



GENERAL ORDER

TWO RIVERS POLICE DEPARTMENT

SUBJECT: **BODY WORN CAMERAS/DIGITAL RECORDERS**

SCOPE: All Sworn Personnel and CSO personnel
DISTRIBUTION: General Orders Manual

REFERENCE: WI State Statutes: 19.32(2), 175.22,
973.06(1)(av)

NUMBER: 9.03

ISSUED: 3/8/2021

EFFECTIVE: 3/8/2021

☐ RESCINDS

☐ AMENDS

WILEAG 4TH EDITION

STANDARDS: N/A

Two Rivers City Manager provided a copy:

Date: 03-08-2021

This General Order cancels and supersedes any and all written directives relative to the subject matter contained herein.

By Order of:

Brian W. Kohlmeier
Chief of Police

INDEX AS: Audio/Video Recording Equipment
Body Worn Camera (BWC)
Video Recording Equipment

PURPOSE: The purpose of this General Order is to establish guidelines to be followed by members of the Two Rivers Police Department regarding the use of body worn cameras and digital recorders. Body worn cameras and digital recorders can accomplish several objectives such as:

1. Providing additional documentation of police-public interactions, arrests, and critical incidents;
2. A means to enhance officer safety and accountability;
3. Enhancing the agencies ability to review arrests; officer and subject interactions; evidence for investigative and prosecutorial purposes; and to provide additional information for officer training;
4. Providing supplemental documentation of crime and accident scenes.

This General Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURES
- IV. OPERATING PROCEDURES
- V. RECORDING CONTROL AND MANAGEMENT
- VI. LIMITATIONS

I. POLICY

- A. It is the policy of the Department to use body worn cameras to effectively document law enforcement-public contacts, while taking into account legitimate individual privacy interests.

II. DEFINITIONS

- A. **BODY WORN CAMERA (BWC):** The on-officer body worn camera is an audio/video recording system worn by officers to document police-related activities.
- B. **DIGITAL RECORDER:** Any device that converts sound, such as speech and other sounds, into a digital file that can be moved from one electronic device to another, played back by a computer, tablet, or smartphone and stored in a digital format.

Note:

The term "Officer" will refer to both sworn officers and non-sworn community service officers in this General Order.

III. PROCEDURES

A. PROGRAM OBJECTIVES

The Department has adopted the use of BWCs and digital recorders to accomplish the following objectives:

- 1. Accurate documentation of events, actions, conditions, and statements made during citizen contacts, arrests and critical incidents so as to enhance officer reports, collection of evidence and testimony in court.

2. The Department's ability to review arrests, procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.
3. Protect officers from false allegations of improper police conduct.
 - a) Obstructing an Officer or False Complaints of Police Misconduct.

Under s. 973.06 (1) (av) the costs, fees, and surcharges taxable against the defendant shall consist of the following items and no others if a defendant violates s. 946.41 by obstructing an officer; the reasonable costs expended by a state or local law enforcement agency or emergency response agency to respond to or investigate the false information that the defendant provided or the physical evidence that the defendant placed. Costs allowable under this paragraph may include personnel costs and costs associated with the use of police or emergency response vehicles. Furthermore, making false complaints of police misconduct are prohibited under s. 946.66 (2).

IV. OPERATING PROCEDURES

- A. Each officer is issued and electronically assigned their own BWC. Each BWC is also logged to an officer by serial number and a log of such is kept on file.
- B. Care and use of the BWC and digital recording equipment is the responsibility of the officer assigned to that equipment and shall be used in conformity with Department training and procedures.
- C. Prior to each shift, officers shall determine whether their BWC and digital recording equipment is working properly and shall report any problems to a supervisor as soon as practical.
 1. Officers will inspect the BWC and digital recorder for any physical damage and ensure the device is in working order at the beginning of each shift. Officers will also ensure the BWC is maintaining a sufficient charge.
 2. Prior to going into service with a BWC, officers will ensure they are wearing an authorized uniform, clearly identifying them as a Two Rivers Police Officer or Community Service Officer, unless otherwise authorized by the Chief of Police or his/her designee.
 3. BWCs are to be placed on the uniform in such a manner as to provide a reasonably unobstructed view from the camera lens. When practical, the BWC should be repositioned to accommodate additional layers of clothing (i.e. winter jacket).
- D. Officers will make every effort to activate their BWC as soon as practical to record the following events:

