

BAYSIDE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 7300

ORDER: 7305

ISSUE DATE: August 22, 2023

REVIEW DATE: August 8, 2026

LAST REVIEW: August 8, 2023

SUBJECT: BODY WORN CAMERA

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I PURPOSE

Body worn cameras can help improve the high-quality public service expected of police officers and promote the perceived legitimacy and sense of procedural justice that the community expects of the Department. Body-worn cameras can create a public record that allows the entire community to see an accurate chain of events. This policy shall be in compliance with §165.87

The purpose of this policy is to establish the use, maintenance and storage of body worn cameras (BWCs) and BWC data, the limitations the Department imposes on which officers may wear a BWC, and the limitations the Department imposes on situations, persons, or encounters that may be recorded by a BWC.

II POLICY

All sworn officers on duty will wear a department owned body camera. When available, the use of a body camera during a shift will be mandatory.

III DEFINITIONS

- A. USE OF FORCE INCIDENT – Any amount of force beyond cooperative handcuffing used by an officer to control an uncooperative person.
- B. BODY WORN CAMERA – A portable audio and/or video recording device which can be worn on an officer's body.
- C. MOBILE AUDIO / VIDEO RECORDING EQUIPMENT – Portable, wireless, electronic devices designed for capturing audio and/or video recordings. This includes body worn cameras.
- D. RECORD SUBJECT: An individual recorded by a BWC to whom all the following apply: the individual is depicted in the recording or the individual's voice is audible; the individual's identity is known to law enforcement; the individual is not suspected of committing a crime or other violation of law in connection with the law enforcement officer's presence in the location that was recorded; the individual is not a law enforcement officer who was acting in an official capacity unless a crime or other

violation of law has been committed against the law enforcement officer while the law enforcement officer was present at the location that was recorded.

- E. **REQUESTER:** Any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his/her minor children for whom he/she has not been denied physical placement and the record is otherwise accessible to the person by law.
- F. **CLOUD STORAGE:** A mode of data storage where the digital data is stored in computer servers located offsite and accessed via Internet. The storage is in computers stored offsite and accessed by the internet. The storage is typically maintained by a third party under contractual agreement with the Bayside Police Department and Village of Bayside. This offsite storage shall meet CJIS requirements.
- G. **OFFICER INVOLVED DEATH:** An incident that involves a death of an individual that results directly from an act of an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off-duty but performing activities that are in the scope of his/her law enforcement duties (§ 175.47(1)(c)).
- H. **OTHER CRITICAL INCIDENT:** An incident involving a law enforcement officer that results in death or injury which may result in death to a person that is caused by a member's actions occurring while in police custody; or any incident that the Chief of Police or his designee declares a critical incident. An injury to a person because of a firearm discharge by a law enforcement officer, not resulting in death shall also be considered a critical incident.
- I. **REDACTION:** A process, conducted by specific authorized personnel, for censoring and/or obscuring a part of written, audio, and/or video media for legal, security, and/or privacy purposes.
- J. **SQUAD CAMERA:** Any camera system mounted in a police squad used to capture actions of a law enforcement officer or squad audibly and visually.

IV EQUIPMENT

- A. The Bayside Police Department utilizes GETAC body worn cameras that are used in conjunction with the squad camera system.
- B. Only Department authorized Body-Worn Cameras (BWCs) will be used by Department personnel. Personally owned BWCs are prohibited.
- C. All sworn personnel will be issued a BWC.
- D. Officers should not share their BWC with any other officers unless authorized by a Commanding Officer.
- E. Charging units will be available for officers to recharge their BWC in the station and all marked squad cars.
- F. The Chief will designate a lieutenant to be responsible for the maintenance and

monitoring of the body worn cameras.

V PROCEDURE

A. Training

1. All officers using a BWC device shall receive initial and periodic training in the use of the equipment.
2. Periodic training will involve review of this policy to include information that will ensure an incident is accurately documented and properly stored.
3. Officers responsible for the maintenance, storage, and release of body camera footage will receive training on procedures and policy requirements related to those functions.

