



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 68625**

**File ID:** 68625

**File Type:** Resolution

**Status:** Council New  
Business

**Version:** 2

**Reference:**

**Controlling Body:** COMMON  
COUNCIL

**Lead Referral:** COMMON COUNCIL

**Cost:**

**File Created Date :** 11/30/2021

**File Name:** Implementing Body-Worn Camera Pilot Program

**Final Action:**

**Title:** SUBSTITUTE. Implementing Body-Worn Camera Pilot Program

### Notes:

### Code Sections:

**CC Agenda Date:** 04/19/2022

### Indexes:

**Agenda Number:** 114.

**Sponsors:** Syed Abbas, Tag Evers, Sheri Carter, Charles Myadze, Barbara Harrington-McKinney, Gary Halverson And Nasra Wehelie

**Effective Date:**

**Attachments:** Attachment A - BWC Surveillance Ordinance Info.

**Enactment Number:**

**Author:** Marci Paulsen

**Hearing Date:**

**Entered by:** smautz@cityofmadison.com

**Published Date:**

### Related Files:

## Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	11/30/2021	Ryan Pennington	Delegated	
1	2	12/1/2021	Elizabeth York	Approve	12/6/2021
2	1	4/15/2022	Elizabeth York	Approve	4/15/2022

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	11/30/2021	Referred for Introduction				
	<b>Action Text:</b>	This Resolution was Referred for Introduction					
	<b>Notes:</b>	Common Council (1/4/22)					
1	COMMON COUNCIL	12/07/2021	Refer	PUBLIC SAFETY REVIEW COMMITTEE		01/12/2022	Pass

**Action Text:** A motion was made by Heck, seconded by Currie, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by the following vote:  
**Notes:** Public Safety Review Committee (1/12/22), Common Council (1/18/22)  
 Ayes: 12 Michael E. Verveer; Regina M. Vidaver; Brian Benford; Juliana R. Bennett; Nikki Conklin; Yannette Figueroa Cole; Tag Evers; Grant Foster; Jael Currie; Keith Furman; Christian A. Albourasand Lindsay Lemmer  
 Noes: 7 Nasra Wehelie; Syed Abbas; Sheri Carter; Gary Halverson; Charles Myadze; Barbara Harrington-McKinneyand Patrick W. Heck  
 Excused: 1 Arvina Martin  
 Non Voting: 1 Satya V. Rhodes-Conway

1 COMMON COUNCIL 12/07/2021 Refer POLICE CIVILIAN OVERSIGHT BOARD Fail

**Action Text:** A motion was made by Bennett, seconded by Benford, to Refer to the POLICE CIVILIAN OVERSIGHT BOARD. The motion failed by the following vote:  
**Notes:** A motion was made by Bennett, seconded by Benford, to Refer to the POLICE CIVILIAN OVERSIGHT BOARD. The motion failed.  
 Ayes: 3 Brian Benford; Juliana R. Bennettand Yannette Figueroa Cole  
 Noes: 16 Regina M. Vidaver; Nasra Wehelie; Nikki Conklin; Syed Abbas; Tag Evers; Sheri Carter; Grant Foster; Jael Currie; Gary Halverson; Charles Myadze; Keith Furman; Christian A. Albouras; Barbara Harrington-McKinney; Patrick W. Heck; Lindsay Lemmerand Michael E. Verveer  
 Excused: 1 Arvina Martin  
 Non Voting: 1 Satya V. Rhodes-Conway

1 COMMON COUNCIL 12/07/2021 Refer PUBLIC SAFETY REVIEW COMMITTEE 01/12/2022 Pass

**Action Text:** A motion was made by Abbas, seconded by Carter, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by the following vote:  
**Notes:** Public Safety Review Committee (1/12/22), Common Council (1/18/22)  
 Ayes: 15 Lindsay Lemmer; Michael E. Verveer; Regina M. Vidaver; Brian Benford; Juliana R. Bennett; Nikki Conklin; Yannette Figueroa Cole; Syed Abbas; Tag Evers; Grant Foster; Jael Currie; Gary Halverson; Keith Furman; Christian A. Albourasand Patrick W. Heck  
 Noes: 4 Nasra Wehelie; Sheri Carter; Charles Myadzeand Barbara Harrington-McKinney  
 Excused: 1 Arvina Martin  
 Non Voting: 1 Satya V. Rhodes-Conway

1 PUBLIC SAFETY REVIEW COMMITTEE 01/12/2022 RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER Pass

**Action Text:** A motion was made by Heck, seconded by Bennett, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by the following vote:  
 Ayes: 4 Juliana R. Bennett; Patrick W. Heck; Aisha S. Moeand Brian Benford  
 Noes: 2 Allen M. Rickeyand Johnnie C. Milton, Jr.  
 Excused: 1 Matthew W. Giesfeldt  
 Non Voting: 1 Brenda K. Konkel

1 COMMON COUNCIL 01/18/2022 Refer to a future Meeting to Adopt COMMON COUNCIL Pass

**Action Text:** A motion was made by Abbas, seconded by Conklin, to Refer to a future Meeting to Adopt to the COMMON COUNCIL. The motion passed by voice vote/other.