1. Traffic stops and citizen contacts
 2. Impaired driver investigations
 3. Vehicle pursuits
 4. Accident scenes
 5. All calls for service
 6. Transportation of any prisoner(s) or citizens for any reason
 7. All searches (persons, vehicles, structures, etc.)
 8. Statements made by subjects, victims and witnesses
 9. Advising an individual of their Miranda Rights
 10. Interviews and interrogations
 11. Other legitimate law enforcement contacts
- E. Other than instances outlined in this General Order, once activated, officers will continue to record until the completion of an event or they have left the scene.
- F. Officers may use media captured via the BWC to assist with an investigation and when preparing written reports of events to help ensure accuracy and consistency of accounts, particularly in incidents that involve an officer's use of force.
- G. Officers may use the media captured via the BWC for training purposes, but only with authorization from the Chief of Police or his/her designee.
- H. If an officer fails to activate the BWC, 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.
- I. Restrictions for BWC and digital recorder use:
1. Officers shall not make recordings of conversations with other Department employees in secret or without approval of the Chief of Police or his/her designee.
 2. The BWC and/or digital recorder will not be intentionally activated to record a conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement activities.
 3. Officers will advise other Department members and/or other criminal justice personnel (prosecutors, judges, or other law enforcement personnel) when a BWC and/or digital recorder is recording.

4. Officers shall NOT record:

- a) While on employee breaks
- b) Report writing
- c) Discussing a case with another officer(s)
- d) During administrative functions
- e) During general discussions with employees

J. The BWC will not be activated in places where a reasonable expectation of privacy exists (such as dressing rooms, restrooms or certain hospital areas).

K. Consideration may be given when a victim requests not to be recorded. These requests must be sufficiently documented in the officer's report.

L. Officers shall not record confidential informants or undercover officers.

M. Officers will not allow citizens to review any BWC or digital recordings. These requests should be made following request for public access procedures outlined in General Order 10.03: Open Records.

N. Employees accessing, copying, or releasing BWC or digital recordings for any reason other than official law enforcement purposes are prohibited and are subject to discipline up to, and including, termination.

O. Dissemination of information will be:

- 1. For Criminal Justice purposes only
- 2. For training purposes only when approved by the Chief of Police or his/her designee.

V. RECORDING CONTROL AND MANAGEMENT

A. Media Storage/Evidentiary Value

- 1. All BWC and digital recordings shall be retained and considered as evidence.
- 2. At the end of the officer's shift, or as necessary to download video, the officer shall download the video from the BWC following the current procedures in place for the BWC.
- 3. Digital recordings shall be provided to the evidence custodian, who will download the audio file(s) into the proper evidence location.
- 4. Evidentiary copies of BWC digital media or audio recordings can be requested in writing to the Chief of Police or his/her designee.

5. Employees are prohibited from erasing, altering or tampering with any videos or digital recordings.

B. Documentation and Reporting:

1. When a BWC or digital recorder is used during any investigation or during a police contact, this will be documented on any citation and/or report prepared regarding the contact.
2. When preparing a report, the following details of the recording should be included in that report:
 - a) An indication that a recording was made.
 - b) The date and time of the recording.
 - c) The person(s) recorded.
 - d) The reason for the recording (i.e. traffic stop, criminal investigation, etc.)

C. Retention and Release:

1. BWC and digital recordings captured as part of an employee's duties shall be the property of the Two Rivers Police Department and be considered a record of the Department.
2. The release of information requested through a public access request will be subject to the same state statutes regarding such releases as other Department records.
3. Recordings not attached to a case or investigation will be purged per the Department's record retention General Order 10.05 Retention of Records.

D. Care and Equipment:

1. BWCs are assigned to individual officers. Officers shall not use another BWC without permission from the employee's immediate supervisor.
 - a) In the instance another officer's BWC is used, the following shall occur:
 - (i) The reason for use will be documented in the officer's report.
 - (ii) The video(s) obtained will be re-assigned to the Officer making the recording(s) by the Shift Supervisor.
2. A record of BWC inventory will be maintained by the Assistant Chief of Police or his/her designee.

3. Officers will be trained on the operation of the BWC prior to its use.
4. Officers will immediately report any malfunction of, any loss of, or damage to, any part of the BWC to their immediate supervisor.

E. Inspection and Audit:

1. Reviews of BWC recordings and equipment will be conducted periodically by supervisors to insure their proper usage and operation.
 - a) Minor General Order infractions (not major General Order infractions or criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

F. Recordings Retention; 180 Day Hold

1. Recordings are considered records as defined by Wisconsin Statute 19.32(2).
2. Pursuant General Order 10.05: Retention of Records, recordings will be saved a minimum of 180 days.

VI. LIMITATIONS

1. When reviewed, the information from a BWC or digital recording can provide a great deal of insight regarding an incident. However, the Department recognizes that these devices can't always capture everything that is seen by an officer or what happens at a scene. These devices can act as a tool, providing information to help explain an event to support officer accounts and witness statements, but are limited in their capacity to provide a total picture of all the facts in an incident. This information may not fully account for things such as officer perspective and knowledge, field of vision, perspective distortion, depiction of colors, lighting conditions, speed of events, environmental factors, and other influences off camera.