

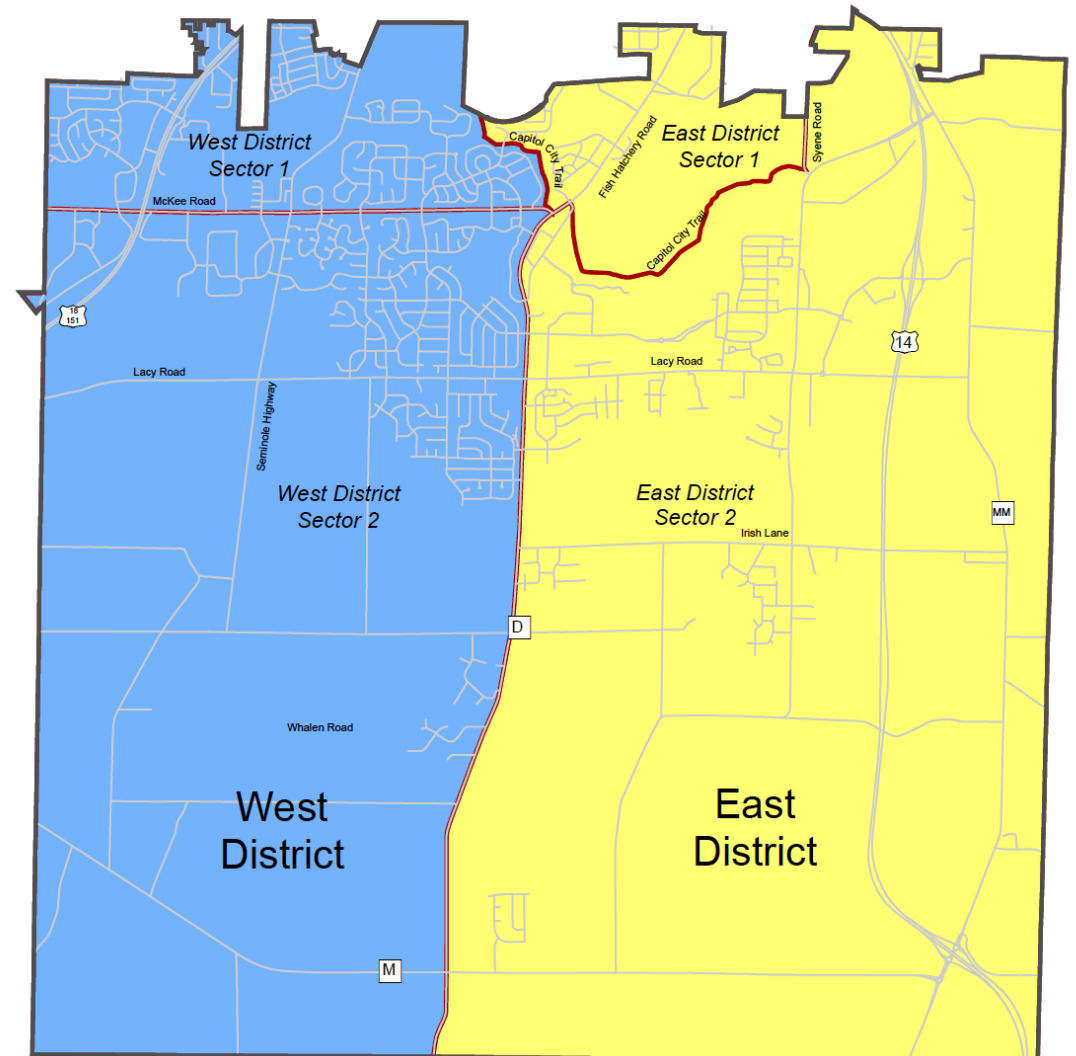
# **BODY-WORN CAMERA PROGRAM OVERVIEW**

**Lt. Edward Hartwick  
10/22/20**



# FITCHBURG: OVERVIEW

- **35 Square Miles**
- **115+ Miles of Road**
- **29,000 Residents**
- **3 School Districts**



