

SECTION: WORKING DRAFT**SUBJECT: Body Worn Camera (BWC) Pilot****POLICY**

The Dane County Sheriff's Office (DCSO) use of Body-Worn Cameras (BWC) is intended to effectively document incidents involving deputies and the public while protecting all parties' privacy rights and minimizing the misuse of recording capabilities.

PROCEDURE**Definitions**

Body-Worn Camera: An audio/visual recording device issued and authorized by the agency worn on the deputy's uniform designed to record deputy actions and interactions with the public during their duties.

Contact: An encounter with a public member with no criminal or investigative purpose (i.e., stopping to say hello to someone or interacting with persons to obtain non-criminal information).

Law Enforcement Agency (LEA): governmental unit of one or more persons employed full-time by the state or a political subdivision of the state to prevent and detect crime and enforce state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

Law Enforcement Function: Any action which may only be performed by a person having the legal authority of a law enforcement officer.

Body-Worn Camera Administrator: An assigned member of the agency responsible for:

- Maintaining user accounts for the remote digital storage of BWC footage
- Assigning permission levels within the remote digital storage system
- Overall maintenance of the BWC system and liaison with the vendor
- Completing agency-randomized audits of BWC footage
- Redacting or deleting any video
- Ensuring automation of the retention schedule with the remote digital storage system.
- Receiving, reviewing, and responding to requests for disclosure of BWC footage
- Keeping true and accurate records of the above

46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88

Activation

Deputies should activate their BWCs:

- Whenever interacting with a member of the public when, it is reasonable that law enforcement action will be taken during contact with a victim, witness, or suspect.
- At the onset of any call for service or crime-related interactions with individuals.
- arrests;
- issuance of a summons or citation;
- pursuits by vehicle or on foot;
- execution of consent searches;
- dealing with persons behaving erratically;
- any other encounter with the public that becomes adversarial after the initial contact in a situation that would not otherwise require recording;
- all enforcement and investigative stops, including voluntary contacts and investigatory detentions;
- motor vehicle stops including, but not limited to, traffic violations, stranded motorist assistance, and all crime inter-diction stops;
- self-initiated activity in which a deputy would typically notify communications personnel;
- documentation of injury; and
- when requested by an individual.

Whenever possible, Deputies should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the home or the individuals.

Suppose a deputy fails to activate the BWC, fails to record the entire contact, or interrupts the recording. In that case, the deputy shall document this in the report associated with the incident and send an email to their supervisor before the end of the shift, indicating why a recording was not made, interrupted, or terminated. The supervisor should review the email and determine if the rationale was appropriate.

Deactivation

Deputies will not stop a recording once the BWC is activated until the event that prompted the activation has concluded and/or the deputy has physically left the scene or the contact moves into an area prohibited by this policy.

89 Deputies are permitted to mute audio recordings for conversations between law
90 enforcement personnel when such discussions involve strategy or tactics. Audio
91 must be reactivated when engaged with the public.
92

93 **Prohibited Recording**

94

95 There are specific situations (BWC activation criteria are not present) where BWCs
96 are inappropriate. These may include, but are not limited to, the following:
97

- 98 • During communications with other law enforcement personnel unrelated to
99 official duties
- 100 • Encounters with undercover officers or confidential informants
- 101 • When on break or otherwise engaged in personal activities or nonwork-
102 related activity
- 103 • In restrooms, locker rooms, or other places where there is a similar
104 expectation of privacy and there is no legal reason to be present.
- 105 • In locations where individuals have a reasonable expectation of privacy, such
106 as a residence, and they have declined to be recorded unless the recording is
107 being made pursuant to an arrest or in search of the location or the
108 individuals
- 109 • During a strip or body cavity search
- 110 • When conducting tactical planning
- 111 • To capture discussions between individuals with privilege, such as attorneys,
112 members of the clergy, peer support counselors, and medical professionals
113

114 **Review and Report Writing**

115

116 Deputies may review or receive an account of any electronic recording of an
117 incident before completing any required initial reports, statements, and interviews
118 regarding the recorded event.
119

- 120 • If a deputy is suspected of violating the Code of Conduct or being involved in
121 an Officer-Involved Critical Incident or other serious use of force, DCSO
122 reserves the right to limit or restrict the deputy from viewing the video file.
123

