



City of Racine Police Department
Policy and Procedure

Number: 1946

Subject: Body Worn Cameras		
Date Issued: 2/27/19	Date Revised: 2/27/19	Revision Number: 1

POLICY

The Racine Police Department has adopted the use of body worn cameras (BWC) in order to accomplish the following objectives:

- To more accurately document events, actions, conditions, and statements made during arrests and critical incidents so as to enhance officer reports, collection of evidence and testimony in court.
- To enhance the police department's ability to review probable cause for arrest, arrest procedures, officer/suspect interaction, evidence for investigative purposes, as well as officer evaluation and training.
- To more accurately reflect interactions between the police department and members of the public in order to create transparency and enhance public confidence.

In order to further these objectives, it is the policy of the Racine Police Department that whenever a member has reason to believe that a contact with a member of the public has an enforcement nature, or believes that a recording of the interaction may be useful for official purposes, the contact shall be recorded. In general, these types of contacts may include but are not limited to:

- Duties of an investigatory nature
- Enforcement actions
- Interactions with members of the public in the performance of the officer's official law enforcement duties, unless an exception applies.

All Panasonic Arbitrator video files are encrypted upon recording. In accordance with FBI Laboratory Services Best Practices for Maintaining the Integrity of Digital Images and Digital Video, Arbitrator software uses a hashing function method to preserve video/audio integrity and authenticity to ensure users can not erase, alter or record over previously recorded video and data from either the BWC or at the recording device controls. Any time an operation is performed by a specific user, or by the system itself, an entry is made detailing the event as it took place, who took it, and when it took place. These entries are saved to audit logs and can be pulled up as needed, be it a specific file, the system as a whole, or any combination of user, file, or function.

Arbitrator's proprietary .AV3 recording format ensures that evidence on the drives is encrypted to FIPS-180-4 and hashed to the SHA-256 secure standard. Hashing provides the ability to authenticate and verify the original recorded content (video, audio, and metadata). Criminal Justice Information Services (CJIS) compliant encryption properly safeguards the content (video, audio and metadata) should the BWC be lost or stolen.

All digital audio and video recording, including BWC data are the property of the Racine Police Department, and may not be replicated, duplicated or released without the authorization of the Chief of Police or his designee. The use of BWC is for law enforcement purposes only. Civilians shall not be allowed to review BWC video without written consent of the Chief of Police or his/her designee.

Unauthorized replication or release of any digital audio or video recording could result in discipline. All records, including body cam videos and images, shall be considered for public release in accordance with Wisconsin Public Records Law. The minimum retention time that ordinary data will be saved on the designated Server is 180 days, unless otherwise marked for longer retention based on whether the case has been referred for prosecution.

DEFINITIONS

Body Worn Camera – Department issued Panasonic Arbitrator body worn camera video recording equipment. Only BWC approved by the Chief and assigned to the member may be used by members for official purposes.

Camera operation modes as referred to in this policy:

- “**OFF**” – the power to the BWC is turned off.
- “**On/Standby**” – the power to the BWC is switched to on, but not recording yet. The BWC is actively buffering 1 minute of video without audio, prior to the camera being activated.
- “**Activated**” – the BWC is actively recording audio and video until stopped.
- “**Deactivated**” – the BWC is not actively recording.

Critical Incident – same definition as stated in Policy 615.

Law Enforcement Related Outside Employment – same definition as stated in Policy 113.

Official Law Enforcement Duties - defined in this policy to mean conduct or activities that are directly related to the enforcement of law or the investigation of crimes; and may not include purely administrative or community oriented tasks such as engaging in community outreach events, directing traffic, encounters with citizens that are not related to any calls for service.

PROCEDURE

MEMBER

1. Training and Equipment
 - a. Members utilizing BWCs shall successfully complete an approved course of instruction prior to their use, along with any additional or continued training as necessary.
 - b. Members are responsible for the proper care of the BWC system being utilized / assigned.
 - c. At the beginning of the work shift, members shall perform the following steps:
 - 1) Ensure the BWC is working properly and properly charged.
 - 2) If the BWC is malfunctioning at any point, the member shall notify a supervisor immediately upon discovery, or at the first reasonable opportunity, so that an appropriate replacement can be assigned.
 - 3) BWC must be worn at or above the duty belt and must be forward facing and unobstructed in a manner that is consistent with manufacturer’s recommendations and/or department training.

NOTE

Members that are not assigned a BWC will wear the MVRE wireless transmitter.

2. Use of BWC’s
 - a. Members shall, at the first reasonable opportunity, be required to activate their BWC to record the following types of contacts, both while On Duty and while engaged in Law Enforcement Related Outside Employment as defined in Policy 113.
 - 1) Duties of an investigatory nature, such as interviewing witnesses or collecting evidence at an active crime scene.

