



POLICY & PROCEDURE

WALWORTH COUNTY SHERIFF'S OFFICE

SUBJECT: **BODY WORN CAMERAS (BWC)**

SCOPE: Sworn Deputies

DISTRIBUTION: Policy & Procedure Manual

AUTHORITY: Sheriff Kurt Picknell

REFERENCE: Employee Harassment WI State Statute
175.22, 19.32(2), 165.87, 175.22,
973.06(1), 968.25 Walworth County
Ordinance Chapter 2-454 Retention
Schedule

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WILEAG 5TH EDITION

STANDARDS: 2.4.4, 6.1.9

INDEX AS: Body Worn Cameras (BWC)

PURPOSE: This policy is intended to provide deputies with instructions on when and how to use body-worn cameras (BWC) so that deputies may reliably record their contacts with the public in accordance with the law.

I. POLICY

It is the policy of the Walworth County Sheriff's Office that deputies shall activate the BWC when such use is appropriate to document the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

II. PROCEDURES

A. Administration

This agency has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWC allow for accurate documentation of law enforcement-public contacts.

2. Audio and video recordings enhance this agency's ability to review probable cause for arrest, interaction with the public, evidence for investigative and prosecutorial purposes and, to provide additional information for deputy evaluation and training.
3. The BWC may also be useful in documenting crime and crash scenes or other events that include the confiscation and documentation of evidence or contraband.

B. When and How to Use the BWC

1. Deputies shall activate the BWC to record all contacts with citizens in the performance of official duties and during emergency vehicle operation.
2. Deputies may 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. The deputy will make a notation of the request in the RMS. The request not to record will be honored unless the recording is being made pursuant to an arrest, search of the residence or the individual. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
3. Deputies may mute the BWC for the following reasons:
 - a. Running checks and completing paperwork in a squad car, away from the violator, during a traffic stop.
 - b. Conferring with backup officers away from the suspect or any person involved in the incident.
 - c. While speaking with anyone who is not directly involved in the incident such as medical or fire personnel.
 - d. A health care provider is discussing medical issues with a patient.
 - e. While debriefing with other deputies or law enforcement officers regarding specific details or tactics of an incident.
4. If a deputy fails to activate the BWC, fails to record the entire contact, or interrupts contact, or interrupts the recording, the deputy shall document in the RMS why a recording was not made, was interrupted, or was terminated. Deputies do not have to activate, or

may deactivate the BWC, under the following circumstances.

- a. Any incident where the deputy can articulate the necessity, based on the based on the totality of the circumstances, of not activating the BWC.
 - b. Transports of prisoners from one custody facility to another (Example - Walworth County Jail to Dodge Correctional).
 - c. When developing a tactical plan or creating a safety plan for a victim.
 - d. Speaking with an informant or community member providing information who requests deactivation of a BWC prior to providing information.
 - e. Processing a crime scene after the initial scene is recorded and further recording will not produce any benefit.
 - f. Protecting crash scenes from other vehicular traffic.
5. Civilians shall not be allowed to review the recordings at the scene.
 6. The BWC may be worn on various locations on the deputy's body with the use of department approved mounting accessories and can be adjusted depending on individual deputy size.
 - a. The purpose is to put the camera in the best position to record as much audio/video information as possible.
 - b. Deputies are not expected to jeopardize their safety in exchange for obtaining better audio/video recordings.

C. Procedures for BWC Use

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Deputies who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Deputies shall use only BWC's issued by the Sheriff's Office. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. Deputies who are assigned BWC's must complete an approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the

continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

4. BWC equipment is the responsibility of individual deputies and will be used with reasonable care to ensure proper functioning. Deputies shall inspect and the BWC prior to each shift. Equipment malfunctions shall be reported to the deputy's supervisor as soon as possible so that a replacement unit may be issued.
5. Care and use of the mobile audio/video recording equipment is the responsibility of the deputy assigned and shall be used in conformity with Sheriff's Office policy and training.
6. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Sheriff or his or her designee.
7. Deputies are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
8. If a deputy is suspected of wrong doing or involved in an officer-involved shooting or other serious use of force, the Sheriff's Office has the right to limit or restrict a deputy from viewing the video file.
9. Requests for deletion of nonpublic interactions or recordings made in error that infringe on a deputy's reasonable expectation of privacy (example – accidental recording of a bathroom break) must be submitted in writing to your Division Captain and approved by the Sheriff or his or her designee in accordance with state record retention laws. All requests and final decisions shall be transmitted via department email. Documentation of deletions shall be kept on file in Evidence.com. In the event a recording may not be deleted the recording shall be restricted and flagged in the Evidence.com system by Central Records. The recording in question will be redacted prior to any release.
10. Deputies shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

D. Restrictions on Using the BWC

BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Internal communications with other law enforcement personnel without the permission of the Sheriff or his/her designee. Deputies shall not use mobile audio/video recording equipment to record administrative conversations such as disciplinary actions, supervisor's directives, shift briefings, or talks between employees.
2. Encounters with undercover law enforcement officers or confidential informants.
3. When on break or otherwise engaged in personal activities.
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room. Wisconsin State Statute 175.22 prohibits audio or video recording in locker rooms.
5. Personnel are prohibited from utilizing the issued BWC for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.
6. 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.

E. Storage

1. All files shall be securely uploaded and stored in the evidence.com cloud storage. Files will be uploaded no later than the end of each work week. Each file shall contain information related to the date, call number, assigned officer and category below:
 - a. **Call for Service** – Traffic stops, first offense OWI, ordinance violations, vehicle crashes, warnings, welfare checks, electronic monitoring, assist motorist, business checks, alarms, extra patrol, animal bites, and any other routine call for service.
 - b. **Misdemeanor Offenses** – All misdemeanor crimes including traffic.
 - c. **Felony Offenses** - All felony crimes including traffic.
 - d. **Test/Non-Evidence** - Testing camera or videos which were made in error and contain no evidentiary value.

2. All images and sounds recorded by the BWC are the exclusive property of the Walworth County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited. Employees shall have no expectation of privacy or ownership interest in the content of these recordings.
3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Sheriff or his or her designee, and all access can be audited in Evidence.com to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with State of Wisconsin records retention laws and Walworth County record retention ordinances. Records should be retained no longer than useful for purposes of training or for use in an investigation or prosecution. Data from the BWC that recorded any of the following shall be retained until final disposition of any investigation, case, or complaint to which data pertain.
 - a. An encounter that resulted in 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 as provided in s. 968.25.
 - d. An encounter that included the use of force by a law enforcement officer, unless the only use of force was the use of a firearm to dispatch an injured wild animal.
 - e. Data from a BWC that was used in a criminal, civil, or administrative proceeding may not be destroyed except upon final disposition, including appeals, a determination from the court or hearing examiner that the data are no longer needed, or an order from the court or hearing examiner.
 - f. Data from a BWC may not be destroyed during the period specified in s. 19.35(5).

F. Supervisory Responsibilities

1. Supervisory personnel shall ensure that deputies equipped with BWC devices utilize them in accordance with policy and procedures defined herein. Supervisors shall review BWC footage that exists in the following cases:

- a. Injury to a Prisoner/Citizen
 - b. Use of force as documented on the Use of Force Form
 - c. Injury to deputies
 - d. Vehicle pursuits
 - e. Citizen Complaints
2. At least on a monthly basis, supervisors shall randomly review BWC recordings to ensure the equipment is operating properly and deputies are using the devices appropriately in accordance with policy. Supervisors shall identify areas in which additional training or guidance is required and take corrective action.

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial _____ 11/16/2020