B. Responsibilities of Personnel Assigned BWC

1. Care and use of the mobile audio/video recording equipment is the responsibility of the officer assigned to that equipment and shall be used in conformity with police department policy and training.
2. Prior to each shift, officers shall determine whether their recording equipment is working properly and shall report any problems to the Shift Supervisor as soon as practical.
3. Body worn cameras should be worn facing forward using a department approved mounting device that hangs from the shoulder lapel or magnetic mount on the officer's uniform shirt or exterior vest carrier upper pocket.
 - a. The purpose is to put the camera in the best position to record as much audio/video information as possible.
 - b. Officers are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.
 - c. It is the responsibility of the officer to ensure their assigned body camera is charged at the beginning of the shift. It may be necessary for an officer to charge their assigned camera during their shift or any shift extensions.
4. At the end of each shift, officers shall return their assigned BWC to the charging dock/ data upload station inside the Roll Call Room, located within the secure perimeter of the Bayside Police Station.

C. BWC Activation, Deactivation, and Recording Limitations

1. The body camera shall be turned on prior to making contact with the public. Officers should record their interactions while in direct or indirect (telephonic) contact with the public. Examples include but are not limited to:

- a. Officer/subject contacts during traffic stops.
 - b. Officer/subject contacts during an arrest including approach, custody, statements, transport, police department booking process and release.
 - c. Officer/subject contacts of arrested subjects taken to the Milwaukee County Jail. Recordings will cease upon entry to these facilities unless approved by facility staff.
 - d. Any other contacts with persons under circumstances that lead the officer to believe that the specifics of the contact may need to be retrieved or reviewed.
 - e. When responding “emergency” to any call.
2. The body cameras are programmed to activate when the squad camera is activated or within proximity of another Bayside Squad camera is within proximity. It shall be the responsibility of the officer to ensure his or her body camera has activated.
 3. Continuous, non-stop recording during all official citizen contacts or incidents of an enforcement nature is recommended.
 - a. If a person, during a citizen contact or enforcement action, wants to give an officer confidential information (Confidential Informant), the initial recording shall be stopped. The officer shall then turn the camera back on to record the CI information. If the officer transitions back to the initial investigation, the recording shall be stopped and restarted again for the purposes of recording the initial investigation or contact information.
 - b. The recording dealing with any CI information shall be saved and downloaded to a disc and given to the Chief or his/her designee to be saved with the CI files.
 4. The equipment may be deactivated during non-enforcement activities such as:
 - a. Officer to officer conversations about items such as charging issues and other general conversations.
 - b. Protecting accident scenes from other vehicular traffic.
 - c. Conducting extended traffic control or awaiting a tow truck.
 - d. Rescue calls not of enforcement in nature.
 - e. Other routine citizen contact incidents (ie patronizing a business, engaging in an impromptu conversation that does not require a call for service)
 - f. When engaged in community outreach events, such as neighborhood/community stakeholder meetings and department outreach programs.

- g. If an officer fails to activate the body worn camera, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated in the incident report.
5. Officers shall document in all pertinent reports whenever recordings are made during an incident in question.
6. Each officer equipped with a body worn camera shall record enforcement contacts they are participating in. If multiple officers are involved in an enforcement contact, all officers should record the contact. Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training purposes.
7. Officers may not intentionally alter recordings in any way.
8. Officers shall not use mobile audio/video recording equipment to record personal conversations, disciplinary actions, administrative discussions, union discussions, supervisors' directives, talks between employees, or to capture or record in department locker rooms.
9. Use of body worn cameras or recording equipment is for on-duty, official police business only. Officers are reminded of the restrictions in Wisconsin State Statute 175.22 prohibiting audio or video recording in locker rooms. The GETAC system does not allow for any employee of the village or GETAC to delete any video or audio recording. Members of the command staff and officers assigned to assist with maintaining equipment may lock a video to prevent other officers from viewing a recording made in error.