# AUTHORIZED STAFFING



**4**

**COMMAND**

CHIEF, DEPUTY CHIEF, 2 LIEUTENANTS



**8**

**SERGEANTS**



**5**

**DETECTIVES**



**35**

**PATROL OFFICERS**



**12**  
**5 PT**

**CIVILIAN**

DISPATCH, RECORDS, CIVILIAN SERVICE EMPLOYEES



**52**  
**SWORN**

**69**  
**TOTAL**

**ON PATROL**  
**AT ANY TIME**





# USE OF FORCE STATISTICS

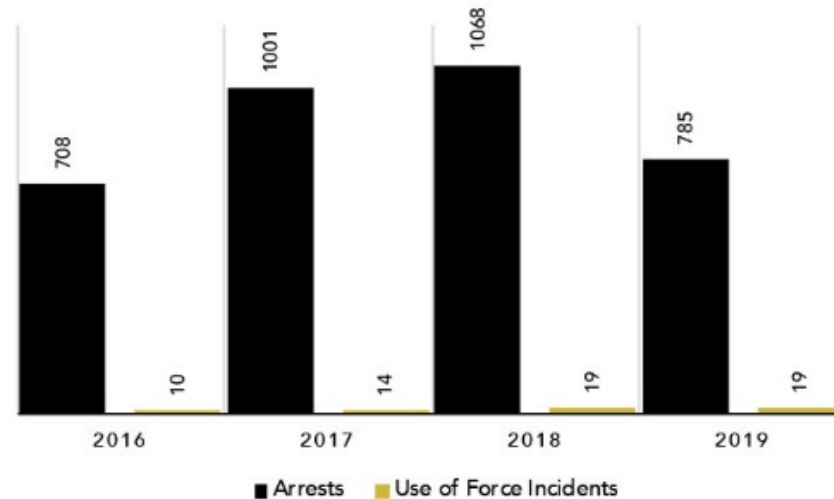
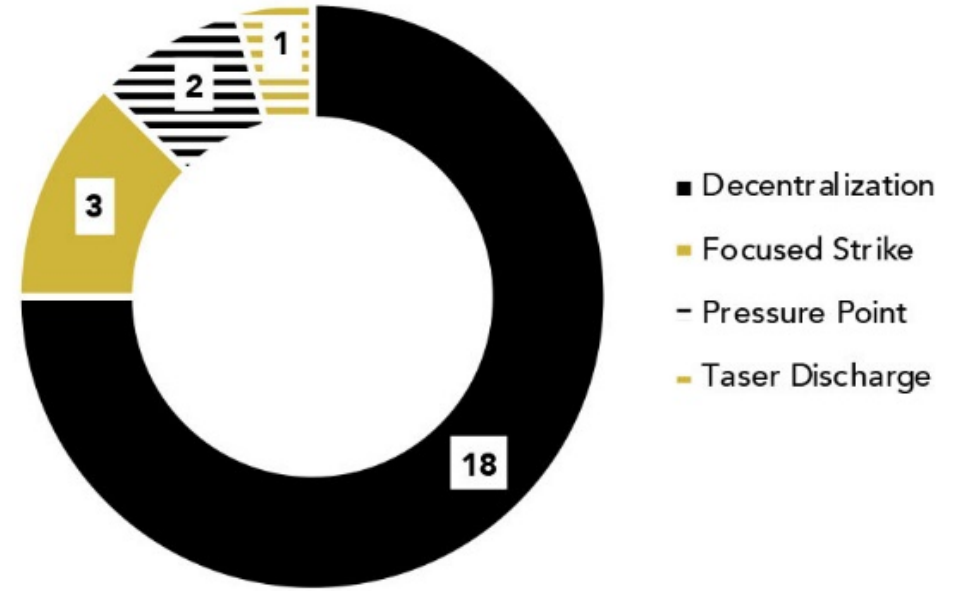
19  
USE OF FORCE INCIDENTS

785

23,521  
CALLS FOR SERVICE

2.4%  
PERCENTAGE OF ARRESTS  
WHERE FORCE WAS POTENTIALLY USED

.08%  
PERCENTAGE OF CFS  
WHERE FORCE WAS POTENTIALLY USED



NOT ALL USE OF FORCE INCIDENTS MAY RESULT IN ARREST. THIS COMPARISON IS USED FOR PERSPECTIVE.

**DECENTRALIZATION** - A trained or dynamically applied technique used to overcome active or passive resistance or the threat of either. Decentralization techniques allow an officer to guide a subject to the ground in a controlled manner. These techniques are often used if a subject is running from an officer or resisting an officer's attempts to gain control.

**TASER DISCHARGE** - The use of an electronic control device to create neuromuscular incapacitation to overcome active resistance or the threat of active resistance.

**FOCUSED STRIKE** - A trained technique to deliver a focused strike using bodily force with a specific body part (knee, hand, elbow) to a specific target area on another person.

**PRESSURE POINT** - Pressure applied to a specific area to cause momentary pain compliance.

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**IMPLEMENTATION**

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# **INCEPTION**

- **Publication of United Way Law Special Task Force Report and Presidents Task Force on 21<sup>st</sup> Century Policing**
- **Tool to potentially strengthen relationship with community**
  - **Increase transparency, enhance accountability, build trust**
- **Viewed by some as an expectation of the community**
- **Already using squad video and Taser cameras**

# **OVERVIEW/TIMELINE**

- **Funding allocated by City Council in fall of 2015**
- **Launch of BWC Committee in spring of 2016**
  - **Committee comprised of 1 lieutenant, 2 sergeants, representative from each shift and an at large member representing the officer's union**
- **Purview of committee:**
  - **Evaluate body-worn cameras and assist with implementation**
  - **Examine best practices and policies. Develop a draft policy.**
  - **Examine available vendors. Conduct field-testing. Make a recommendation on camera – (storage, cloud vs onsite)**
  - **Assist with community meetings and other informational sessions**

# **OVERVIEW/TIMELINE**

- **Spring of 2016 – Testing & Evaluation**
- **Fall of 2016 – Community Listening Sessions**
  - **Presented draft policy and overview of the program and department**
- **Awarded USD0J BJA grant**
- **Worked in partnership with BJA subject matter expert on policy**
- **Cameras were ordered in 4<sup>th</sup> quarter of 2017**
- **Camera roll-out begin in 2018 with full implementation in fall of 2018**



# EQUIPMENT

- 48 Panasonic MK3 Body-Worn Cameras and accessories for charging and interfacing with vehicles
- 1:1 officers, sergeants & detectives
- Approximately 60 TB of storage space



# **FACTORS IN EQUIPMENT DECISION**

- **Utilized existing Arbitrator software used to manage squad car video**
- **Onsite or local storage**
  - **We “own” the files and can protect in accordance with our practices. No need to obtain files from vendor if a transition occurred.**
- **High quality audio and video with customizable settings**
- **Sufficient features and continued development with a proven company**

# ADDITIONAL EQUIPMENT

- Several mount options including magnetic, clips and holsters are available
- None are perfect



# **OPERATIONAL CONSIDERTIONS**

- **Once powered on, the camera will constantly record similar to squad car camera system.**
- **Once record button is pressed, 30 seconds of “pre-record” video (no audio) will be captured.**
- **Activation of squad car’s overhead lights will activate BWC to record if officer is inside the vehicle and BWC is properly paired.**
- **Recordings will only download to server at the PD however they can be viewed and tagged in the squad via the Arbitrator program in car.**

