



DIRECTIVE

WINNEBAGO COUNTY SHERIFF'S OFFICE

SUBJECT: **Body Worn Camera Corrections**

NUMBER:	<u>06.11 – 05</u>
ISSUED:	<u>06/01/2021</u>
EFFECTIVE:	<u>06/01/2021</u>
REVISED	<u>01/21/2022</u>

SCOPE: All Agency Members

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) within the Winnebago County Jail 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 responsibility is inmate management. Additional BWCs will be issued to other staff members 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 an inmate or the public the contact will be recorded.

3. Continuous, non-stop recording during contact or incidents is not required when Deputies are not in direct contact with inmates, or persons involved. Examples when Deputies may choose to deactivate the BWC include, but are not limited to:
 - a. Speaking with other staff members away from the incident or inmates
 - b. When not in direct contact with inmates and completing paperwork at their work station
 - c. When guarding an inmate at the hospital and the inmate is sleeping.
4. Deputies should be cognizant that BWC's pre-record video prior to being activated.
5. The Agency also utilizes a closed-circuit video recording system throughout the facility. BWC recordings will be used to supplement this system.

PROCEDURES

1. Deputies who utilize BWC equipment must use the equipment in a way consistent with General Orders, Directive, Policy and Procedure 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 at the start of each shift in order to verify proper functioning and will notify the shift supervisor of any problems. BWCs will be worn through the entirety of a Deputy's shift. Deputies will ensure the BWC is placed into the charging bank at the end of the shift.
4. BWCs should be worn in a manner so as to obtain the best possible video image.
 - a. Deputies will wear BWC in the appropriate position of center chest 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 there is inmate contact or the incident may need to be reviewed at a later time. This may include, but not limited to:
 1. Pat Searches
 2. Cell or Housing Unit Searches
 3. Security Checks
 4. Medical Emergencies
 5. Jail Incidents/Emergencies
 6. Disciplinary Hearings
 7. Medication Pass

8. Transports
 9. Custodial Arrests
 10. Any incident where the Deputy believes that may result in the use of force or a high probability of the use of force.
 11. Any incident the Deputy believes through training and experience should be audibly and visually recorded.
 12. Deputies **are not** expected to jeopardize their safety in exchanged 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 that are assigned to Direct Supervision housing units (C, DS1, DS2) will have their assigned BWC recording throughout the entirety of their shift. With the exception of after lockdown from 0100-0430 and there is no inmate contact. The BWC will have to be reactivated during security checks and all inmate contacts.
7. Deputies that are assigned to Indirect housing units (A, B, and D) will have their BWC activated during security checks and all inmate contacts.
8. Deputies that are assigned to Booking will have their BWC activated anytime an inmate is completing the intake or release process; regardless of which staff member is completing the task.
9. Deputies that are performing Security or Supervisory duties will activate their BWC whenever having contact with an inmate.
10. Deputies assigned to the Court Services unit will not activate the BWC during any courtroom trial or proceeding. The BWC will be used to record incidents of enforcement action or inmate contact takes place outside or court hearings to include but not limited to:
- a. Escorting inmates to and from court
 - b. All custodial arrests and transports
 - c. Any transport of individuals
 - d. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

11. Deputies will bookmark, categorize, and download all captured video by the end of each shift, unless otherwise approved by a Supervisor.
12. Deputies are encouraged to review incidents captured on recording systems for accuracy and details prior to completion of required reports.
13. Although incidents may be recorded, incident reports must be complete and thorough. A report lacking detail and simply referring to the body camera recording is not acceptable.
14. All members who use, maintain, store, or release body camera data shall be trained on the proper procedures to ensure compliance with appropriate state statutes, General Orders, Directives, Policy and Procedure.

SUPERVISOR RESPONSIBILITY

1. Supervisors will ensure that Deputies equipped with BWC equipment utilize them in accordance with General Orders, Directives, Policy and Procedure.
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, Policy and Procedures. 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 duties in the Winnebago County Jail. 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 locker room (Wisconsin State Statute 175.22)
5. Normal court proceedings
6. In a Judge's Chamber

7. While conducting a custodial or a strip search
 - a. This includes placing an inmate on suicide watch
 - b. If there is a high probability for the use of force during the course of a custodial search, strip search, or placing an inmate on suicide watch a Deputy's BWC should be activated.

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 State Statutes 893.80 and 165.87 and adopted Winnebago County Ordinance.

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

1. Inmate Contact = 121 days
2. Public Contact = 121 days
3. Security Check = 121 days
4. Transport = 121 days
5. Medical = 121 days
6. Jail Incident = 121 days
7. Disturbance = 365 days
8. Use of Force = 365 days
9. Felony = 365 days
10. Internal = permanent
11. Permanent = permanent
12. Interview Rooms = permanent
13. Pre-booking EC/IR = permanent

Audio/video recording 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, Internal, and Medical recordings.

RELEASE OF BWC VIDEO

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

Initial: 06/01/2021

Revised: 01/21/2022