



**POLICE BODY WORN CAMERA / VIDEO RECORDING
Operational Policy**

PURPOSE: Body-worn cameras (BWC) will be used by the Milwaukee Police Department and the Milwaukee County Sheriff's Office beginning September 2015. Additional law enforcement agencies will likely add these devices in the future. They are used to assist Officers in the performance of their duties by providing an accurate and unbiased recording of interactions between police members and the public.

INFORMATIONAL: During the course of activation, these recordings may also capture EMS patient activities. The recordings are owned by the law enforcement agency and therefore are subject to the Wisconsin Open Records Law. Law enforcement agencies are not considered covered entities under HIPAA or covered by Wisconsin patient health care confidentiality laws. Milwaukee County Corporation Counsel's opinion was requested concerning EMS rights and police body-worn cameras. Their opinion is outlined below.

1. EMS may not impede law enforcement duties by activation of BWC by citing HIPAA or other concerns.
2. By necessity, confidentiality issues must be addressed after the fact for those occurrences.
3. Where a patient is receiving medical care and does not pose a likelihood of immediate law enforcement intervention, EMS could request that the officer de-activate the BWC. However, this is dependent upon the severity of patient's medical condition and the officer's judgement of whether circumstances merit activation of the BWC, including the potential that the person may abscond.
4. If the patient is in custody and being investigated, EMS cannot and should not intervene in law enforcement duties regarding activation of the BWC.
5. Both MPD and MC Sheriff's Office have policies in place to address privacy issues. MPD states BWC's will not be activated "in a place where a reasonable expectation of privacy exists..." and accidental recording may be deleted before the retention period expires at the Chief's discretion. The MC Sheriff's Office policy contains a provision for deletion requests as well.

RECOMMENDATIONS:

1. Perform EMS business as usual.
2. Apply safety precautions first.
3. Protect the patient's privacy, if able. Currently if sensitive patient healthcare issues need to be discussed, EMS may ask the Officer to step away for privacy. Continue to do so, however, the Officer always has the discretion to comply or not.
4. Any EMS event may potentially be recorded by the public as well, necessitating professionalism at all times.
5. Quality documentation is more important than ever in caring for your patient as well as protecting yourself.