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# **WHEN TO RECORD**

**“Members must activate their BWC at the first reasonable and safe opportunity to do so when making contact with citizens in the performance of official duties”**

## **3.5 Areas of Exceptions**

- **“Don’t Have To”**
- **“Not To”**
  - **“Mute”**
- **“Notify or Ask before”**

# **A.O.E. #1: DON'T HAVE TO RECORD**

- **Traffic Control**
- **EMS/Fire calls where there is no reasonable suspicion to believe criminal activity**
- **Squad transports (when squad camera is recording)**
- **When engaged solely in community outreach events, such as neighborhood/community stakeholder meetings and department outreach programs.**
- **Inside a medical treatment facility**
  - **Except when taking a person into custody or,**
  - **In direct *physical* control of a person in custody**

# **A.O.E. #2: WHEN NOT TO RECORD**

- Routine communication with fellow officers
- Encounters with undercover officers or criminal informants
- During break or other personal activities
- Restroom, locker room, or any other place persons would have a reasonable expectation of privacy \*(unless related to a call – see A.O.E #3)
- Courtroom testimony
- To gather intelligence based on 1<sup>st</sup> amendment protected speech or activity not related to a call for service

## **A.O.E. #2.5: MUTE**

- “Deliberative process” conversations between officers –no citizens involved - (i.e. charging decisions, comparing witness interviews etc.) should not be audio recorded = mute = no audio but continue video recording.
- Additionally, private conversations with medical, EMS or fire personnel or other parties that are not pertinent to the investigation should not be audio recorded.

# **A.O.E. #3: WHEN TO NOTIFY or Ask Prior to**

- **NOTIFY** - When in an area protected by the 4<sup>th</sup> amendment and there is no reasonable suspicion of criminal activity (i.e. someone's house)
- **Ask prior to** - Interviews with sexual assault victims
- **Ask prior to** - Interviews with child abuse or child neglect victims



# **AFTER NOTIFICATION: ASKED TO STOP RECORDING**

- The member must cease recording if asked to do so by a person with apparent authority over the constitutionally protected area.
- If they request that the BWC recording stop, the responses thereto should be recorded by the BWC prior to discontinuing the use of the BWC.
- Members may re-activate the BWC or continue recording despite a request not to record when there are **articulable reasons, based upon the member's training, experience, or observations, which cause them to determine a recording of the incident is necessary.**

# SHALL RECORD SITUATIONS

- Situations where a **BWC shall be activated**, regardless of location, include:
  - Making an arrest,
  - Taking a subject into custody,
  - Or a search of a person, residence, or property

# **OFFICER REVIEW OF VIDEO**

- **Members may elect to review their own recordings prior to completing their report.**
- **Members may view other's recordings during the course of an official investigation.**
- **Members will be prohibited from viewing their recording if:**
  - **They are suspected of wrongdoing**
  - **They are involved in a critical incident such as an officer-involved shooting or serious use of force.**
    - **Depending on the incident & investigation officers will likely be able to review recordings after an initial statement is provided**

# **DOCUMENTATION IN REPORTS**

- **“Members shall note BWC use and/or the existence of BWC recordings in the initial heading section of dictated incident reports. However, BWC recordings are not a replacement for thoroughly written reports.”**
- **Officers should consider writing reports as normal without review of BWC. If needed officers could add additional heading “Review of BWC” to add clarifying statements, direct quotes or additional observations that may not otherwise be documented.**

# **FACIAL RECOGNITION**

- **BWC video files shall not be used to create a database of facial images or randomly searched using biometric or facial recognition software.**

**This subsection does not prohibit the members from using a recognition software to analyze the recording of a particular incident when a member has reason to believe that a specific suspect or person in need of assistance may be a subject of a particular recording. The exception must be approved by the member's direct supervisor.**



# **SUPERVISOR REVIEW**

- **Recordings may be reviewed by supervisors:**
  - **To ensure functionality, adherence to policies and procedures, and by authorized persons for the purpose of reviewing evidence and processing records requests.**
  - **To investigate a specific act or allegation by another officer or by a member of the public, or for any official investigation, such as a citizen complaint, administrative inquiry, or criminal investigation.**

# **ACCOUNTABILITY**

- **Supervisory personnel shall ensure that members equipped with BWC devices utilize them in accordance with this policy.**
- **On a quarterly basis, supervisors will randomly review at least three (3) BWC and three (3) squad video recordings of department members they supervise.**
  - **Ensure equipment is operating properly, members are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.**

# **EVIDENCE/RETENTION**

## **RETENTION PERIODS**

- **Arrest or major incidents = Indefinite**
- **All Other = 270 days**
  - **Initially was set at 181 days**
- **Files can be saved indefinitely within the 270 days**

# **OPEN RECORDS**

- **Files are subject to standard Wisconsin open records laws.**
- **Privacy protected for victims of sensitive/violent crimes and minors**
- **Balancing test especially when footage is a private area**
- **Has a potential for significant impact due to review and redaction**
- **Most requests are for court processes**

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**COMMON QUESTION**

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# **CAN'T AN OFFICER MANIPULATE OR DELETE VIDEO?**

- **Officers are only able to view/classify video. No ability to delete or edit.**
- **Video only downloads at the police department**
- **Audit trail for any action from viewing to exporting**
- **Access to specific files can be locked. In the event of a critical incident the officer's camera would be collected by a supervisor while still on scene.**

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**CHALLENGES**

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# **PRIOR TO IMPLEMENTATION**

- **At the time there was no state legislation or guidance.**
- **BWCs were still relatively new to Dane County at the time. No standardized practices or recommendations in use as the District Attorney's Office.**
- **“Fear of the Unknown” – Anticipated impacts, questions, community reaction, etc.**
- **Potential loss of discretion**
- **Potential extra time spent reviewing footage by officers**
- **How to gauge effectiveness of this new tool/technology?**



