



A G E N D A
CITY OF WAUPUN POLICE AND FIRE COMMISSION MEETING
Waupun Safety Building-16 E. Main Street, Waupun
Thursday, June 09, 2022 at 4:30 PM

CALL TO ORDER

ROLL CALL

No Public Participation after this point.

RECOGNITION OF MAYORAL APPOINTMENT AND NOMINATION OF APPOINTMENTS

1. Recognition of Mayoral Appointment of Board Members and Ex-Officio.
2. Nominations and Appointment of President, Vice President, and Secretary.
3. Establish Day of Month and Time of Board Meeting.

MINUTES FROM PREVIOUS MEETING

4. Approval of minutes from the April 20, 2022 Police and Fire Commission Meeting.
5. Approval of minutes from the May 9, 2022 Police and Fire Commission Meeting.

GENERAL DISCUSSION AND EXCHANGE OF INFORMATION CONCERNING THE NORMAL OPERATIONS OF THE WAUPUN POLICE DEPARTMENT AND WAUPUN FIRE DEPARTMENT

6. Discuss the Police Department's body worn cameras/portable audio-video recorders policy.

CLOSED SESSION

The Waupun Police and Fire Commission will adjourn in closed session under Section 19.85 (1) (c) of the WI Statutes to conduct interviews with qualified applicants for Emergency Medical Responders and a Firefighter position.

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

OPEN SESSION

The Waupun Police and Fire Commission will reconvene in open session under Section 19.85(2) of the WI Statutes.

ACTION FROM CLOSED SESSION

FUTURE MEETINGS AND GATHERING INVOLVING THE POLICE AND FIRE COMMISSION

ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.



MINUTES
CITY OF WAUPUN POLICE & FIRE COMMISSION (PFC)
Waupun Safety Building – 16 E. Main Street, Waupun WI
Wednesday, April 20, 2022 at 4:30pm

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.

CALL TO ORDER

Meeting convened at 4:31pm by PFC President in the Waupun Safety Building.

ROLL CALL

Present: John Bett, Teresa Heidemann, Tara Rhodes, Michael Thurmer, Nancy Vanderkin (City Council Liaison), WPD Chief Scott Loudon
Guests: Officer Brzezinski

Member(s) absent (excused): WFD Chief BJ DeMaa

MINUTES FROM PREVIOUS MEETING

Minutes from the February 16, 2022 meeting were presented for approval. Motion to approve by J. Bett (second by T. Heidemann; all in favor). Minutes approved as presented.

GENERAL DISCUSSION AND EXCHANGE OF INFORMATION CONCERNING THE NORMAL OPERATIONS OF THE WAUPUN POLICE DEPARTMENT AND/OR WAUPUN FIRE DEPARTMENT

Z. Dickhut resigned his position on PFC due to scheduling conflicts. The PFC would like to thank Zak for his time on the PFC and noted the Mayor will recognize a new appointment to the PFC.

WPD Update:

- Dodge County Memorial event scheduled for May 18th at 11:00am in Juneau, the keynote speaker will be the District Attorney from FDL County; please let Chief Loudon know if interested in attending.
- Seven officer applicants received, ultimately resulting in one interview for PFC. If an offer is extended, this would replace a newer hire who is no longer with department.

CLOSED SESSION

The Waupun Police and Fire Commission adjourned to closed session under Section 19.85 (1)(c) of the WI Statutes to conduct interviews with qualified applicants for employment for the open Patrol Officer position:

Motion to go into Closed Session at 4:43pm was made by J. Bett (second by T. Heidemann; all in favor).

OPEN SESSION

The Waupun Police and Fire Commission reconvened in open session under Section 19.85(2) of the WI Statutes at 5:21pm after motion from J. Bett (second by T. Rhodes; all in favor).

ACTION FROM CLOSED SESSION

Motion to recommend conditional offer to applicant A. Warner made by T. Rhodes (second by J. Bett; all in favor).

