

To: Mayor Satya Rhodes-Conway, Attorney Mike Haas, and Madison Common Council

Policing has been fundamentally changed by videos from police body worn cameras and community members' cellphones. These devices have given community members and leaders and insight into how police treat members of the community, how they conduct traffic stops, how they interact with victims, and, most importantly, how they use force. These videos and the subsequent public attention have resulted in significant policy changes. In 2012, I participated in the implementation and policy adaption of the body worn camera technology in Greensboro (NC). At that time, body worn cameras were a relatively new technology, and there was both curiosity and anxiety about how they would be received by officers in the field. Across the nation many unions and officers were apprehensive about what they saw as an invasion of privacy. In the decade since I began this project, most police departments and sheriff's offices have started body worn camera programs with and without the benefit of conducting a pilot study. Most of these studies have been practitioner led studies without the benefit of academic support or a randomized control trial. In fact, all departments in Dane County with the exception of the Madison Police Department have some form of body worn cameras. Nevertheless, body worn cameras are now an integral piece of equipment for modern policing.

Over the course of my tenure I have advocated for a body worn camera pilot study. The department has successfully completed the requirements outlined in the surveillance ordinance. We have conducted two additional listening sessions around this topic. We have had representation on the Body Worn Camera Feasibility Committee and we submitted a policy which reflects the needs of that committee to the best of our ability. In drafting our policy and pilot study we seek to address the following issues:

- When should officers be required to turn cameras on and off?
- Which members of an agency should be required to wear cameras? Patrol? Specialized units?
- When should supervisors review camera footage?
- When should body-worn camera footage be shared with the public?
- How long should footage be stored?
- How expensive are body-worn camera programs?
- Have body-worn camera programs led to any changes in the number of lawsuits settled by municipalities or the value of those settlements?
- Can camera footage be part of an agency's early-warning system?
- Can body-worn cameras benefit the agency?
- How can using cameras support training?
- What unexpected challenges will we face when equipping your officers with body-worn cameras?

Additionally, one very timely issue is whether officers should be allowed to review body-worn camera footage of a critical incident before writing a report. This was particularly contentious ten years ago, and it remains controversial today. Our policy states that "officers should be permitted to review video footage of an incident in which they were involved, prior to making a statement about the incident." We felt that camera footage, much like written notes, could help officers more accurately document what took place. However it should be noted; in our policy we reserve the right to not allow an officer to view body worn camera footage in incidents of officer misconduct and or critical incidents. We acknowledge that there are also strong arguments against this position. Some believe that a report should reflect an officer's

perceptions at the time of the incident, and reviewing camera footage would lead them to write down what they saw on video rather than what they perceived during the incident. An officer's reasonable perceptions are protected under *Graham v Conner* (1989).

We believe we have sufficiently completed all requirements of the BWC Pilot Study which was approved by council in 2022. The Madison Police Department respectfully submits (1) MPD's BWC Pilot Study Policy (2) MPD's BWC Pilot RCT Study Proposal (3) MPD's BWC Overview PowerPoint Presentation and (4) Madison's BWC Feasibility Committee's Proposed Policy.

It is my professional opinion that the Madison Police Department should conduct a randomized control trial to assess the benefits and challenges of implementing a body worn camera program.

Thank you for your consideration and I look forward to implementing the body worn camera pilot study.