# **IMPLEMENTATION**

- **Officers were supportive of cameras but needed time to adjust to new technology and processes.**
- **A number of technological issues occurred, especially while integrating BWC equipment into vehicles and with software. One of initial shipments of units from Panasonic.**
- **Mounting options were less than optimal. Even with the use of heavy duty magnet mount cameras were still falling off in various situations.**

# **TODAY**

- **Technology maintenance**
- **Officer dynamics and mounting location in combination with the recorded subject can capture less than ideal video**
- **File management for cases sent to the District Attorney's Office or requested for court purposes**
- **Hard to easily quantify impact of cameras**
  - **Use of Force, Complaints**
  - **Other impacts like increased arrests**
- **How to continue community involvement?**

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**LESSONS LEARNED**

**&**

**OBSERVATIONS**

**&**

**VALUE**

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# **LESSONS LEARNED**

- **Critical to get IT involved early on in the process. Potential to be resource intensive for IT.**
- **Policy must be flexible, at least initially to accommodate for unanticipated scenarios or situations**
- **Must provide flexibility for mounting options and mounting location**
- **Need for spare cameras**
- **Over calculated storage space required**
- **Less demand for public access than anticipated**

# **OBSERVATIONS**

- **Officers quickly took to having them**
- **Minimal reaction from members of the public. Many welcomed them. Very few requests to cease recording.**
- **No significant increase or decrease in officer activity or arrests attributable to the presence of the cameras.**
- **BWCs are a tool and one component of investigation. Like any tool they have limitations.**
- **Even when video is less than ideal, audio is typically crystal clear.**

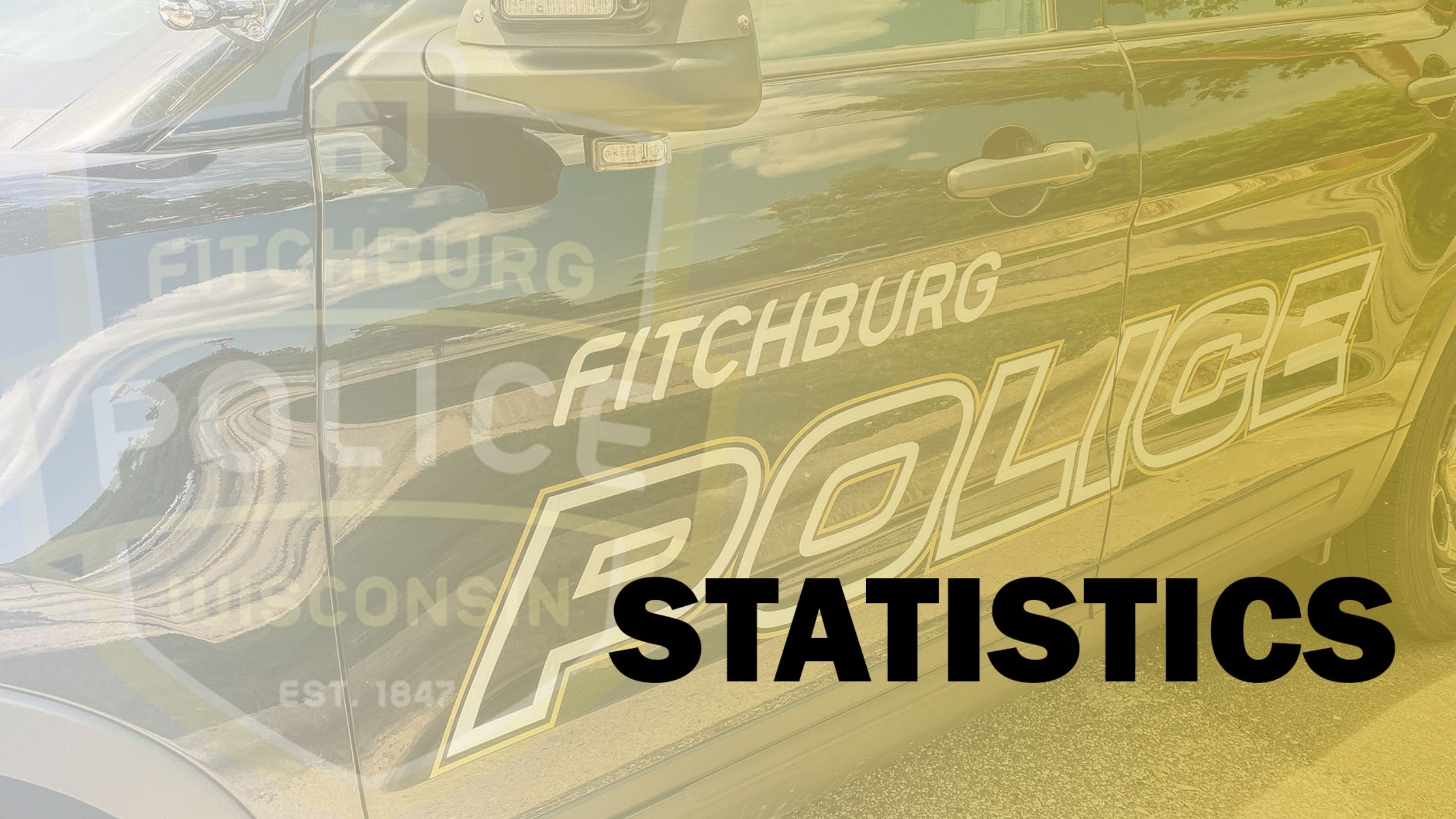
# **VALUE**

- **Training & Performance Assessment**
  - Field Training, Review/Debrief of Major Incidents, Process Improvement, Self-Assessment
- **Complaint Investigation & Resolution**
  - Sometimes leads to instantaneous resolution
- **Enhanced officer safety**
- **Investigative flexibility**
  - Detectives in the field, interviews outside of the department
- **Evidence Collection & Enhanced Investigations**
  - Domestic violence cases

