
BODY WORN CAMERA (P4.5)

805.1 PURPOSE AND SCOP

This policy provides guidelines for the use of Body Worn Cameras by members of this office while in the performance of their duties.

805.2 POLICY

The Juneau County Sheriff's Office may provide members with access to office issued Body Worn Cameras, wherein the remainder of the policy shall be referred to as BWC, containing either audio or video orth bothy, for use during the performance of their duties. The use of BWC is intended to enhance the mission of the JCSO by accurately capturing contacts between members of the Office and the public.

805.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any office-issued device at any time, and on any recording made while acting in an official capacity of this office regardless of ownership of the device it was mde on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

805.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member assigned to patrol will be responsible for making sure that he/she is equipped with a BWC issued by the Office, and that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable.

Uniformed members should wear the BWC in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonable practicable. Any member assigned to a non-uniformed position may carry an approved BWC at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonable practicable.

When the BWC related software captures the user's unique identification and the date and time of each recording, it is not necessary to manually enter this information. When using BWC that does not automatically enter this information, the assigned member shall record his/her name, JUSO identification number and the current date and time at the beginning and end of the shift or other period of use, regardless of whether any activity wsa recorded.

At the end of the shift, each deputy will follow the established procedures for providing to the office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote

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location and reports in only periodically, additional recording media may be issued. Only Juneau County Sheriff's Office identified and labeled media with tracking numbers are to be used.

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

805.5 ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC system may be used, although there are many situations where its use is appropriate. A member may activate the system any time the deputy believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements.

The Body Worn Camera (BWC) should be activated to record during all field contacts involving actual or potential violations of law to include:

- Traffic stops
- Suspicious vehicles or persons
- Arrests
- Voluntary contacts of an investigative nature
- Disturbances or disorders
- Calls involving emotionally or mentally disturbed subjects
- Offenses involving weapons or violence
- When responding to any "in progress" call for service

Additionally, the BWC should be activated during the following situations:

- During tactile activities, including the execution of search warrants
- During warrantless searches of individuals, vehicles, buildings, and other places
- During the initial inventorying of seized money or any high value property

If not already activated, the BWC shall be activated to record any encounter that becomes adversarial after initial contact or in any situation that the officer believes its use would be appropriate or valuable to document the incident or encounter.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same

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criterion. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

805.6 CESSATION OF RECORDING/DEACTIVATION

Once activated, the BWC system should remain on continuously until the incident has concluded or until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation.

For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims on scene have been interviewed. If working an event that becomes investigative in nature, an officer should deactivate the BWC when the initial response has transitioned into that of a controlled and orderly investigation.

Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive or in other similar situations. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

The BWC should be deactivated prior to discussing a case on scene with other officers or during on scene tactical planning.

805.7 SURREPTITIOUS USE OF THE BWC

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. § 968.31(2)(b)). Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record any office member or supervisor without a court order unless lawfully authorized by the Sheriff or the authorized designee.

805.8 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

805.9 PROHIBITED USE OF THE BODY WORN CAMERAS (BWC)

Members are prohibited from using office-issued BWC and other recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

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Members are also prohibited from retaining un-authorized recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices including BWC while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable. Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

Unless present in an official capacity that requires the necessity of recording, the BWC shall not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy,

BWC shall not be utilized to record strip searches pursuant to Wisconsin § 968.255(2)(a) which does not allow audio or video recording.

For the purpose of protecting their identity, the BWC will not be used while interacting with known confidential informants or undercover officers pursuant to Wisconsin § 905.10.

Members shall only use the BWC while in patient care areas of a health care facility when the recording is for official purposes and care should be used to record only the parties involved in the event being investigated.

The viewing of any recording for anything other than approved Departmental purposes is prohibited. Citizens are not allowed to view BWC recordings unless permission has been obtained from the Sheriff or his designee or the citizen makes a records request.

Juneau County does not permit the use of Office owned BWC on any activities off-duty. Should there be rare cause for a deputy to need to record with a BWC while off-duty for criminal activity or a threat to public safety that is unfolding in front of them while off duty, the staff member should immediately contact a supervisor and advise of that recording and follow all procedures for that recording within this policy.

805.10 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Prior to the end of an on-duty day, members, utilizing the designated software application, will categorize each recording captured by the Body Worn Camera (BWC), download it and label it with the date, case number, badge number and brief description of the case. In instances where an officer has multiple recordings of the same incident, they will differentiate the files when labeling them. When complete, members will place the BWC in a designated location for docking.