**Notes:** Common Council (4/19/22)

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**Text of Legislative File 68625**

**Fiscal Note**

The proposed resolution implements a Body-Worn Camera Pilot Program in the Police Department (MPD). The 2021 capital budget included \$83,000 in GO Borrowing for approximately 48 body worn cameras, related equipment and training (which was adopted as a carryforward appropriation in the 2022 capital budget). The project funds a one-year pilot program in the North District for Patrol Officers, Sergeants, and the Community Policing Team. ~~The pilot will require approximately \$55,000 in operating funds to cover overtime for processing the video. MPD has indicated that the Department intends to absorb these costs within their existing 2022 adopted operating budget. Their ability to do so depends on the number of extraordinary events (homicides, shots fired, protests, etc.) that require overtime and other unknown events that may occur in 2022. An appropriation to MPD may be necessary later in the year to cover these costs. The capital project assumed purchasing the cameras, however, after further investigation MPD anticipates securing cameras on loan without cost. This resolution updates how the pilot will proceed, including the use of the budgeted funds for costs associated with implementing the pilot project.~~

**Title**

SUBSTITUTE. Implementing Body-Worn Camera Pilot Program

**Body**

DRAFTER'S ANALYSIS: This Substitute Resolution incorporates the requirements of the Surveillance Technology Ordinance and adds conditions related to implementation of the body camera pilot program.

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WHEREAS, the Common Council established the Body-Worn Camera Feasibility Review Committee in April of 2020 in order to revisit the issue of whether the Madison Police Department (MPD) should establish a body-worn camera program and provide recommendations to the Common Council; and

WHEREAS, the Body-Worn Camera Feasibility Review Committee met 26 times over seven months and completed its work on January 26, 2021, submitting its Report to the Common Council containing its analysis and recommendations; and

WHEREAS, the Report concluded that, while the use of body-worn cameras will not address all concerns City of Madison Page 1 of 2 Printed on 4/12/2022 powered by Legistar, File #68625, Version: 1 regarding policing, if body-worn cameras are implemented by MPD according to specific requirements and policies, along with the establishment of the Police Civilian Oversight Board and the Police Independent Monitor position, body-worn cameras can play a role in improving both police performance and community trust in the actions of law enforcement and the criminal justice system; and

WHEREAS, the Report recommended that MPD implement a pilot program of body-worn cameras in order to collect data and assess the impacts and effects of MPD officers wearing body-worn cameras, subject to a series of policies and practices outlined in the Report; and

WHEREAS, on November 16, 2021, the Quattrone Center for the Fair Administration of Justice issued a Sentinel Event Review of MPD's response to the 2020 protest events; and

WHEREAS, as part of this review process the Quattrone Center recommended that the City should consider whether the benefits of body-worn camera technology outweigh the privacy

concerns; and

~~WHEREAS, Police Chief Barnes should have input into the specific policies and procedures governing the use of body worn cameras by MPD officers; and~~

WHEREAS, the Common Council approved the amount of \$83,000 in MPD's 2021 Capital Budget in order to purchase a body-worn camera pilot program; and

WHEREAS, the Madison Police Department budget has funds for coverage of extraordinary events (homicides, shots fired, protests, etc.) that require overtime and other unknown events that may occur in 2022, but these funds are not unlimited and are not intended to cover operating costs for pilot programs; and

WHEREAS, officer time needed for bodycam-related tasks -- e.g., viewing video when necessary, tagging video, providing input for redaction when necessary, uploading video, and related administrative work such as responding to public records requests for video and performing redactions when needed, preparing video for the district attorney, ensuring video is properly stored, etc. should be accounted for in the design and implementation of the "rigorous, randomized trial" included in the Body-Worn Camera Pilot, and

WHEREAS, training will be required for all officers using body-worn cameras in order to comply with department SOPs, and therefore should be accounted for in the design and implementation of the "rigorous, randomized trial" included in the Body-Worn Camera Pilot, and

WHEREAS, it was agreed upon that the body-worn cameras are considered surveillance technology and covered by Madison General Ordinance (MGO) Section 23.63; and

WHEREAS, the Madison Police Department has met all requirements under MGO Sec. 23.63, including holding a public meeting to receive input; and

WHEREAS, a body-worn camera pilot program will provide information and data to MPD and the Common Council which will assist in assessing whether body-worn cameras should be worn by City of Madison police officers;

NOW THEREFORE BE IT RESOLVED, that the Common Council authorizes the Madison Police Department to implement a pilot program for body-worn cameras according to specific criteria; and

BE IT FURTHER RESOLVED, that the requirements of Madison General Ordinance Section 23.63(4)(a) have been complied with and are incorporated herein as Attachment A; and

BE IT FURTHER RESOLVED, that a pilot for Body-Worn Cameras in the City of Madison is required to attempt to implement recommendations listed in the final report of the Body-Worn Camera Feasibility Review Committee unless prohibited by state or federal law, or outside the City's purview, including, but not limited to, the stipulation that "arrangements be made for a rigorous, randomized controlled trial"; and the Council direct the Mayor's office to collaborate with outside entities to advance the Body Worn Camera Feasibility Review Committee recommendations; and

BE IT FURTHER RESOLVED, that a Body Worn Camera Pilot shall not proceed until the pilot program and policy has been reviewed by the office of the City Attorney to determine compliance with the provisions of the above paragraph; and

BE IT FURTHER RESOLVED, that after conducting a thorough review of the implementation of the body-worn camera pilot program the Madison Police Department shall submit a report to the Common Council that describes Madison Police Department's use of the cameras, policies and procedures governing their use, and qualitative and quantitative data related to their use, officer time and administrative staff time needed for body-cam related tasks and training; and that

report shall be subject to evaluation by a third party identified by the Common Council; and  
BE IT FURTHER RESOLVED, as MPD anticipates securing cameras on loan without cost, the  
original capital authorization for this project may be modified such that MPD may utilize funding  
for any costs associated with implementing this pilot project, including but not limited to;  
personnel costs such as overtime and benefits, external policy review consultants, and other  
related supplies and/or service expenses;

BE IT FINALLY RESOLVED, that upon receipt of said report the Common Council will refer the report to the Madison Civilian Oversight Board and Independent for a thorough review of the report to assess the impacts and effects of MPD officers wearing body-worn cameras.