# **VALUE**

- **Can aid in improved service delivery to the community through supervisory assessments of incidents, field training and more**
- **Can lead to better outcomes for victims**
- **Provides an additional element to investigate incidents and can provide insight for outside parties including the community or outside investigators**
- **Enhances transparency which can build legitimacy and foster more trust in the community which ultimately can build a better and more productive co-production of public safety**





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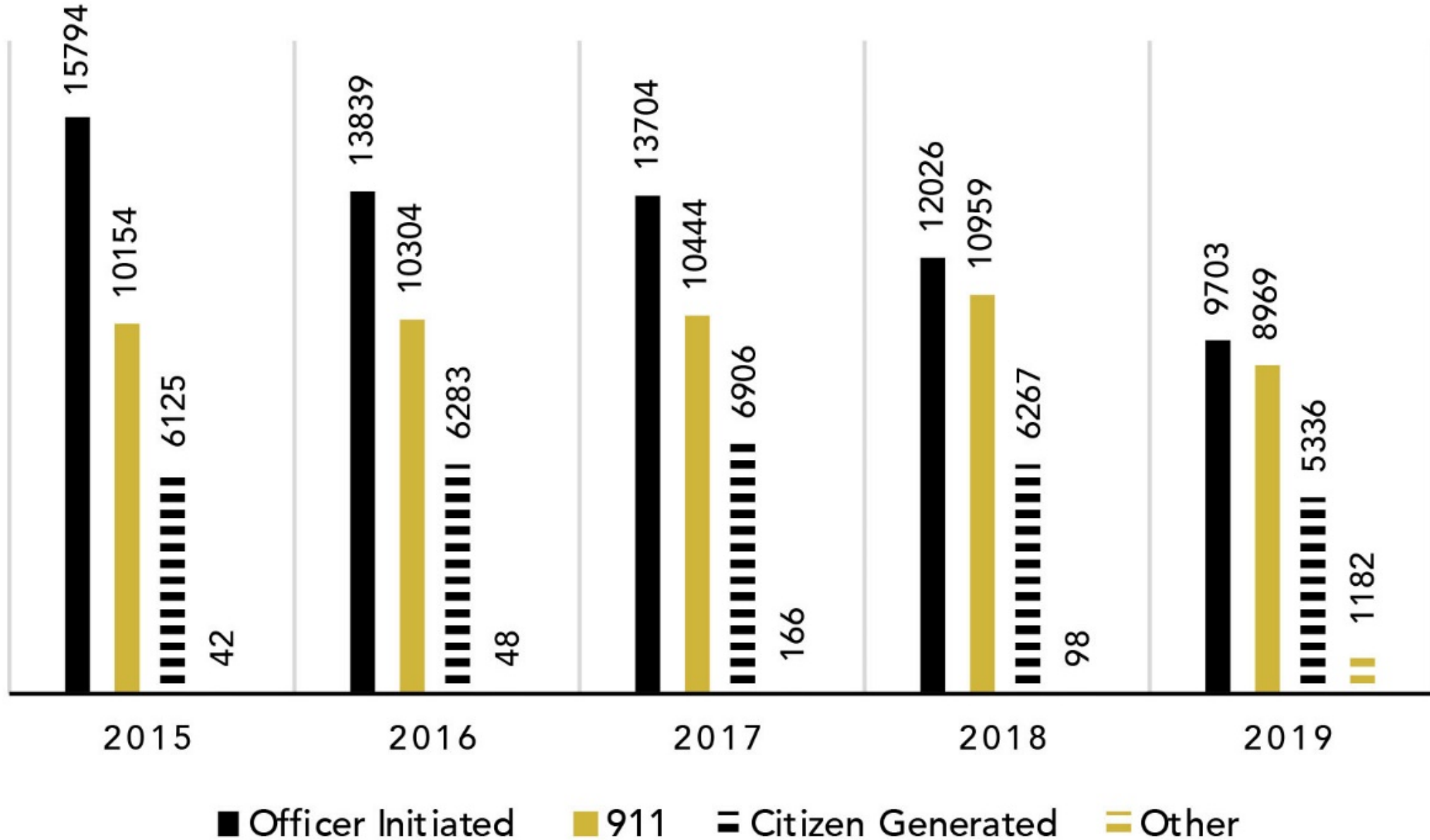
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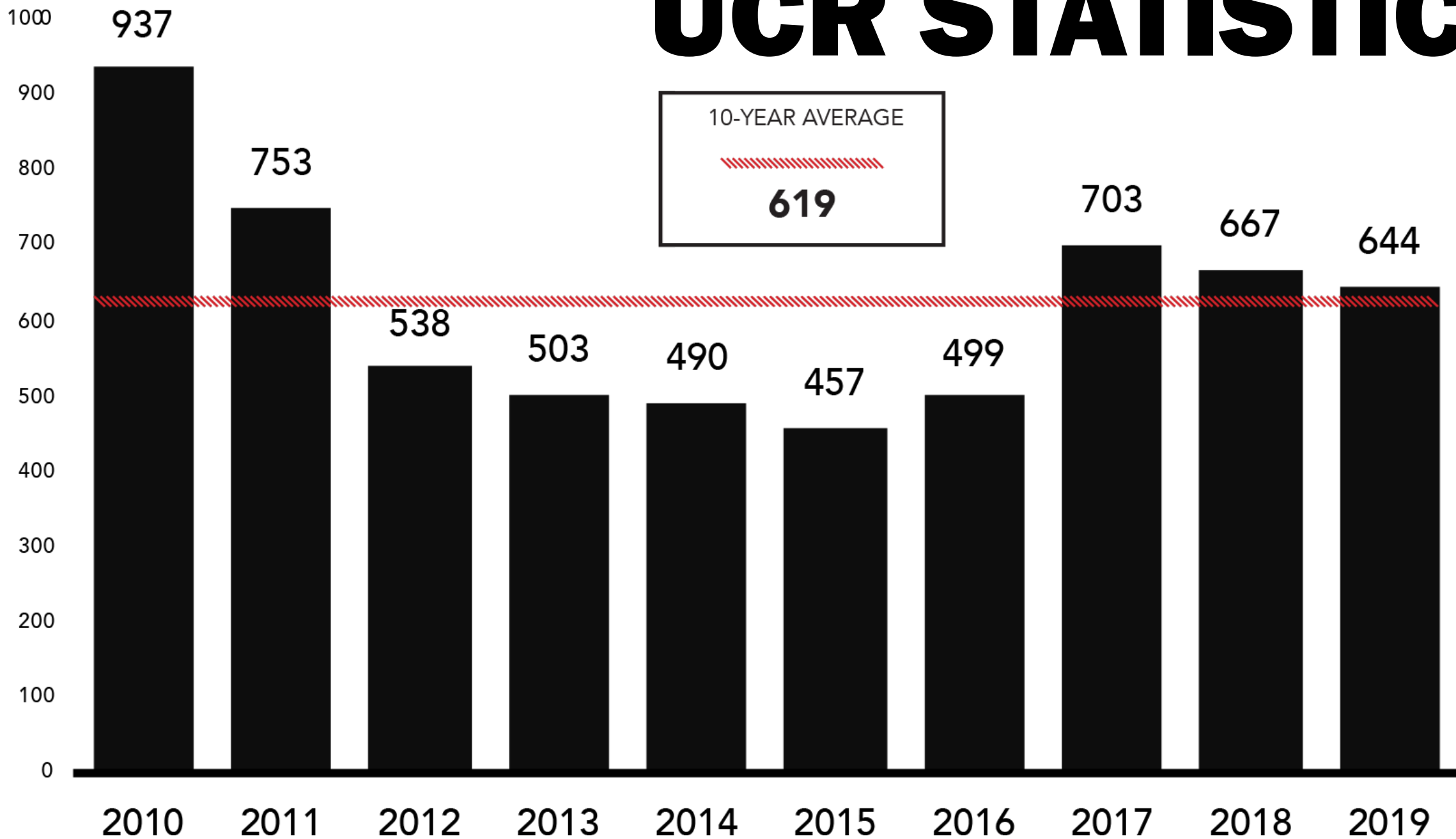
**STATISTICS**