- 2) Enforcement actions, such as making an arrest, writing a citation, taking physical custody of a person, or executing a warrant.
 - 3) Interactions with members of the public in the performance of the officer's official law enforcement duties.
- b. Members may, at their discretion, activate their BWC to record the following types of contacts, but are not required to do so. These types of contacts include:
- 1) Whenever a member believes that a recording of the interaction may be useful for official purposes, the contact may be recorded.
 - 2) Interactions with a victim or witness who refuses to be recorded while giving a statement.
 - 3) Conducting a custodial interrogation or interview in a room which is equipped with recording equipment and the recording equipment is used in place of a body worn camera.
 - 4) While in a medical facility, unless making an arrest or taking custody of a person, which is a required use.
- c. In keeping with the Racine Police Department's core values of respect and integrity, members assigned a BWC are exempted, from recording the following types of contacts:
- 1) BWC should 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), except during articulable official law enforcement duties.
 - 2) BWC shall not be used to record a body cavity search, which are only allowed to occur in a hospital or medical setting. BWC shall be used to record searches done by officers in the field (e.g., pat-downs, vehicle searches).
 - 3) BWC shall 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 members, discussing a case with another member, or performing other administrative functions.
 - 4) A BWC shall not be activated or used by a member for personal purposes, or when engaged in police association business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction.
 - 5) BWC shall not be utilized to surreptitiously record conversations of the public and/or other officers of the department in violation of the First Amendment rights to protected speech, association or religion.
 - 6) BWC shall not be utilized to knowingly record undercover officers or confidential informants unless authorized by a supervisor.
 - 7) BWC shall not be utilized to record any unofficial law enforcement or personal activity.
- d. Once a BWC is activated, members must continue to record until their involvement in the event ceases, their investigatory or enforcement duties related to the event ceases, or an exception to the use of BWCs become present. Members must announce the exception prior to discontinuation but shall reactivate the video at the conclusion of the exception.
- e. A member may record in any place, public or private, so long as there is a lawful reason for the presence of officers. Where the member has lawful authority to be present at the premises, no consent is required from the resident.
- f. When written documentation of an incident takes place, members shall ensure that the summary contains a statement indicating that a recording took place.
- g. After each use of the BWC, members may review the incident video and add any bookmarks or notes as needed.
- 1) Make sure the proper bookmarks for each type of incident are marked according to RPD's retention policy, which will determine the retention time of the data.
 - 2) If recorded data needs to be preserved for a period of time greater than the normal retention period – notify the Technology Lieutenant and your immediate supervisor via e-mail with the call information so the data can be marked and saved.
 - 3) Add complaint number (if generated) in the Case # field.
- h. Members are able to review their own videos for official purposes only. However, members involved in a Critical Incident shall not be able to review their BWC video until

- after they have given their initial statement to the investigating agency, unless written approval from the District Attorney is received.
- i. Members shall review their BWC recordings once a work week, if possible, to ensure all recordings are properly classified.
 - j. Members shall notify a supervisor and request assistance under the following conditions:
 - 1) Any recorded sequences that may be of value for training purposes.
 - 2) If the BWC malfunctions at any time throughout the shift.
 - k. At the end of their shift, members shall deposit their BWC into an open charging/data dock. This process will upload any recorded data.
3. Critical Incidents:
- a. All members responding to a Critical Incident shall activate their BWC upon arriving at the scene or at the first reasonable opportunity to do so.
 - b. An Involved Member as defined in Policy 615 who is directly involved in a Critical Incident shall turn off the BWC only after the seven public safety questions have been asked and answered, per Policy 615.
 - c. Members who are tasked with transporting the Involved Members after a Critical Incident shall have their BWC turned off during the transport and after the seven public safety questions have been asked and answered.

SUPERVISOR

1. Assist members with reviewing and book marking recorded video or audio files as needed.
2. If recorded data needs to be preserved for a period of time greater than the normal retention period – notify the Technology Lieutenant with the call information so the data can be marked to be saved.
3. Upon being notified by a member of a malfunctioning BWC, the supervisor shall:
 - a. Issue a replacement BWC (if available).
 - b. Notify the Technology Lieutenant via email of the problem with the BWC, and place the BWC in the Technology mailbox.
4. Supervisors shall ensure that BWC files are classified and assigned the appropriate complaint number.
5. Weekly audit the previous week's BWC recordings from members under their command for compliance with this policy.

SHIFT/UNIT COMMANDER

Shall review BWC recordings from members under their command biweekly for classification and case number entry.

TECHNOLOGY UNIT

1. Provide overall responsibility for the installation, maintenance, and replacement of BWC.
2. Develop, maintain, and review retention policies for recorded data.
3. Work with MIS to ensure retention policies are implemented and working in the designated server(s).
4. If notified that recorded data needs to be preserved for a period of time greater than the normal retention period – make the needed changes in the designated server(s) to flag the data so it is preserved.

RELATED PROCEDURES

[Table of Contents](#)
[113 Part Time Outside Employment](#)
[118- Traumatic Incidents](#)
[400- Rules of Conduct](#)
[615- Critical Incident Response](#)
[1945 - Video Retention Policy](#)