124 Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute
125 BWC recordings in any manner without prior written authorization and approval of
126 the Chief Deputy or designee.
127

- 128 • DCSO members are not permitted to compile videos, screenshots, or still
129 images based on BWC footage to create a standing database of suspects for
130 future use. The use of such screenshots to identify unknown individuals
131 related to open investigations is permitted.
132

133 DCSO personnel are not permitted to share their log-in or access credentials with
134 any other personnel.

135
136 Deputies are encouraged to inform their supervisor of any recordings that may be of
137 value for training purposes.

138
139 Deputies shall immediately inform their supervisor of any recordings that may
140 contain illegal activity, a violation of the Code of Conduct, or excessive use of force
141 by a member of the law enforcement profession.

142
143 Deputies shall note within their reports when recordings were made during an
144 incident. BWC recordings are not a replacement for written reports.

145 146 **Downloading**

147
148 Deputies shall make every attempt to download any BWC data at the end of their
149 shift.

- 150
151 • If this is not possible, the Deputy shall coordinate with a supervisor to ensure
152 that the download occurs as soon as possible, but the download shall not be
153 delayed past the deputy's work week.
- 154 • If a deputy's BWC captured any instances of reportable force, the BWC shall
155 be downloaded no later than the end of the deputy's shift.

156
157 Deputies are required to enter any additional required data (such as, but not limited
158 to, Deputy Identification, call type, case number, etc.) at the time of video capture,
159 download or once available on the data management system.

160 161 **Wear and Maintenance**

162
163 BWCs will only be assigned to personnel chosen for the pilot study.

164
165 BWC assigned personnel are responsible for the use and care of any BWC equipment
166 assigned to them.

167
168 BWC assigned personnel will wear the BWC mounted in one of the agency-approved
169 methods, utilizing only the mounting equipment provided by the manufacturer of
170 the BWC.

171
172 BWC assigned personnel will ensure the BWC remains in a position to allow the
173 recording of an encounter or incident that most closely replicates the deputy's
174 perspective.

175
176 BWC assigned personnel shall inspect and test the BWC before each shift to verify
177 proper functioning and notify their supervisor of any problems.

178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222

Any apparent problems with the BWC will be immediately brought to the attention of a supervisor. The deputy or supervisor will contact the BWC Administrator for any needed troubleshooting or repairs and to arrange for issuance of replacement equipment if necessary.

Training

BWCs will be utilized only by personnel who have been appropriately trained in their use. All deputies and supervisors will be provided training in the use BWCs before using the equipment. Refresher or remedial training will be provided as determined by the Chief Deputy or designee.

The BWC issued by the DCSO will be the only BWC authorized for use.

Records Retention, Release, and Redaction

All images and sounds recorded by the BWC are the exclusive property of DCSO. Requests for any data associated with the BWC program shall be processed by State and Federal Law and the DCSO Records Policy.

- Retention
 - BWC video footage shall be retained for six (6) months (180 days per DCSO approved Records Retention/Disposition Authorization) unless that video is tagged as evidentiary in value, has a pending public records request, is the subject of litigation, or is identified as relevant to an investigation.
 - In such cases where an exception applies, the record will be retained per the prevailing retention schedule for those records.
- Release
 - All video footage of interaction or event captured by a BWC, if that interaction or event is identified with reasonable specificity and requested by a member of the public, shall be provided “as soon as practicable and without delay” to the person or entity requesting to the extent permitted by and in accordance with the procedures for requesting and providing government records under the DCSO Records Inspection and Release Policy and Procedure, and in accordance with Wisconsin Public Records Law and related State and Federal laws.
 - BWC footage associated with open and active criminal investigations and/or open and active Internal Affairs investigations shall not be released to the public prior to the completion of that investigation.
 - All video footage taken or received by the DCSO related to a referred criminal investigation shall be forwarded to the District Attorney’s