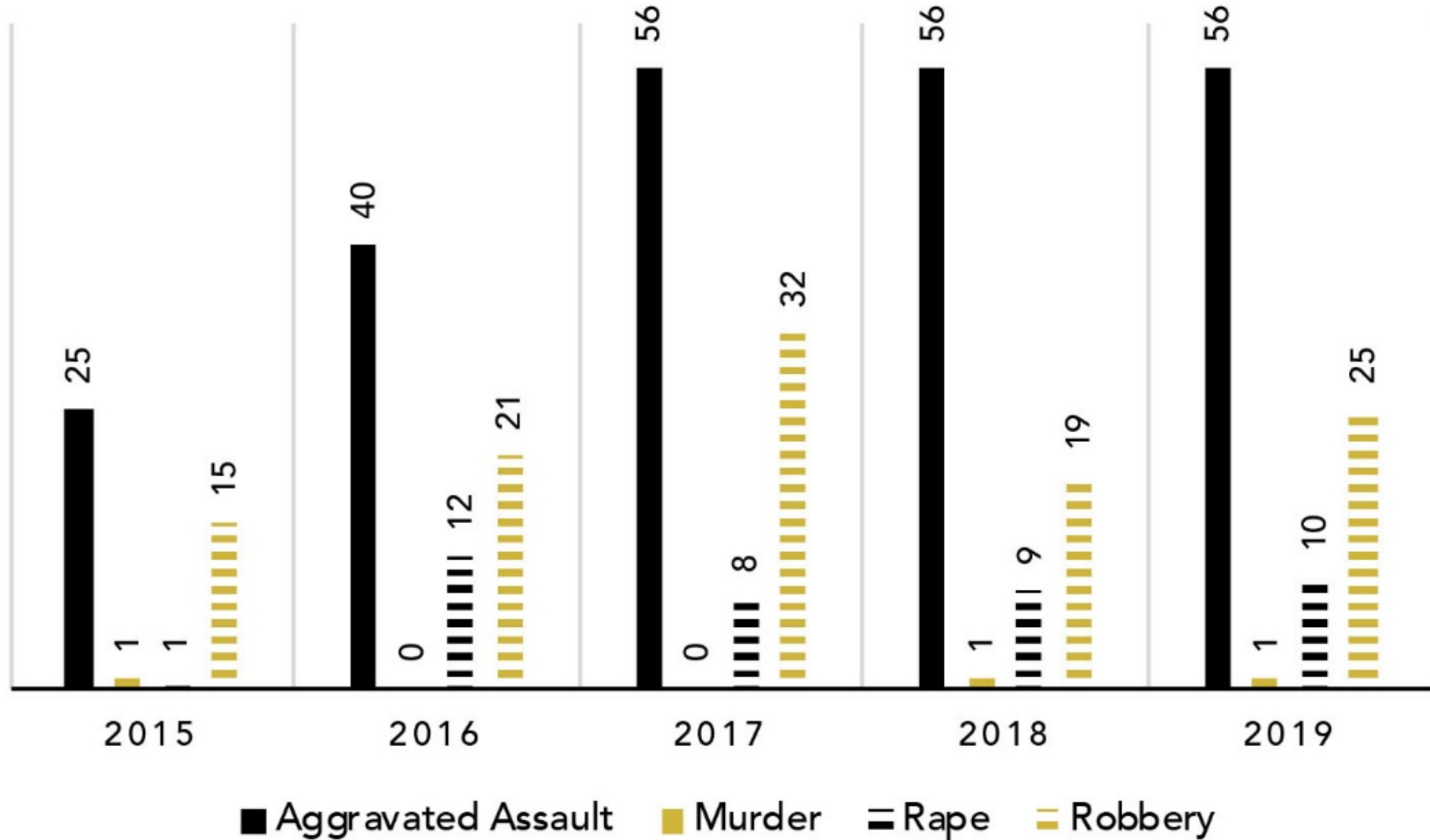
# CALLS FOR SERVICE



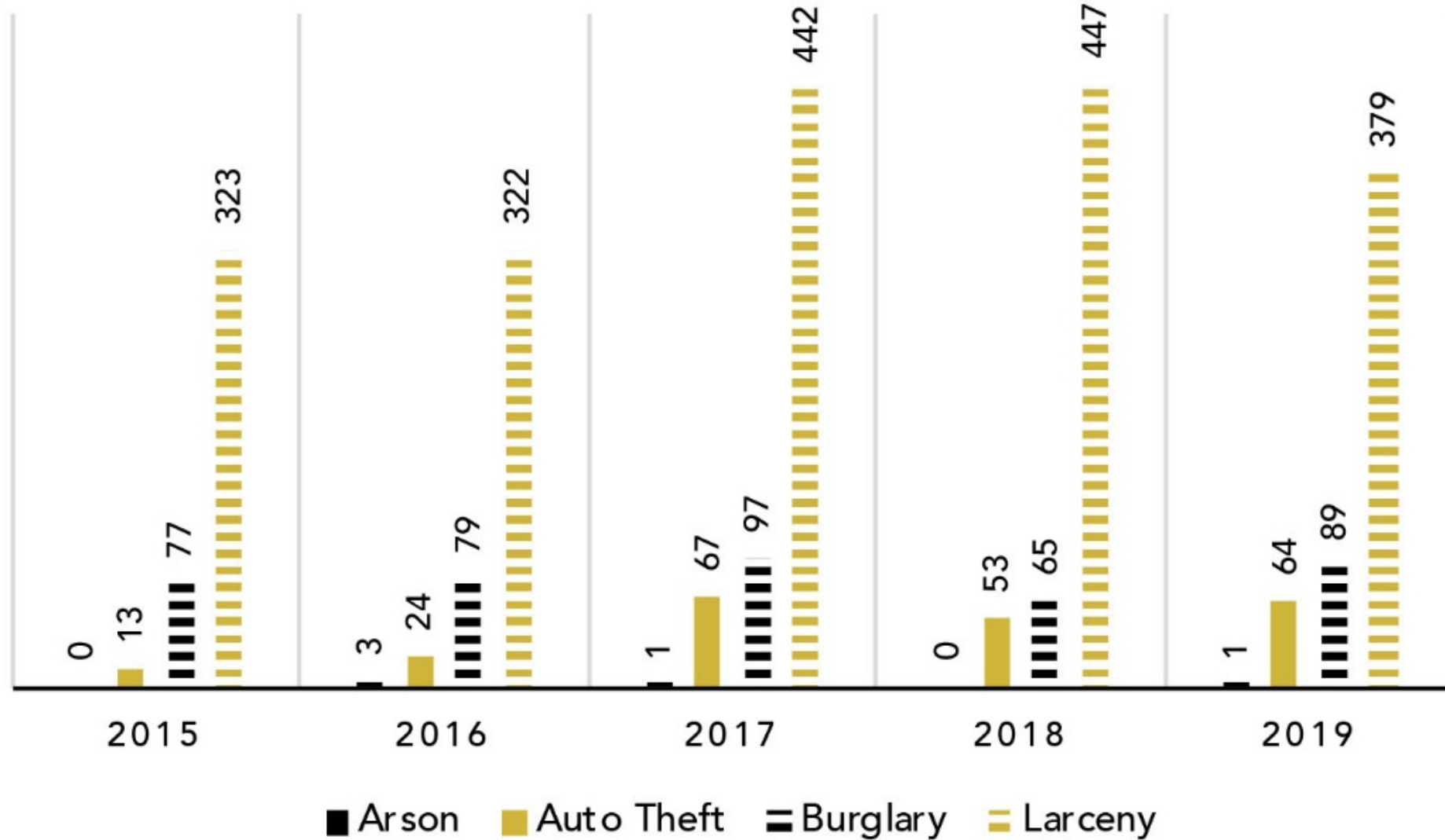
# UCR STATISTICS



# UCR PART 1: PERSON



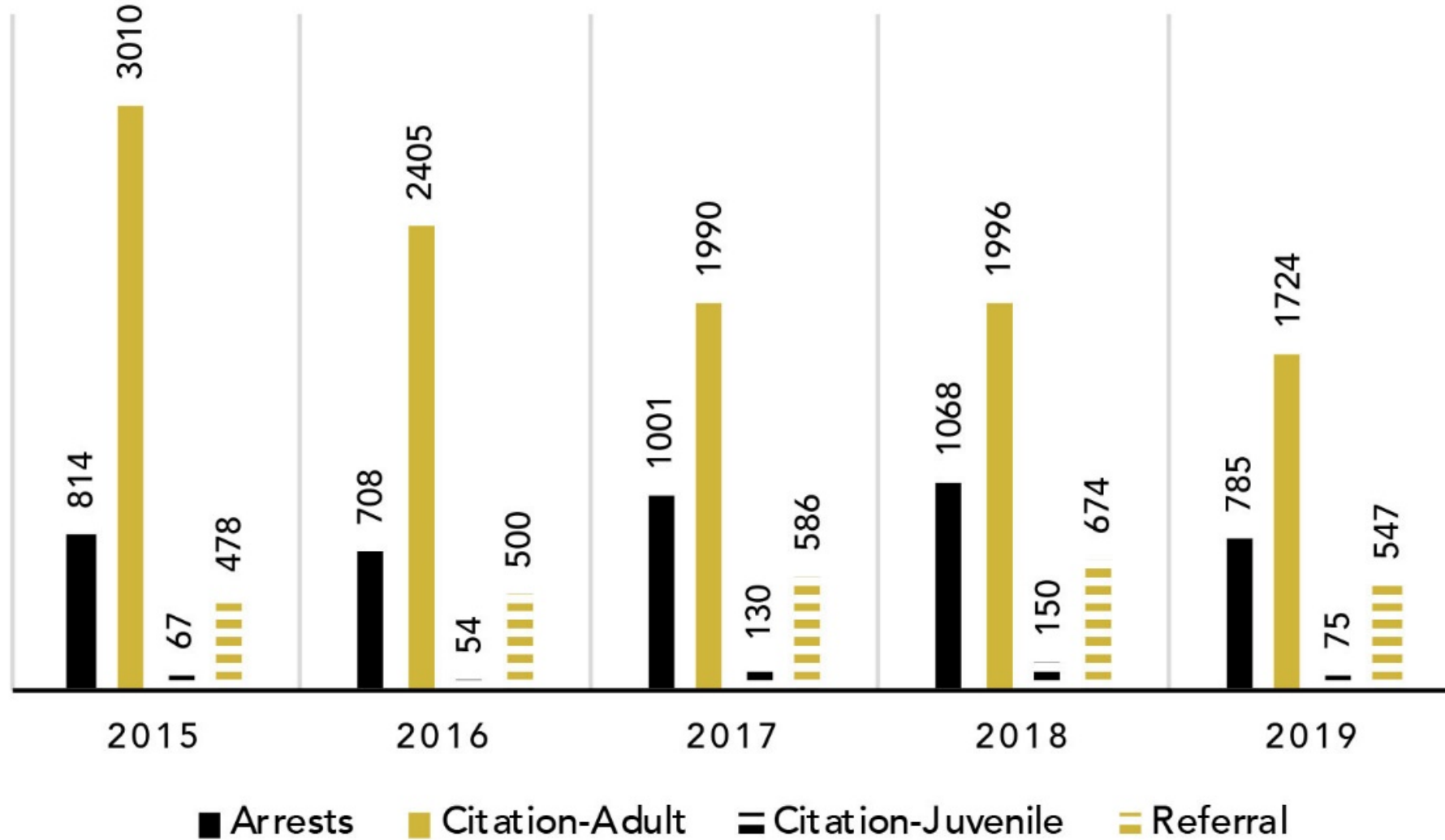
# UCR PART 1: PROPERTY



# UCR VS IBR

- **Older FBI Uniform Crime Reporting (UCR) uses a hierarchy to report the one “highest” crime committed.**