VI OFFICER PROCEDURES FOR RECORDING

- A. In squads equipped with a squad camera system, officers shall sync their body cameras to their squad cameras anytime the squad camera software has been reset.
- B. Upon completion of a recording, the camera will prompt the officer to categorize the recording.
- C. Officers shall title their recording utilizing one of the four preloaded categories which include:
 1. Traffic Stop
 2. Accident
 3. Calls for Service.
 4. Accident
- D. A recording that does not fit one of these categories shall be marked calls for service.

- E. If a choice is not made, and the prompt times out, is the responsibility of the officer to categorize the recording utilizing the GETAC software once the video has uploaded to the cloud storage.
- F. When synced with the squad camera, officers shall label their squad recording to match the body camera recording with the case number and incident category.

VII RECORDING CONTROL AND MANAGEMENT

- A. Recordings are stored using the secure GETAC Cloud Storage System as contracted by GETAC. This system requires officers to title and categorize their video files.
 - 1. Officers are able to view their recorded BWC videos utilizing their secure login to the GETAC Cloud Server. Officers may download video to diskettes or to the department “Shared Video” folder for saving for future cases.
 - 2. Any video to be used in criminal court shall be downloaded to a diskette and placed into property using proper procedures. Additional downloaded copies may be placed with the printed copy of the incident report or saved on the Bayside Police Department’s internal cloud server.
 - 3. Video on the GETAC cloud server shall be retained for a minimum of 180 days. Recordings will automatically be deleted from the GETAC Cloud Server when they expire unless an extension is made by the Chief of Police or his or her designee.
 - 4. Exceptions for longer Retention are:
 - a. Data must be retained until disposition of the investigation, case, or complaint.
 - b. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
 - c. An encounter that resulted in a custodial arrest.
 - d. A search during an authorized temporary questioning (commonly referred to as “Terry Stop”) as provided under current law.
 - e. An encounter that included the use of force by a law enforcement officer, except if the only use of force was the use of a firearm to dispatch an injured wild animal.
 - f. An entity making which submits a preservation order or court order within 180 days after the incident.
 - g. Body camera data may not be destroyed at any time after the receipt of an open records request except as provided by current law.

- h. Body worn camera data that is used in a criminal, civil or administrative proceeding may not be destroyed except: upon final disposition, including appeals; a determination from the court or hearing examiner that the data is no longer needed; or the data is no longer needed or an order from the court or hearing examiner.
- B. Downloaded video for any criminal case shall be placed into the Department's cloud server folder marked DA Video.
 - 1. The officer shall create a folder in the video DA Video folder and label the new folder with the case number and the last name of the offender.
 - 2. Any lieutenant may share videos in the DA Video folder with prosecutors of the Milwaukee or Ozaukee County District Attorney's Office or personnel with either district attorney's office that are responsible for handling video for staff.
- C. The Chief or his or her designee can also then copy any necessary videos to a removable storage device as needed for the purpose of open records or sharing with other law enforcement agencies for investigative purposes.

VIII RELEASE OF BWC RECORDINGS

- A. Recordings are subject to existing State of Wisconsin open records laws. Requests for release of BWC recordings will be handled in accordance with the Department's policy that pertains to Release of Information.
 - 1. A reproduction fee for the duplication of recordings will be established by the Village of Bayside.
 - 2. Body camera data are, in general, open to inspection and copying under the Open Records Law. An exception to the general rule that body camera data are open to inspection and copying relating to the:
 - a. Treatment of minors and victims of a sensitive or violent crimes
 - b. Record subject who is in a location where the record subject has a reasonable expectation of privacy who is captured by body camera data, specifically, the privacy of a record subject who is a minor, is a victim of a sensitive or violent crime, or has a reasonable expectation of privacy must be maintained and that access to such data must be provided only if the public interest in allowing access is so great as to outweigh that public policy. In these cases, the protected record subject's face and anything else that would allow the protected record subject to be identified may be redacted using pixelization or another method of redaction.
 - c. A decision to redact body camera footage pursuant to these provisions is subject to be challenged in a mandamus action in the same manner as are any other decisions to deny access to part or all of a record under the Open Records Law.

