



JESSE KREMER

STATE REPRESENTATIVE • 59TH ASSEMBLY DISTRICT

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Body Cameras: Policing with Privacy in an Age of Technology

On February 18th, 2017, Officer Nelson responded to 228 Oak Street for a 24 year old woman who was concerned about an ex-boyfriend who had been stalking her. Nelson was invited into the woman's home, took a statement and asked if she had any protection. The woman advised Nelson that she has a concealed carry permit and has a firearm in the house, but wanted to make the police aware of the situation "just in case".

This is just one example of hundreds of scenarios that our law enforcement professionals handle on a daily basis. However, there is a serious concern being raised among law enforcement, lawmakers and the public. What if Officer Nelson had been recording the entire conversation with his body camera? Not a problem, right? This would offer protection for both the woman and the officer.

Consider this, the local media station reviews Calls for Service (CFS) on a weekly basis. They have been writing a story on domestic situations and the CFS intrigues them. Sgt. Roman, the records supervisor, receives a request from this media outlet for the video footage of the encounter. Sgt. Roman determines that because the footage is a public document and there is no investigation that it can be released. Is this concerning? It should be.

21st century technology, although beneficial, has placed us on thin ice with the Fourth Amendment and in situations where there is an expectation of privacy. There is the "Balancing Test" that law enforcement agencies can use to determine what is redacted or released, but in recent discussions with various Wisconsin law enforcement agencies, I'm told 95% of what is requested is released under our Open Records Law. I have grave concerns with this, and so does the law enforcement community.

In the very near future, we will be introducing a bill to protect known victims and witnesses who may be in a law enforcement officer's body camera footage. At the same time, we want to ensure that every department utilizing body cameras have policies in place and a mandatory minimum hold time before footage can be deleted. This legislation will have the support of Wisconsin law enforcement for the security and privacy of Wisconsin's citizens.

Respectfully,

Rep. Jesse Kremer