- 223 Office upon their request in accordance with Wis. Stat. 971.23, or as
224 soon as practicable thereafter.
- 225 ○ BWC footage associated with Officer-Involved Critical Incidents or
226 other incidents which are investigated by an outside Law
227 Enforcement Agency may only be released upon consultation with
228 that agency which has investigative responsibility.
 - 229 ■ Regardless of the final decision, the Sheriff, or designee, shall
230 issue a public update on the status of any such OICI within six
231 hours, with a second update to follow twelve hours after the
232 first.
 - 233 ■ In addition, Sheriff, or designee, may release BWC footage as
234 soon as reasonably prudent.
 - 235 ○ Members of the public are not allowed to view BWC recordings
236 outside of the Open Records process unless permission has been
237 obtained from the Sheriff, in accordance with public records law and
238 as prescribed by DCSO Policy.
 - 239 ● Redaction
 - 240 ○ Redactions of BWC records shall be done in accordance with State and
241 Federal law under Wis Stat. 19.35 and corresponding laws.
242 Additionally, DCSO will follow state law regarding law enforcement
243 BWC usage as defined in Wis. Stat. 165.87.
 - 244 ○ DCSO will retain original, unedited, un-redacted versions of any
245 record released, in accordance with DCSO Records
246 Retention/Disposition Authorization, and current State and Federal
247 laws.

248 SUPERVISION

249 Supervisor Responsibilities

- 252 ● Supervisory personnel shall ensure that deputies are equipped with BWC
253 devices utilize them in accordance with policy and procedures defined
254 herein.
- 255 ● Supervisors are responsible for ensuring that affected deputies are equipped
256 with a functioning BWC at the beginning of each shift.
- 257 ● Upon receiving notification of any damage or malfunction of a BWC that
258 would render the camera no longer operational, the supervisor will notify the
259 BWC Administrator in order to obtain replacement equipment.
- 260 ● In the event a deputy loses or damages their BWC or any of the issued
261 accessories, the supervisor will initiate a lost equipment memorandum. A
262 copy of this memo should be sent electronically to the BWC Administrator. In
263 the case where a deputy had or should have had video on the BWC that had
264 not yet been uploaded to the remote digital storage system, the Professional
265 Standards Division may investigate the loss or damage of the BWC, if not
266 already included within another administrative investigation.

- 267 • Supervisors will ensure that all recorded events are being documented by the
- 268 deputy in the associated reports and citations.
- 269 • Supervisors will ensure that any recordings relating to an administrative
- 270 investigation are downloaded and stored for inclusion in the investigative file
- 271 prior to their scheduled purge date from the remote digital storage system.

272
273 **Supervisor Review and Auditing**

- 274 • All supervisors are expected to routinely review BWC recordings created by
- 275 their direct subordinates.
- 276
- 277
- 278 ○ Supervisors shall audit the BWC footage of their deputies monthly,
- 279 ensuring that videos are being labeled and that the labeling is of the
- 280 correct formatting.
- 281 ○ During this review supervisors shall view a minimum of 2 videos from
- 282 each deputy under their supervision, looking at the content of the
- 283 video. These videos shall be a minimum of 10 minutes each.
- 284 ○ In addition, supervisors shall review BWC footage (and associated
- 285 reports) of any uses of force and vehicle/foot pursuits for all officers
- 286 under their purview
- 287 ○ While viewing these videos supervisors should be looking for any
- 288 videos that would be beneficial to other officers in terms of training
- 289 videos. Any evidence of employee misconduct shall be immediately
- 290 reported to the Field Captain or designee.
- 291
- 292 • Notifications of the existence of recordings which may be beneficial for
- 293 training purposes shall be forwarded via the chain of command to the
- 294 Training Division for determination of training value and use.
- 295 • Monthly, the BWC Administrator will audit randomly selected videos. The
- 296 number of videos selected for auditing, and the frequency of the selection
- 297 process, will be determined by the BWC Administrator to ensure that the
- 298 number of employees audited each month represents a random samples of
- 299 videos. Minimum of ten (10) percent of the total number of employees
- 300 eligible for auditing.
- 301 ○ In addition to the random auditing process, the Professional
- 302 Standards Division will review BWC audio and video recordings on an
- 303 as-needed basis to conduct internal investigations and inquires.

304
305
306 **HISTORY**

Date	By	Note
06/12/24	Administration	NEW Pilot Policy Draft v.1

308