MPD Body Worn Cameras FAQ

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What is the Brand and Mounting Options?

The cameras to be used by MPD are **Taser Axon Flex** body cameras that offer "point of view" mounting options. Officers will have multiple mounting options available to them based on what they believe works best for them, however, the cameras must be at shoulder level or higher. All cameras and related equipment will be issued to individual members of the Milwaukee Police Department and will not be shared.

What is the anticipated "roll-out" plan once the SOP is approved?

Phase 1 - 200 cameras on the street;
Phase 2 - 300 cameras approximately four months later;
Phase 3 - 300 cameras approximately four months after that;
Phase 4 - 400 cameras approximately three months after that.

What will "Total Deployment" entail?

Cameras will be issued in four phases over the period of one year. After all uniformed officers receive proper training, there will be nearly 1,200 cameras issued to most uniformed patrol officers and patrol sergeants. At this time, there is not a plan to include equipping non-uniformed Detective and Specialty Unit members with Body Cameras. The Community Service Officers will not be equipped with body cameras, as they will perform a community caretaker function and will not be involved in law enforcement activities.

What is the role of the "SOP" Standard Operating Procedure Document?

It will be a "live" document subject to periodic changes and will be regularly reviewed by MPD Administration, the MPD Body Camera Administrator(s), and the Board of Fire and Police Commissioners. Its purpose is to set forth procedures for the utilization, process, oversight, and video retention policy of the body worn camera system.

What are the Consequences of Misuse of Body Worn Cameras?

When misuse of a Body Worn Cameras is alleged or a when a complaint is filed, the incident will be investigated on a case by case basis, and the Department's Code of Conduct will be utilized in determining the appropriate discipline, if any, **up to and including discharge from the department**. The SOP, as with nearly all other department SOPs, does not reference "discipline" in the document because an SOP is a procedural document. The MPD Code of Conduct sets the standards to which each member of the department is held accountable. The Code of Conduct sets forth proper police behavior and the Code of Conduct defines factors taken into consideration for discipline and discharge based upon the facts.

When must an officer engage his/her camera?

If an officer is assigned a camera, it **must** be worn at all times when an officer is on-duty, in uniform, and when that officer will be performing or likely be performing enforcement duties. The camera **must** be turned on as soon as practicable and when safe to do so, once the member realizes he/she will be conducting a matter of an investigatory nature or an enforcement action. All officers engaged in investigatory or enforcement actions **must** activate the camera regardless of the number of other officers on the scene with cameras.

Why are officers not required to keep the camera turned on for his or her entire shift?

At this time, the department has determined that there is not a legitimate law enforcement purpose to require a member to keep a camera on for a full shift. In addition to times when the officer may have an expectation of privacy (changing clothes, using the restroom, eating, breaks, personal telephone calls or interactions, etc.), an officer's shift includes administrative duties (e.g., roll call, discussion about strategy, tactics, report writing, research, etc.), and does not involve investigatory or enforcement work. As such, the system is set up for officers to properly tag filmed video from investigatory or enforcement interactions so that it is appropriately identified by type of interaction and retained according to the appropriate retention schedule. A full shift of work (e.g., 8-12 hours of straight video) would require editing the video into searchable segments within the database. This is currently an unworkable suggestion because no one will be able to edit video, and in order to properly tag incidents, the videos need to be incident specific.

Will residents be warned if they are being recorded?

Wisconsin is considered a one party consent state as it pertains to being recorded. This means that only one person has to be aware that a recording is in progress. That person is generally the recorder. As such, there is no current requirement that officers notify someone they are being recorded, however, officers are instructed and it is written in the policy, that it may be beneficial to inform the other person(s) that a recording of the interaction is being made.

How will a resident know if the camera is "on" or "off"?

If a resident wishes to know whether or not the officer is recording them, they should ask the officer. Officers are expected and instructed to answer the question truthfully when asked.

Who may "edit" video taken by Body Worn Cameras?

No one may edit the original video at any time. This includes officers on the scene, supervisors, Command Staff, the Chief, or the Fire and Police Commission. Additionally, there are numerous built-in safeguards in the camera system and the storage system to prevent this activity. If redaction or providing clips of individual video becomes necessary, subsequent copies of the video are automatically created. The original video is always left intact as recorded originally. A very robust auditing/tracking feature within the storage system identifies in great detail any copies made and what parameters were taken on the copy (and by whom).

While video will be used for law enforcement, prosecutorial, defense, training, and disciplinary/auditing purposes, "redaction" of personally identifiable information on video will only occur if the privacy interests of persons appearing on video outweigh a legitimate law enforcement need or the public's right to view the video (whether redacted or unredacted), under Wisconsin's Public Records law.

Access to the video is available to the Fire and Police Commission per MCO 314, MPD Command Staff, District Attorney, and Defense Counsel by way of discovery and subpoena; and to the public, including citizen complainants, per Wisconsin's Public Records Law.

How long will videos be retained?

Minimally, all video will be retained 130 days. All established retention periods are found in the Department's SOP and range anywhere from 130 days to indefinitely.

Are there protections in place to prevent deletion of videos outside normal retention times?

The policy dictates the Chief of Police and his/her designees (the Body Camera Program Administrators) are the only persons with the authority to delete video outside of set retention periods and only for the few types of videos recorded (intentionally or unintentionally) contrary to the policy. The Body Camera Administrators will be the only persons able to perform the delete function within the system. If a video is deleted outside of the set retention schedule, it will still be held in a pre-delete cue for 7 additional days with emailed warnings that deletion was effected. After the 7-day cue expires, the video is deleted, but all metadata (video descriptive details) associated with that video is retained and can be accessed at a later time if needed.

What happens if the Camera fails in the field, or it fails to download?

As part of the roll-out during all phases, the department will be monitoring any problems in the failure of the cameras operating in the field. The department is not anticipating problems given the successful pilot of the Axon Flex camera in 2013, and based on the success of departments nationwide using the same camera system. Nonetheless, this will be a monitoring priority of the department during all phases of the roll-out. If a member encounters a problem in the field, he or she is to notify a supervisor immediately for instruction on how to most effectively replace the camera.

Download failure has not yet posed a problem; but this will be extensively monitored during the roll-out phases. A full-time system administrator will be assigned (Sgt rank).

Does the department have plans to use facial recognition technology with the video from the body cameras?

The department does not have any current plans to use facial recognition technology in connection with body camera video.

Must an officer turn off the camera if speaking to a juvenile?

No. Juveniles will be recorded as an adult would be, unless there are articulable mitigating circumstances present as to whether the recording should be stopped. As in cases of all cameras being shut off before the conclusion of the event, the officer must articulate the reason(s) for stopping the recording before turning it off.

May Body Worn Cameras be worn inside private dwellings?

Yes, under the following circumstances: (1) if there is a valid warrant; (2) consent from the resident; or (3) if there is a legal exception for the police to enter a dwelling. Absent those legal circumstances, if a resident does not consent to entry, officers will not enter the home absent a warrant or exigent circumstances. If consent is given, the body cameras will remain on absent a specific policy exemption.

Will the FPC audit the roll-out and future use of the Body Worn Camera video?

The FPC Executive Director (or designee) will review BWC video in accordance with MCO 314 regarding oversight authority and established investigatory processes.

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