The procedure for server based storage will be to place the camera in the docking station for download at the end of the shift to be then sent to our data storage coordinator for review and retention; or if cloud storage based; to use VPN or other docking connectivity to establish

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connection with the network and download all data. The stored file name should contain a date/case number/badge number/ and an abbreviated description of the activity when downloaded for storage. Uploaded recordings will be retained on the remote digital storage system based upon the retention schedule established for each category of recording but not less than 120 days. With either storage option the stored data files will be within the Records Office or IT specific destination and the Juneau County Sheriff's Office shall be the custodian of that data.

Members shall note in any incident reports and/or citations that there is a BWC recording of the incident, to include a brief description of what was captured by the BWC. Officers may use media captured via the BWC to assist with an investigation and to aid in the completion of reports.

Officers are encouraged to inform their supervisors of any recordings that may be of value for training purposes.

A member should transfer, name and label recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim, or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.
- (g) The recording contains information on a juvenile victim, reporting party or offender.
- (h) The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members shall not erase, alter, reuse, modify or tamper with BWC recordings. Only a supervisor, BWC technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy and shall document any such changes.

To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the BWC technician.

805.11 REVIEW OF RECORDED BWC MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

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Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance for meritorious conduct or misconduct
- (d) To assess proper functioning of BWC systems and potential for use of the recording for training purposes
- (e) By office investigators who are participating in official investigation, such as an authorized investigation of a personnel complaint, administrative inquiry, or a criminal investigation
- (f) By authorized officer personnel who request to review recordings
- (g) By a deputy or officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her involvement in the investigation.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) Any officer involved in a shooting, critical incident or death may be permitted to review available Mobile Audio/Video, BWC or other video or audio recordings prior to providing a recorded statement or completing reports.

All recording media, recorded images and audio recordings will be stored on approved servers within the Juneau County Sheriff's Office and are the property of the Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law and through proper records request.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency BWC technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

805.12 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 120 days.

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Retention beyond 120 days may be directed by a law enforcement officer or law enforcement agency, a prosecutor, a defendant, or a court that determines that the data have evidentiary value in a prosecution. An entity making the directive shall submit a preservation of records order within 120 days after the incident. (pending proposed §165.87)

Data retained under a preservation of records request within the 120 days may not be destroyed except upon final disposition, a determination from the court or hearing examiner that the data are no longer needed, and an order from the court or hearing examiner. Data retained in internal investigations that are not subject to any such jurisdiction may be disposed of.

Data in recordings of the following shall not be destroyed until the disposition of the case or complaint:

- (a) An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
- (b) An encounter that resulted in a custodial arrest.
- (c) A search during an authorized temporary questioning provided in Wisconsin § 968.25 where temporary custody of weapons or other instruments or substance that could cause injury and the result was a return of the items or an arrest for the items.

805.13 RELEASE OF BWC RECORDINGS

The Juneau County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39). Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release. Recordings that include the following should not be publicly released unless disclosure is required by law or an order from the court orders the release. All recordings will be reviewed before released and have redacted any information that:

1. Unreasonably violate a person's privacy or sense of dignity;
2. A complainant, victim or witness has requested non-disclosure;
3. A victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person;
4. Contains any personally identifying information that could be used to defraud persons (i.e., Social Security numbers, Driver's license numbers, bank or credit card numbers)
5. Contain medical or mental health information
6. Where disclosure may compromise an undercover officer or confidential informant;
7. The recording or portions of the recording may be protected under the Public Records Law (Wis. Stat. § 19.31 et seq.).

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8. Any portable audio video, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Corporation Counsel's Office, as appropriate.

The existence of recordings which may be beneficial for training purposes shall be reviewed by the supervisor and notify the members involved of its intended use in training. If an involved officer objects to the use of a recording for training purposes, he may submit his objection in writing, and the request will be reviewed by other supervisors to determine whether the training value outweighs the officer's objection.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available portable audio video, BWC video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

805.14 TRAINING

All members who are authorized to use the BWC system shall successfully complete an approved course of instruction prior to its use. This course shall include instruction on how to use, maintain, store, or release data from a body worn camera. The course shall also contain review of policy.

805.15 POLICY REVIEW

The BWC Policy will be reviewed bi-annually or upon any enacted laws that dictate changes to the policy.