- **UCR captured 27 offenses in two parts**
- **Incident Based Reporting (IBR/NIBRS/WIBRS) captures each offense that is a criminal act. One major incident/crime may have several lesser crimes. Each is reported, where UCR only reported one. This allows for more accurate data.**
- **IBR captures 52 offenses**
- **Transition increases statistics but creates specificity, context, and greater analytical flexibility**
- **The Fitchburg Police Department is transitioning to IBR**

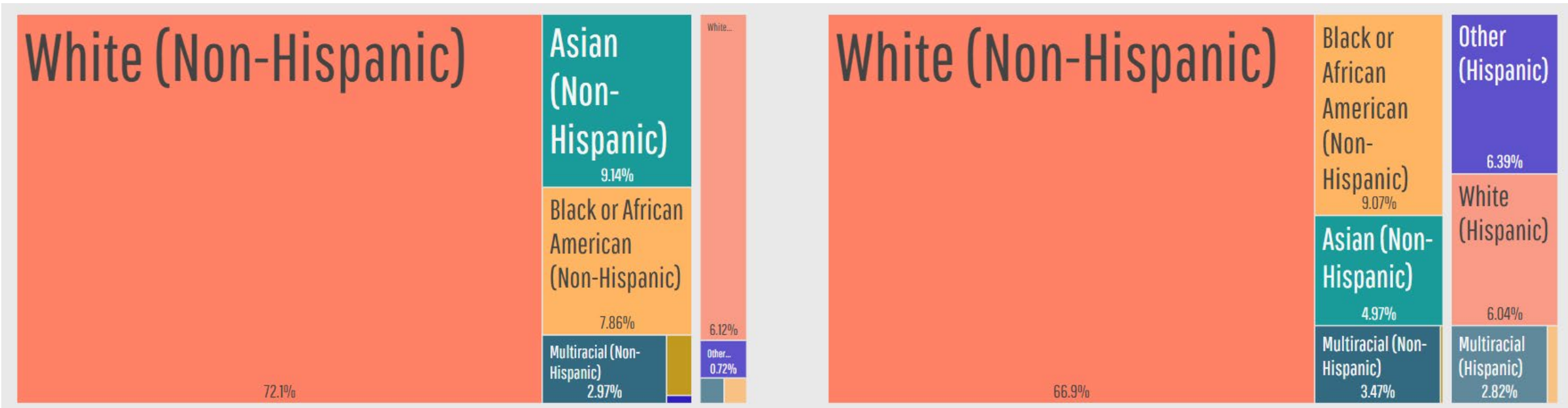
# ARRESTS, CITATIONS & REFERRALS



# POPULATION & DEMOGRAPHIC COMPARISON

**Madison = 258,034**

**Fitchburg = 28,722**



US CENSUS 2018 ACS 5 YEAR ESTIMATE