

(c) Identify state agencies and political subdivisions that employ law enforcement officers in the state and notify the appropriate officials of the model law enforcement pursuit standards established by the board under s. 165.85 (4) (d).

(2) (a) Identify and coordinate all preparatory and recertification training activities in law enforcement in the state, and expand the coordinated program to the extent necessary to supply the training required for all recruits in the state under the preparatory training standards and time limits set by the board and for law enforcement officers, jail officers and juvenile detention officers in this state.

(b) Organize a program of training, which shall encourage utilization of existing facilities and programs through cooperation with federal, state, and local agencies and institutions presently active in this field. Priority shall be given to the establishment of the statewide preparatory and recertification training programs described in sub. (1), but the department shall cooperate in the creation and operation of other advanced and special courses, including courses relating to emergency detention of persons under s. 51.15 and emergency protective placement under s. 55.135, that meet the curriculum standards recommended by the board. The department may satisfy the requirement for cooperating in the development of special courses relating to emergency detention and emergency protective placement by cooperating with county departments of community programs in the development of these courses under s. 51.42 (3) (ar) 4. d. The department shall keep appropriate records of all such training courses given in the state and the results thereof in terms of persons attending, agencies represented, and, where applicable, individual grades given.

**History:** 1985 a. 29; 1987 a. 366; 1989 a. 31; 1993 a. 460; 1997 a. 88; 2005 a. 264; 2007 a. 97; 2013 a. 214.

**165.87 Body cameras and law enforcement.** (1) If a law enforcement agency uses a body camera on a law enforcement officer, the law enforcement agency shall do all of the following:

(a) Administer a written policy regarding all of the following:

1. The use, maintenance, and storage of body cameras and data recorded by the body cameras.
2. Any limitations the law enforcement agency imposes on which law enforcement officers may wear a body camera.
3. Any limitations the law enforcement agency imposes on situations, persons, or encounters that may be recorded by a body camera.

(b) Train all law enforcement officers wearing a body camera on the policy under par. (a) and on the requirements under sub. (2).

(c) Train all employees that use, maintain, store, or release data from a body camera on the policy under par. (a) and on the requirements under subs. (2) and (3).

(d) Periodically review practices regarding the body cameras and data from body cameras to ensure compliance with the policy under par. (a) and the requirements under subs. (2) and (3).

(e) If the law enforcement agency maintains an Internet site or has an Internet site maintained on its behalf, make the policy under par. (a) available to the public on the Internet site.

(2) (a) Except as provided in pars. (b), (c), and (d), all data from a body camera used on a law enforcement officer shall be retained for a minimum of 120 days after the date of recording.

(b) Data from a body camera used on a law enforcement officer that record any of the following shall be retained until final disposition of any investigation, case, or complaint to which the data pertain, except as provided in pars. (c) and (d):

1. An encounter that resulted in the death of any individual or actual or alleged physical injury to an individual.
2. An encounter that resulted in a custodial arrest.
3. A search during an authorized temporary questioning as provided in s. 968.25.
4. 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.

(c) Retention beyond the period determined under par. (a) or (b) may be directed by a law enforcement officer or law enforcement agency, a board of police and fire commissioners, a prosecutor, a defendant, or a court that determines that the data have evidentiary value in a prosecution. A person making a preservation directive under this paragraph shall submit the directive to the law enforcement agency having custody of the record within 120 days after the date of recording.

(d) Data from a body camera used on a law enforcement officer that are 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.

(e) Notwithstanding pars. (a) to (d), data from a body camera used on a law enforcement officer may not be destroyed during the period specified in s. 19.35 (5).

