

Comparison of Body Worn Camera Policies

Model Policy (MP) Outline	Model Policy (MP) Section	MPD's Policy Section	Inconsistent (~) Noncompliant (X)	Comparison of Policies	Office of the City Attorney Comment
1. Use of BWC					
a. Mounting	(2)(d)	Wear & Maintenance 4	~	<p>MP calls for the BWC to be mounted as high as feasible → Draft states the BWC shall be mounted in one of the Department approved methods</p> <p>MP calls for the BWC to capture the footage of the officer's activities, including to the greatest extent possible, the officer's own body → Draft states the BWC shall be mounted consistent with the manufacturer's guidelines in a position that most closely replicates the perspective of the officer</p> <p>MP calls for as wide as field of view as practical → Draft states the BWC should be mounted consistent with the manufacturer's guidelines in position that most closely replicates the perspective of the officer</p>	MP calls out specific mounting requirements but doesn't take into considerations the potential limitations of individual BWC capabilities
b. Stabilization	(2)(e)		X	MP calls for stabilization → Draft is silent on stabilization	Stabilization may be dependent on which BWC is chosen
2. Activation Requirements					
a. Automatic Engagement	(2)(f)		X	MP requires automatic engagement of the BWC in several specific scenarios (e.g. when squad lights are activated, squad doors are opened, officers are running, etc...) → Draft doesn't require automatic engagement but most of these scenarios are covered by the activation section of the policy	Unaware if some of the automatic engagement requirements are even possible depending on which BWC is chosen

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a. Buffering	2(h)		X	MP requires 30 seconds of buffering recording → Draft is silent on buffering	This may be dependent on which BWC is chosen
3. Disengaging BWC					
	3(a)(vi)		~	MP requires deactivation decision not to be based on a protected classification → Draft is silent on this requirement, however, it would be covered by APM 3-5	APM 3-5 requires same conduct as MP
a. Failure to Record	2(l)	Activation 11 Deactivation 10	~	MP requires that if an officer fails to record an incident, they must document the reason why in their activity log and immediately report it to the desk officer → Draft states that the officer who fails to record an event, shall document the reason why there is no recording in an email to their supervisor and in a report	MPD doesn't have an activity log nor a desk officer, the same objective of creating a written record is accomplished via an email to the supervisor and a report
b. Discipline	2(n)		~	MP requires appropriate discipline for violation of the policy → Draft does not discuss discipline but it is covered in MPD's Code of Conduct and officers would be subject to discipline for noncompliance	MPD existing policies accomplish same objective of providing for appropriate discipline
c. Reports to Independent Monitor (IM) & Civilian Oversight Board (COB)	2(n)		X	MP requires any intentional violations of not recording or retaining the footage to be provided to the IM and COB → Draft doesn't require reporting to IM or COB	MGO Sec. 5.19(7) permits IM and COB to obtain access to MPD records and to investigate alleged violations or complaints
4. Prohibited Recordings					
a. Prohibited Activities	3(a)(vi)		~	MP requires the decision to record or not to record an individual may not be based on protected class status → Draft is silent on this, however it is a violation of APM, Code of Conduct	Existing policies & APM require same conduct as MP

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b. Crime Victim	(3)(a)(vii)	Deactivation 5	X	MP requires officers to ask all apparent crime victims if they want the BWC turned off → Draft allows BWC to be turned off when taking statements from a sexual assault victim or medical profession and when requested by victims and witnesses	Draft requires notification when practical and permits victims & witnesses to decline recording as a condition of their cooperation
c. Witness/Victim	3(a)(viii)	Deactivation 7	X	MP requires an officer to turn off the BWC whenever requested by a witness/victim → Draft allows BWC to be turned off once the scene is under control	Draft's policy takes into consideration scene safety
5. Officer Viewing of Recordings					
a. Viewing before Report	5(a)	Officer Review 1	X	MP states that an officer shall not review or receive an accounting of any BWC footage prior to completing any required initial report unless it is to address an immediate threat to life while in the field → Draft states that officers may use BWC footage to aid in the completion of reports	
b. Supplementing Report after Viewing	5(b)	Officer Review	~	MP permits viewing BWC once reports are done and if they are determined to be inaccurate, the officer is permitted to complete a supplemental report → Draft is silent on supplementing reports, however an officer is always permitted to supplement any report when new knowledge is obtained	Existing policy accomplishes same goal as MP
6. Security of BWC Footage					
a. Log who views and for how long	6(d)		X	Not included in Draft	OCA is unaware of the capabilities of individual BWCs
b. Tracking Access	6(e)-6(g)		X	Not included in Draft	OCA is unaware of the capabilities of individual BWCs

