

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: June 13, 2023

MEMORANDUM

TO: All Alders

FROM: City Attorney Mike Haas
Assistant City Attorney Marci Kurtz

RE: Body Worn Camera Policy Review

On April 19, 2022, the Common Council adopted Resolution File No. 68625, which addressed the implementation of the Madison Police Department's (MPD) Body Worn Camera (BWC) Pilot program. Within the resolution MPD was required to implement recommendations listed in the final report of the Body Worn Camera Feasibility Review Committee Report to the greatest extent feasible, including that "arrangements be made for a rigorous randomized controlled trial."

As part of the Resolution, the Council indicated that MPD's BWC Pilot Program could not proceed until the Office of the City Attorney (OCA) had reviewed MPD's BWC Policy and verified substantial compliance with recommendations in the BWC Feasibility Review Committee Report. Attached to this memo is a chart that outlines MPD's compliance with this Report.

There are areas where it appears that MPD's BWC Policy is not in compliance with the Report. However, our office does not have the in-depth expertise regarding policing and the specific capabilities of Body Worn Cameras necessary to determine whether implementation of some of the recommendations are practical or advisable, making it impossible to determine whether the MPD's proposed Pilot Program meets standards described as "substantial compliance" and "to the greatest extent feasible." While MPD staff attended meetings of the Body Worn Camera Feasibility Review Committee, the Police Department was not asked to and did not provide a thorough vetting of the recommendations or comment on the feasibility of the recommendations prior to the Committee issuing its report or the Council adopting the Resolution.

The Council's previous Resolution requires that the Council provide further approval prior to MPD implementing its BWC Pilot Program. After reviewing this memo and relevant documents if the Council believes that MPD's policy is in substantial compliance with the BWC Feasibility Review Committee Report it may authorize the implementation of MPD's BWC Pilot Program by adopting Resolution File No. 78341.

cc: Chief Shon Barnes