(3) (a) In this subsection:

1. “Authority” has the meaning given in s. 19.32 (1).
2. “Record subject” means an individual recorded by a body camera used on a law enforcement officer to whom all of the following apply:
  - a. The individual is depicted in the recording, or the individual’s voice is audible in the recording.
  - b. The individual’s identity is known to the law enforcement agency.
  - c. The individual is not suspected of committing a crime or other violation of law in connection with the law enforcement officer’s presence in the location that was recorded.
  - d. The individual is not a law enforcement officer who was acting in an official capacity, unless a crime or other violation of law has been committed or is alleged to have been committed against the law enforcement officer while the law enforcement officer was present at the location that was recorded.
3. “Requester” has the meaning given in s. 19.32 (3).

(b) Data from a body camera used on a law enforcement officer are subject to the right of inspection and copying under s. 19.35 (1), except as provided in par. (c).

(c) 1. It shall be the public policy of this state to maintain the privacy of a record subject who is a victim of a sensitive or violent crime or who is a minor and that access to data from a body camera used on a law enforcement officer that record such a record subject shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject’s face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision regarding the privacy of a record subject who is a victim of a sensitive or violent crime does not apply if the record subject, or his or her next of kin if the record subject is deceased, does not object to granting access to the data. The presumption under this subdivision regarding the privacy of a record subject who is a minor does not apply if the parent or legal guardian of the record subject does not object to granting access to the data.

2. It shall be the public policy of this state to maintain the privacy of a record subject who is in a location where the record subject has a reasonable expectation of privacy and that access to data from a body camera used on a law enforcement officer that record a record subject in such a location shall be provided only if the public interest in allowing access is so great as to outweigh that public policy. In that case, the record subject’s face and anything else that would allow the record subject to be identified may be redacted using pixelization or another method of redaction. The presumption under this subdivision does not apply if the record subject does not object to granting access to the data.

3. If a requester believes that an authority has improperly made a decision to redact or deny access to data under subd. 1. or 2., the requester may pursue the remedies under s. 19.37 (1).

(d) For purposes of requests under s. 19.35 (1) for access to data from a body camera used by a law enforcement agency, the law enforcement agency is the legal custodian of the record, and if any other authority has custody of any such data, that authority is not the legal custodian of that data. If any other authority receives a request under s. 19.35 (1) for that data, that authority shall deny any portion of the request that relates to that data.

(e) Nothing in this subsection prohibits the release of data from a body camera under s. 175.47 (5) (b).

**History:** 2019 a. 108; s. 35.17 correction in (1) (e), (2) (b) 4.

**165.88 Grants for school safety. (1) DEFINITIONS.** In this section:

(a) “Independent charter school” means a charter school established under s. 118.40 (2r) or (2x).

(b) “Private school” has the meaning given in s. 115.001 (3r).

(c) “School board” has the meaning given in s. 115.001 (7).

(d) “Tribal school” has the meaning given in s. 115.001 (15m).

**(2) GRANTS FOR SCHOOL SAFETY.** (a) From the appropriation under s. 20.455 (2) (f), the department of justice shall award grants for expenditures related to improving school safety. The department shall accept applications for a grant under this subsection from school boards, operators of independent charter schools, governing bodies of private schools, and tribal schools.

(b) The department of justice, in consultation with the department of public instruction, shall develop a plan for use in awarding grants under this subsection. The department of justice shall include in the plan a description of what types of expenditures are eligible to be funded by grant proceeds. Eligible expenditures shall include expenditures to comply with the model practices created in s. 165.28 (1); expenditures for training under s. 165.28 (3); expenditures for safety-related upgrades to school buildings, equipment, and facilities; and expenditures necessary to comply with s. 118.07 (4) (cf). Notwithstanding s. 227.10 (1), the plan need not be promulgated as rules under ch. 227.

**(3) APPLICATION REQUIREMENTS.** An application submitted for a grant under sub. (2) shall include all of the following:

(a) A school safety plan.

(b) Blueprints of each school building and facility or, if blueprints were already submitted, a certification that the blueprints submitted are current.

(c) A proposed plan of expenditure of the grant moneys.

**(4) REPORT.** The department of justice shall submit an annual report to the cochairpersons of the joint committee on finance providing an account of the grants awarded under sub. (2) and the expenditures made with the grant moneys.