FUTURE MEETINGS AND GATHERING INVOLVING THE POLICE AND FIRE COMMISSION

Next Commission meeting is to-be-scheduled (the Commission meets quarterly, at minimum).

If necessary, please send any agenda requests to Chiefs BJ DeMaa or S. Loudon so appropriate preparation(s) can be made.

ADJOURNMENT

Motion to adjourn meeting at 5:25pm made by T. Rhodes (second by T. Heidemann; all in favor).

Respectfully submitted,
Tara Rhodes, Secretary

Cc: Commission members; WFD Chief; WPD Chief, Deputy Chief & Admin./Records; City of Waupun Mayor, Administrator / Director of Economic Development & City Clerk.



MINUTES
CITY OF WAUPUN POLICE & FIRE COMMISSION (PFC)
Waupun Safety Building – 16 E. Main Street, Waupun WI
Monday May 9, 2022 at 4:30pm

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.

CALL TO ORDER

Meeting convened at 4:31pm by PFC President in the Waupun Safety Building.

ROLL CALL

Present: John Bett, Teresa Heidemann, Tara Rhodes, Michael Thurmer, Nancy Vanderkin (City Council Liaison)

Guests: N/A

Member(s) absent (excused): N/A

CLOSED SESSION

The Waupun Police and Fire Commission adjourned to closed session under Section 19.85 (1)(c) of the WI Statutes to discuss personal issues:

(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Motion to go into Closed Session at 4:32pm was made by J. Bett (second by T. Heidemann; all in favor).

OPEN SESSION

The Waupun Police and Fire Commission reconvened in open session under Section 19.85(2) of the WI Statutes at 5:19pm after motion from T. Rhodes (second by J. Bett; all in favor).

ACTION FROM CLOSED SESSION

No action.

FUTURE MEETINGS AND GATHERING INVOLVING THE POLICE AND FIRE COMMISSION

Next Commission meeting is to-be-scheduled (the Commission meets quarterly, at minimum).

If necessary, please send any agenda requests to Chiefs BJ DeMaa or S. Loudon so appropriate preparation(s) can be made.

ADJOURNMENT

Motion to adjourn meeting at 5:20pm made by J. Bett (second by T. Rhodes; all in favor).

Respectfully submitted,
Tara Rhodes, Secretary

Cc: Commission members; WFD Chief; WPD Chief, Deputy Chief & Admin./Records; City of Waupun Mayor, Administrator / Director of Economic Development & City Clerk.

Policy #8.9

Body Worn Cameras/Portable Audio-Video Recorders

8.9.1 Purpose

This policy provides guidelines for the use of Portable Audio-Video Recording devices by members of this department while in the performance of their duties. Portable Audio-Video Recording devices include all recording systems, whether body-worn, hand-held, or integrated into portable equipment (Wis. Stat. 165.87).

This policy does not apply to mobile audio/video recordings, interviews, or interrogations conducted at any Waupun Police Department facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

8.9.2 Policy

The Waupun Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the department and the public.

8.9.3 Coordinator

The Chief of Police or the authorized designee should designate a coordinator responsible (Wis. Stats. 165.87):

- (a) Establishing procedures for the security, storage, and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging, or marking events.
- (e) Providing training on this policy to:
 - 1. Officers who are authorized to use body worn cameras/portable audio-video recorders.
 - 2. Members of the Department who use, maintain, store, or are responsible for the release of records and recordings.

- (f) Periodically reviewing the Department's practices relating to the use, maintenance, and storage of body cameras and data to confirm compliance with this policy.
- (g) Ensuring this policy is available to the public on the Department's webpage.

8.9.4 Member Privacy Expectation

All recordings made by members on any Department-issued device at any time, and any recording made while acting in an official capacity of this office regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

8.9.5 Member Responsibilities

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a Portable Audio-Video Recorder issued by the Department, and that the device is in good working order. If the device is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonable practicable. Uniformed members should wear the device in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonable practicable.

