



DIRECTIVE

WINNEBAGO COUNTY SHERIFF'S OFFICE

SUBJECT: **Body Worn Camera Field Services**

NUMBER: 06.11 – 04

ISSUED: 10/25/2016

SCOPE: All Agency Members

EFFECTIVE: 10/25/2016

REVISED 01/21/2022

WILEAG 6th EDITION STANDARD: 6.1.10

PURPOSE The purpose of this Directive is to provide guidance for the use, management, storage, and retrieval of audio/video media recorded by Body Worn Camera (BWC) Systems.

The Winnebago County Sheriff's Office has adopted use of Body Worn Cameras (BWC) during community contacts to accomplish the following objectives:

1. To enhance safety, provide transparency, and ensure accountability
2. To objectively capture events during the course of an incident
3. To provide the ability to document and review statements and actions for both internal reporting and for courtroom preparation/presentation
4. To afford an impartial measurement for self-critique and field evaluation
5. To capture visual and audio information for use in current and future investigations

GUIDELINES

1. BWCs will be assigned to Deputies whose primary job duty is providing law enforcement services in the community. Additional BWCs will be issued to other Deputies on an as needed basis taking into consideration the activities being performed and availability of equipment.

2. Whenever a Deputy wearing a BWC is having contact with the public of an enforcement nature, may have evidentiary value, or believes video documentation to be in the best interest of the Agency, the contact should be recorded. Tactical activities including building searches, searches for suspects, execution of search warrants, and building checks at alarm calls should be recorded. Examples of BWC use include but are not limited to:
 - a. Contacts during traffic stops
 - b. Contacts during an investigation including approach, statements, arrest, transportation, booking process and release
 - c. Any other contacts with persons under circumstances that lead the Deputy to believe that the specifics of the contact may need to be retrieved or reviewed
3. Continuous, non-stop recording during contacts or incidents of an enforcement nature is not required when Deputies are not in direct contact with the suspect, or other persons involved. Examples when Deputies may choose to deactivate the BWC include, but are not limited to:
 - a. Running checks and completing paperwork in a squad car, away from the violator during a traffic stop
 - b. Conferring with backup Deputies 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
4. The BWC may be de-activated during non-enforcement activities such as protecting an accident scene from other vehicular traffic or perimeter assignments at critical incidents.
5. Deputies should be cognizant that BWC's pre-record video prior to being activated.
6. The In-Car Video System is considered the primary system for video recording. The BWC System supplements the ability to record situations that are impossible or unfeasible for the In-Car System to record.

PROCEDURES

1. Deputies who utilize BWC equipment must use the equipment in a way consistent with General Orders and Directives unless otherwise authorized by a supervisor.
2. Deputies will not utilize a BWC unless they have been trained in the use and application of the equipment.

3. Deputies will inspect and test the BWC prior to each shift in order to verify proper functioning and will notify the shift supervisor of any problems. Deputies will ensure the BWC is charged before the next shift either by placing into the charging bank at the end of the shift, or using a charging cord.
4. BWCs should be worn in a manner so as to obtain the best possible video image.
 - a. Deputies will wear the BWC in the appropriate position to capture the video image that best represents the Deputy's field of view.
 - b. Deputies utilizing BWC units will record any and all incidents where police action may be taken. This may include, but is not limited to:
 1. Traffic stops and traffic incidents
 2. OWI incidents
 3. Accident scenes
 4. Vehicular Pursuits
 5. Crime Scenes
 6. Custodial Arrests
 7. Transports
 8. Emergency Vehicle Responses
 9. GPS checks
 10. BWC audio may be used to record statements of adults accused of felonies and minors accused of any incident where they could be charged with a crime or offense. However, the BWC does not supersede the use of the officer's issued Digital Voice Recorder unit in these instances, but it may be used complimentary
 11. Any incident the Deputy believes through training and experience should be audibly and visually recorded
 - c. Deputies **are not** expected to jeopardize their safety in exchange for obtaining audio/video recordings.
5. Health Insurance Portability & Accountability Act (HIPAA) applies specifically to health care providers and establishes national standards to protect patient privacy and medical records. In the course of their official duties, deputies are likely to interact with persons that may be receiving medical care or treatment by health care professionals. The recording of these encounters via BWC are not prohibited by HIPAA. When the need to provide transparency and ensure deputy accountability outweighs any patient privacy concerns, deputies should activate their BWC to record these interactions. Any video or audio recording that contains protected health information will be properly safeguarded and redacted prior to release pursuant to **General Order 10.03 Public Records**.
6. Deputies assigned to the Courthouse should not activate the BWC during any courtroom trial or proceeding. The BWC will be used to record incidents where enforcement action is taken which may include, but is not limited to:

- a. Any security requests outside of normal courtroom testimony
 - b. All custodial arrests and transports
 - c. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
7. Deputies will bookmark, categorize, and download all captured video by the end of each shift, unless otherwise approved by a supervisor.
8. Deputies are encouraged to review incidents captured on recording systems for accuracy and details prior to completion of required reports.
9. Although incidents may be recorded, incident reports must be complete and thorough. A report lacking detail and simply referring to body camera recording is not acceptable.
10. All members who use, maintain, store, or release body camera data shall be trained on proper procedures to ensure compliance with appropriate state statutes, General Orders, and Directives.

SUPERVISOR RESPONSIBILITY

1. Supervisors will ensure that Deputies equipped with BWC equipment utilize them in accordance with General Orders and Directives.
2. Supervisors will conduct random daily spot checks of the BWC recordings to ensure the equipment is operating properly and that Deputies are using the devices appropriately and in accordance with Agency General Orders and Directives. The reviews will also be utilized to assess Deputy job performance and identify any areas in which additional training or guidance is required.

RESTRICTIONS ON USING BWC

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

1. Administrative conversations, i.e. disciplinary actions, supervisor's directives or conversations between employees
2. Encounters with undercover officers or confidential informants;
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a rest room or locker room (WI State Statute 175.22).
5. 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 in pursuant to an arrest or search of the residence or the individual.
6. In a Judge's Chamber
7. Normal court proceedings

RECORDING CONTROL AND MANAGEMENT

The Winnebago County Sheriff's Office has established the following audio/video categories and minimum retention rates in accordance with Wisconsin Statutes 893.80 and 165.87 and adopted Winnebago County Ordinance.

Retention rates are calculated from the date the video was recorded.

1. Squad check = 121 days
2. Traffic = 121 days
3. Speed trigger = 121 days
4. Disturbance = 365 days
5. OWI = 365 days
6. Felony = 365 days
7. Vehicle pursuit = 365 days
8. Accident = 121 days
9. Transport = 121 days
10. Field contact = 121 days
11. Emergency Response = 121 days
12. Internal = permanent
13. Permanent = permanent
14. Interview Rooms = permanent
15. Pre-Booking EC/IR = permanent

Audio/video recordings provided to the District Attorney as part of any criminal referral are retained as *Permanent* and disposed of on a case by case basis dependent upon the disposition of the case and exhaustion of appeal rights. Only select members of the Winnebago County Sheriff's Office Administration have security clearance to access *Permanent* and *Internal* records.

RELEASE OF BWC VIDEO

The release of video recordings will follow the guidelines established under **General Order 10.03 Public Records**.

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Revised: 04/24/2019; 03/27/2020; 05/25/2021; 01/21/2022