**History:** 2017 a. 143.

**165.89 Grants to certain counties for law enforcement programs. (1)** From the appropriation under s. 20.455 (2) (kq), the department shall provide grants to counties to fund county law enforcement services. The department may make a grant to a county under this section only if all of the following apply:

(a) The county borders one or more federally recognized Indian reservations.

(b) The county has not established a cooperative county-tribal law enforcement program under s. 165.90 with each federally recognized Indian tribe or band that has a reservation bordering the county.

(c) The county demonstrates a need for the law enforcement services to be funded with the grant.

(d) The county submits an application for a grant and a proposed plan that shows how the county will use the grant moneys to fund law enforcement services.

**(2)** The department shall review an application and plan submitted under sub. (1) (d) to determine if the application and plan meet the requirements of sub. (1) (a) to (c) and the criteria established under sub. (3). The department may not award an annual grant in excess of \$50,000 to any county under this section.

**(3)** The department shall develop criteria and procedures for use in administering this section. Notwithstanding s. 227.10 (1), the criteria and procedures need not be promulgated as rules under ch. 227.

**(4)** Notwithstanding subs. (1) and (2) and any criteria and procedures developed under sub. (3), the department shall allocate \$300,000 to Forest County each fiscal year from the appropriation account under s. 20.455 (2) (kq) to fund law enforcement services.

**History:** 2005 a. 25 ss. 88b, 2086s; Stats. 2005 s. 165.89.

**165.90 County-tribal law enforcement programs.**

**(1)** Any county that has one or more federally recognized Indian reservations within or partially within its boundaries may enter into an agreement in accordance with s. 59.54 (12) with an Indian tribe located in the county to establish a cooperative county-tribal law enforcement program. To be eligible to receive aid under this section, a county and tribe shall develop and annually submit a joint program plan, by December 1 of the year prior to the year for which funding is sought, to the department of justice for approval. If funding is sought for the 2nd or any subsequent year of the program, the county and tribe shall submit the report required under sub. (4) (b) together with the plan.

**(2)** The joint program plan shall identify all of the following:

(a) A description of the proposed cooperative county-tribal law enforcement program for which funding is sought, including information on the population and geographic area or areas to be served by the program.

(b) The program’s need for funding under this section and the amount of funding requested.

(c) The governmental unit that shall receive and administer aid and the method by which aid shall be disbursed. The joint program plan shall specify that either the tribe or the county shall receive and administer the full amount of the aid or that the tribe and the county each shall receive and administer specified portions of the aid.

(d) The types of law enforcement services to be performed on the reservation and the persons who shall perform those services.

(e) The person who shall exercise daily supervision and control over law enforcement officers participating in the program.

(f) The method by which county and tribal input into program planning and implementation shall be assured.

(g) The program’s policies regarding deputization, training and insurance of law enforcement officers.

(h) The record-keeping procedures and types of data to be collected by the program.

(i) Any other information required by the department or deemed relevant by the county and tribe submitting the plan.

**(3)** Upon request, the department shall provide technical assistance to a county and tribe in formulating a joint program plan.

**(3m)** In determining whether to approve a program plan and, if approved, how much aid the program shall receive, the department shall consider the following factors:

(a) The population of the reservation area to be served by the program.

(b) The complexity of the law enforcement problems that the program proposes to address.

(c) The range of services that the program proposes to provide.

**(4)** If the department approves a plan, the department shall certify the program as eligible to receive aid under s. 20.455 (2) (kt). Prior to January 15 of the year for which funding is sought, the department shall distribute from the appropriations under s. 20.455 (2) (kt) to each eligible program the amount necessary to implement the plan. The department shall distribute the aid to the county, the tribe, or both, as specified in the joint program plan. Distribution of aid is subject to the following limitations:

(a) A program may use funds received under s. 20.455 (2) (kt) only for law enforcement operations.