- d. The provisions regarding the privacy of a victim of a sensitive or violent crime do not apply if the record subject, or his or her next of kin if the record subject is deceased, does not object to granting access to the data. The presumption regarding the privacy of a minor does not apply if the parent or legal guardian of the minor does not object to granting access to the data.
 - e. The presumption regarding the privacy of an individual with a reasonable expectation of privacy does not apply if the individual does not object to granting access to the data.
- B. Records requests may be redacted by using the GETAC software to pixilate any face or object that meets the state standards for redaction. Records releases may also redact the time frame to meet the requested needs of the requestor. All redacted video will create a new video file with the original kept on the cloud server unedited.
- C. The “record subject” is an individual recorded by the BWC to whom all of the following apply:
- 1. The individual is depicted in the recording, or the individual's voice is audible in the recording.
 - 2. The individual's identity is known to the law enforcement agency.
 - 3. The individual is not suspected of committing a crime or other violation of law in connection with the law enforcement officer's presence in the location that was recorded.
 - 4. The individual is not a law enforcement officer who was acting in an official capacity, unless a crime or other violation of law has been committed or is alleged to have been committed against the law enforcement officer while the law enforcement officer was present at the location that was recorded.
- D. Additionally, all of the provisions related to the release of body camera data do not prohibit investigators investigating an officer-involved death from releasing body camera data when required to do so under current law.
- E. Recordings may be duplicated for another criminal justice agency when required for trial, or otherwise authorized by the Chief or the Chief’s designee.
- F. Recordings may be shown to Bayside Police Department employees for training, quality assurance and evaluation purposes.
- 1. Recordings may be shown to persons other than Bayside Police Department employees provided prior approval is obtained from the Chief or the Chief’s designee.

IX BWC FILES OF SIGNIFICANT USE OF FORCE INCIDENTS

- A. As soon as practicable after the incident is under control, a supervisor shall direct the collection and upload of all known BWC files from the following types of incidents:
1. All incidents involving the use of deadly force against a person.
 2. All incidents involving the use of force by an officer that result in great bodily harm or death to a person.
 3. All BWC files from all officers and detectives involved in motor vehicle pursuits that result in great bodily harm or death to a person.
 4. Any other incident as directed by the Chief or his/her designee.
- B. During Use of Force incidents, courts recognize that law enforcement officers must react quickly and make split-second decisions. The reasonableness of the force used must be judged in the light of the circumstances as they appeared to the officer at the time, and which an ordinarily prudent and intelligent officer, in the same situation, would have deemed reasonable under the circumstances. As such, video evidence of Use of Force incidents may not accurately reflect the perceptions, observations, thoughts, and feelings of the officer at the time of the incident. To provide an accurate account of the officer's Use of Force justifications, the officer should report and document their use of force prior to reviewing any video of the incident. If necessary, the officer can document additional information in a supplemental report after reviewing the video.
1. For officer-involved deaths and critical incidents resulting in injury that may result in death, the officer shall not view video of the incident prior to providing a statement. Reference Policy 208 Section V.D, Investigation of Officer-Involved Critical Incidents.
 2. For all other Use of Force incidents above compliance holds, an officer may review video evidence prior to documenting a Use of Force incident with supervisor approval.
 3. No citizen witness(es) to these incidents shall view any BWC files from the incident prior to being interviewed, without an authorization from the Chief of Police or his/her designee.

By Order Of:

Thomas Liebenthal
Chief of Police