adjusted depending on the individual Officer's body size. The intent is to place the camera in the best position to record as much audio/video information as possible. Officers are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.

### **424.5 AUDIO / VIDEO RECORDING**

**424.5.1** An Officer assigned a BWC must wear it at all times when on duty, in uniform and performing or likely to perform enforcement duties.

**424.5.2** The Osseo Police Department recognizes that Officer safety is paramount. Officers with a BWC who arrive on a scene or engage in an enforcement contact must start recording as soon as it is safe and practical to do so.

**424.5.3** Officers with a BWC shall make every effort to activate their BWC for all investigative contacts that may reasonably result in enforcement action.

**424.5.4** Once a BWC is recording, members must continue to record until either the completion of the event or until they leave the scene and their involvement in the event ceases.

### **424.6 EXCEPTIONS TO RECORDING**

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**424.6.1** Officers have discretion in whether or not to record potentially sensitive events or circumstances (e.g., victims of a sexual assault, nude persons who are not the target of enforcement action, or a citizen victim/witness who requests they not be recorded while giving a statement, or where otherwise authorized in this policy).

**424.6.2** Officers may deactivate BWC's during non-enforcement activities such as a Officer to Officer conversations about crime charging issues or other general conversations.

**424.6.3** Officers may deactivate their BWC's while transporting citizens or prisoners if the transport is being made in a department owned vehicle equipped with squad camera equipment and such equipment is activated.

**424.6.4** Officers do not need to record their interactions with citizens or prisoners while in the Osseo Police Department if they are in rooms equipped with video and audio recording equipment and such equipment is activated.

**424.6.5** Officers are not required to activate the BWC for traffic control at fires, crime scenes, or crash scenes when the member's likelihood of being involved in enforcement activities is low.

**424.6.6** Officers may deactivate the BWC during lengthy hospital stays awaiting medical clearance (unless enforcement actions are likely, the likelihood of additional criminal activity or escape attempt is high, the suspect is making voluntary statements, or the member is gathering additional evidence (e.g., OWI blood draws).

### **424.7 PROHIBITED RECORDINGS**

**424.7.1** BWC's shall not be activated in a place where a reasonable expectation of privacy exists, such as dressing rooms, locker rooms and restrooms (Wis. Stat. § 175.22). Any purposeful or accidental recordings made under these circumstances may be deleted prior to the standard 120 day retention period at the direction of the Chief of Police or his/her designee.

**424.7.2** BWC's shall not be used to record a body cavity search, which are only allowed to occur in a hospital or medical setting.

**424.7.3** BWC's will not be intentionally activated to record conversations of fellow Officers without their knowledge during routine and non-enforcement activities. This includes while an Officer is on a rest break, while report writing, attending roll calls, general discussions with other Officers, discussing a case with another Officer, or performing other administrative functions.

**424.7.4** BWC's will not be utilized to surreptitiously record conversations of the public and/or other Officers of the department.

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**424.7.5** Members utilizing a BWC will not knowingly record undercover officers or confidential informants.

**424.7.6** BWC's will not be utilized to record any off duty or personal activity.

### **424.8 CRITICAL INCIDENT PROTOCOL**

A critical incident for the purpose of this policy is any police action or activity that directly or indirectly results in great bodily harm or death to a member of the Osseo Police Department and/or a citizen.

**424.8.1** In the event of a critical incident, Officers assigned a BWC will refrain from viewing the recorded data until the investigative entity responsible for the investigation arrives on scene and the Officer is instructed to review any recorded data.

**424.8.2** If the critical incident is investigated by an outside agency, the outside agency lead investigator shall make the determination if the involved officers will be permitted to view the recorded data.

**424.8.3** If the critical incident is investigated by the department, the Chief of Police will be permitted to view and shall make the determination if the involved officers will be permitted to view the recorded data.

**424.8.4** This section does not prohibit Officers in critical incidents with ongoing exigency from viewing BWC recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel, etc.).

**424.8.5** If there are BWC's in use during a 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 Osseo Police Department. The same police supervisor will immediately upload them.

### **424.9 REPORTING / DOCUMENTATION / VIDEO STORAGE**

**424.9.1** The use of a BWC does not relieve an Officer from completing a comprehensive report for an incident, as determined by department practices, regardless of how simple or brief the report can be completed.

**424.9.2** When an Officer is aware of a BWC recording failure, (activation did not occur immediately due to safety, officer error or equipment failure) Officers shall note it in the call/CAD notes.

**424.9.3** Officer's should upload videos to the Osseo Police Department's digital storage drive within 30 days of the incident.

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**424.9.4** All videos uploaded by Officers should be named by the call/case number in the standardized format used by the department (ex: XX-XXXX). When more than one video is created for an incident, the Officer should use the standardized call/case number then a space and the sequence of the video number in the series (ex: XX-XXXX 1, XX-XXXX 2...etc)

**424.9.5** Officers may review their video to assist in report writing, investigations, issuance of citations, or preparation for court.

### **424.10 DATA PRIVACY / RETENTION OF RECORDINGS / RECORDS REQUESTS**

**424.10.1** All recordings made with a BWC are the property of the Osseo Police Department.

**424.10.2** All recordings that are captured with a BWC will be retained by the Osseo Police Department in accordance with Osseo Police Department Policy 803.5.

**424.10.3** Unauthorized accessing, copying, or releasing captured video without the approval of the Chief of Police or his/her designee is strictly prohibited.

**424.10.4** The release of video requested through a public records request will be handled in accordance with existing policy and public records laws. Redaction fees for videos will be in accordance with the Wisconsin DOJ fee schedule and Wis Stat. §19.35.