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7. Retention of BWC Footage					
a. Use of Force Retention or Complaint	7(b)		X	MP requires retention of BWC data for at least 3 years in cases involving use of force or when a compliant has been registered → Draft doesn't include this language but is in compliance with Wis. Stat. Sec. 165.87(2)	MP is potentially longer than what is required under Wis. Stat. Sec. 165.87(2) which states that BWC data is retained for 120 days or until final deposition of any investigation, case, or complaint
b. Retention if Requested Under Certain Circumstances	7(c)		X	MP requires retention of BWC data for 3 years under several scenarios → Draft doesn't include this language but some portions are covered by Wis. Stat. Sec. 165.87(2)	MP is potentially longer than what is required under Wis. Stat. Sec. 165.87(2) which states that BWC data is retained for 120 days or until final deposition of any investigation, case, or complaint
8. Release of BWC Footage					
a. Use of Force Release	8(b)-8(c)		X	Not Included in Draft	MP is not consistent with Wis. Stat. Sec. 165.87(2) & Wis. Stat. Sec. 19.35 . All records should be processed and released in the same manner as authorized by state statute
b. IM or COB Release	8(d)		X	Not included in Draft	MGO Sec. 5.19(7) permits IM to obtain access to MPD records. MP is not consistent with Wis. Stat. Sec. 165.87(2) & Wis. Stat. Sec. 19.35 . All records should be processed and released in the same manner as authorized by state statute
c. Release to District Attorney's Office	8(e)	Records Release 2(c)	X	MP requires all BWC footage related to a referred criminal case to be forwarded to the DA's office as soon as practicable → Draft requires video to be forwarded if requested by the DA	Draft is consistent with Wis. Stat. Sec. 971.23 . Further, MP would require input from the Dane County District Attorney's Office on whether they have the capabilities to retain all of the footage.

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d. Release in Criminal Justice Proceedings	8(f)		X	Not included in Draft	MP requires complete release of BWC footage without pixelization, this is in conflict with Wis. Stat. Sec. 165.87(3) which requires pixelization in certain circumstances
e. Report required in release in Criminal Justice Proceedings	8(g)		X	Not included in Draft	
f. Person who is Subject to BWC Release & in Person Review by with IM not MPD	8(h)		X	Not included in Draft	MP requires complete release of BWC footage without pixelization, this is in conflict with Wis. Stat. Sec. 165.87(3) which requires pixelization in certain circumstances
9. Deletion, Editing, or Redaction of Video Footage					
a. Blurring Footage	9(a)		X	Not included in Draft	OCA is unaware of the specific capabilities of specific BWC in meeting this goal
b. Inadvertent Recording Deletion Protocol	9(b)		X	Not included in Draft	Model Policy is in violation of Wis. Stat. Sec. 165.87(2) which requires all BWC data to be maintained for 120 days
c. General Redaction	9(d)	Records Release 3(a)	~	MP says only redaction as authorized by the policy → Draft only permits redactions as authorized by law	MP is not consistent with Wis. Stat. Sec. 165.87 which allow redactions for several reasons
10. Limit on the Use of Biometric Techniques to Search Footage					
11. Training Requirements	11(a)		X	MP states that annual retraining is required → Draft doesn't mention annual training	OCA is unaware of a uniform standard for periodic training
12. Discipline of Violation					
a. Discipline for Failure to Adhere	12(a)		~	MP requires disciplinary action for noncompliance with policy → Draft doesn't mention discipline but it is covered by MPD's Code of Conduct	Existing MPD policies are consistent with MP

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b. No Reprimand After Review of Footage for Failure to Arrest	12(b)		X	Not included in Draft	Under Wis. Stats. Sec. 968.075 Officers are required to make mandatory arrests and would be subject to criminal prosecution for failure to do so, therefore, MP is in violation of state statute
13. Data Collection and Reporting	13(a)-13(b)		X	Not included in Draft	