Any member assigned to a non-uniformed position may carry a Portable Audio-Video Recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the device in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the device malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

8.9.6 Activation of the Portable Audio-Video Recorder

This policy is not intended to describe every possible situation in which the Portable Audio-Video Recorder should be used, although there are many situations where its use is appropriate. Members should activate the device any time the member believes it would be appropriate or valuable to record an incident.

The Portable Audio-Video Recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview situations.

Waupun Police Department Policy and Procedures

- (b) Traffic Stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated activity in which a member would normally notify the Communications Center.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

8.9.6.1 Cessation of Recording

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

8.9.6.2 Surreptitious Use of the Portable Recorder

Wisconsin law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Wis. Stat. 968.31(2)(b)).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order unless lawfully authorized by the Chief of Police or his/her designee.

8.9.6.3 Explosive Device

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.

8.9.6.4 Body Worn Cameras Use of Features

- (a) If a Body Worn Camera system is equipped with a Mute feature, officers may place the camera in mute mode under the following circumstance. The Mute mode disables the recording from the audio stream while continuing to record the video stream:

1. Prior to activating mute mode, officers should verbally state the reason for muting.
 2. The mute mode should only be used when members are discussing operational strategy and investigative tactics between members.
 3. The use of the mute feature shall only be used to stop audio recording. The visual stream shall remain in record mode.
 4. The mute function should be disengaged and the system placed in normal audio-visual record mode when the strategy/tactics conversation is concluded.
- (b) If a Body Worn Camera System is equipped with a stealth feature, members may place the camera in stealth mode. The stealth mode is a mode that leaves the camera in record mode, but disables any of the visual or audio cues that the camera is recording.
1. Body Worn Cameras should only be placed in stealth mode when used in an environment in which the visual and audible feedback from the camera creates an unreasonable risk to the safety of the member.

8.9.7 Prohibited Use of Portable Recorders

Members are prohibited from using department issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on duty, whether the recording was created with department issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on duty without the consent of the Shift Supervisor. Any member who uses a personally owned recorded for department related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify their shift supervisor of such use as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

8.9.8 Identification and Preservation of Recordings

To assist with identifying and preserving data and recordings, members should upload, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

8.9.9 Retention of Records

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule but in no event for a period less than 120 days (Wis. Stat. 165.87). See Chapter 10.3 Record Retention for retention schedule.

8.9.9.1 Release of Audio-Video Recordings

Requests for the release of audio-video recordings shall be processed in accordance with 10.1 Department Records Policy.

8.9.9.2 Exceptions to Retention Requirements for Body Worn Cameras

Exceptions to the 120 day retention period for body worn cameras are as follows (Wis. Stat. 165.87):

- (a) Recordings should be retained until the final disposition of any investigation, case, or complaint to which the recordings pertain to any of the following:
 - 1. Death or actual alleged physical injury to any person in the recording
 - 2. An encounter resulting in custodial arrest
 - 3. A search during a temporary detention pursuant to Wis. Stat. 968.25
 - 4. An encounter resulting in the use of force except when the only use of force involves the use of a firearm to euthanize an injured wild animal.
- (b) Recordings used in any criminal, civil, or administrative proceeding may not be destroyed except upon a final disposition from the court or hearing officer after a determination the recordings are no longer needed, or by an order from the court or hearing officer.
- (c) Recordings may be retained for a period beyond 120 days if a request or directive to preserve the recordings is made before the expiration of that time period by a deputy from this department or another law enforcement agency, member of a board of police and fire commission, prosecutor, defendant, or a court.

8.9.10 Release of Recorded Media Files

When preparing written reports, members should review their recordings as a resource (see 7.2 Officer Involved Death and Serious Injuries Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report. All recordings shall only be reviewed using equipment owned by the Waupun Police Department.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded file may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

Waupun Police Department Policy and Procedures

- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or his/her designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the 10.1 Department Records Policy.

All records should be reviewed by the Custodian of Records prior to public release (see the 10.1 Department Records Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by laws or order of the court (Wis. Stat 165.87(3)).

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

Chief Scott Loudon
Implemented: 5/20/2022