

Fennimore Police Department <b>Body Cameras</b>		
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Policy Source: Chief of Police		Special Instructions: Amends All Previous Versions

**PURPOSE**

The purpose of this policy is to provide department compliance with Wis. Stat. § 165.87 and any other legal requirements associated with officer worn body cameras.

**POLICY**

It is the policy of the Fennimore Police Department to use body cameras in a uniform and legal manner which supports sound law enforcement practices consistent with current law and best practice standards.

**DISCUSSION**

Body cameras have been used by Fennimore Police Officers since 2015 and have become a valuable tool in documenting contact between citizens and officers. Body cameras provide an additional record of capturing officer and citizen behavior and are helpful in making decisions when the facts of a situation is disputed.

Well trained and professional law enforcement officers benefit from having their enforcement activities recorded. Body camera records help law enforcement agencies document statements, behaviors and incident conditions which may not be clear in surveillance or cell phone videos taken from a distance or in incidents where no video is available.

As with all technology, body cameras do come with limitations. Body cameras fail and recording quality can be reduced due to mechanical defect. The wide-angle lens of a body camera is meant to document conditions near the camera, not far away. Dark or low light conditions affect the clarity of the recording. Body cameras are usually worn on an officer’s chest and do not swivel with the movement of the officer’s eyes or head. Finally, during fast changing or stressful conditions, an officer may not have time to activate their body camera or they may simply forget to turn it on due to human error.

## DEFINITIONS

- **Body Camera:** refers to all forms of recording equipment worn on an officer's person during their duties which create a video and audio record when activated. Body cameras do not include recording systems installed in squad cars or other recording devices not meant to be physically worn by officers (cell phones, photo cameras, video cameras, etc...)
- **Record Subject:** means an individual recorded by a body camera used on a law enforcement officer to whom all of the following apply:
  - The individual is depicted in the recording, or the individual's voice is audible in the recording.
  - The individual's identity is known to the law enforcement agency.
  - 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 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.

## PROCEDURE

### Use of Body Cameras

Body cameras used by Fennimore Police Officers will be provided by the department or otherwise authorized by the Chief of Police. Department owned body cameras will be used for duty related purposes only and will be securely stored when the officer is not on duty.

Body cameras will be maintained in working order. Any problems with an officer's body camera will be brought to the attention of a supervisor in a timely manner.

Officers are not required to advise a person when they are being recorded by a body camera. There is no requirement for an officer to turn a body camera off when a citizen objects to being recorded by a body camera.

Body cameras will be used to document contact with persons who could foreseeably have some form of law enforcement action taken against them. Examples include:

- Verbal/written warnings and citations
- Arrests or referrals for criminal charges
- Welfare checks and emergency detentions
- Suspicious persons and vehicles
- Any potential use of force situation
- Anytime a person is searched for evidence or weapons

Incident reports associated with the mandatory use of a body camera will document the existence of a body camera recording. If no body camera recording exists, the incident report will document the reason/s for the lack of body camera recording.

Body cameras may also be used when an officer believes video documentation will benefit an investigation or protect the best interests of the officer, department or community. Examples include:

- Victim/witness interviews
- Citizen complaints
- Child custody, property or other civil matters
- Juvenile or family disturbances
- Neighbor disputes
- Search warrants

### **Body Camera Records Storage**

No body camera videos will be erased in a manner inconsistent with department records retention policies or law. Videos containing unintentional recordings of a sensitive nature will be edited and/or stored by the Chief of Police.

All body camera videos associated with a WatchGuard body camera will be stored in the Evidence Library program on the department server.

All body camera videos associated with a TASER body camera will be stored in the officer's TASER Video file or an associated Digital Case file on the department server.

Clarification may be added to the original name of a recording file, but the metadata associated with the original file name will not be changed. Example:

- File Name "BODY.X78070174.925.180103.081058.707" can be changed to "Smith Interview BODY.X78070174.925.180103.081058.707" if needed

## **Body Camera Records Retention**

Body camera records retention time periods are determined by Wisconsin law and municipal code.

Fennimore Municipal Code § 3.09 requires digital video and audio recordings to be kept 7 years. Wis. Stat. § 165.87(2) may impose further restrictions for special circumstances not covered by a 7-year retention requirement and should be consulted before body camera records are destroyed.

## **Body Camera Records Release**

Body camera records are subject to open records requests under Wis. Stat. § 19.35(1) except as prescribed by Wis. Stat. § 165.87(3)(c).

- Body camera videos involving a record subject who is a victim of a sensitive or violent crime or who is a minor will not be released unless:
  - public interest in allowing access is so great as to outweigh public interest in keeping the recording confidential, **and**
  - the victim or minor's face and anything else that would allow the victim or minor's to be identified may be redacted using pixelization or another method of redaction, **or**
  - The victim described above, or his or her next of kin if the victim is deceased, does not object to granting access to the video. The parent or legal guardian of the minor does not object to granting access to the data.
  
- Body camera videos involving a record subject who is in a location where the record subject has a reasonable expectation of privacy will not be released unless:
  - public interest in allowing access is so great as to outweigh public interest in keeping the recording confidential, **and**
  - the record subject's face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction, **or**
  - The record subject does not object to granting access to the data.

**DISCLAIMER**

The policies contained in this manual are for department use only and do not apply in any criminal or civil proceeding. Department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violation of this policy will only form the basis for departmental administrative sanctions and is not intended for use in courts of civil or criminal jurisdiction.

/s/ Christopher J. French

09/20/2020

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Christopher J. French  
Chief of Police

Date