

**Fields, Debbie**

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**From:** Theresa Sanders <teesanders67@gmail.com>  
**Sent:** Tuesday, August 1, 2023 12:26 PM  
**To:** Barnes, Shon F; All Alders; Rhodes-Conway, Satya V.  
**Cc:** Hart, David; Kirbie Mack  
**Subject:** Body Worn Cameras Item 60

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Good Afternoon Alders,  
Please find attached the letter from BPSADC. We kindly request your support in "voting yes" to authorize the implementation of the Body Worn Camera Pilot Program, Agenda #60.

Thank you in advance for your consideration and support.

Theresa Sanders, Secretary

 [2023 - BPSADC City Council BWC \(1\).docx](#)

BPSADC, Inc.

# Blacks for Political and Social Action of Dane County, Inc

August 4, 2023



Dear Alders,

Once again, we write to express our support for the Madison Police Department to implement Police Body-Worn Camera's. Previously we supported the BWC Pilot Study which was approved by the Common Council in 2022. We now write to ask that you implement a Police Body-Worn Camera Pilot Program. We have been consistent in our support of this piece of equipment necessary for modern-day policing and Black community safety.

We find it utterly unbelievable that most police and sheriff departments across the country have implemented this program and their citizens have benefitted from this technology. But, not Madison. We need to create committees, study groups and now pilot programs. Nevertheless, we implore you to support this Pilot Program so that we can move into the 21<sup>st</sup> century in police reforms.

Lest we forget, if not for these body worn cameras or citizens who taped police killing Black citizens, we would have not known the truth. As Black Americans these names and their lives taken away unnecessary by police officers are forever etched into our hearts:

- Tyre Nichols – 2023
- George Floyd – 2020
- Rayshard Brooks – 2020
- Stephon Clark – 2018
- Alton Sterling – 2016
- Philando Castile – 2016
- Walter Scott – 2015
- Laquan McDonald – 2014
- Eric Garner – 2014
- And an extensive chronicle of countless others.....

We concur with Chief Shon Barnes that the MPD should conduct a randomized control trial to assess the benefits of implementing a body worn camera program

We also wish to acknowledge and thank Alders: Myadze, Knox Jr., Harrington-McKinney, Latimer-Burriss and Wehelie, who sponsored this resolution.

Sincerely,

Rev David Hart, Esq.  
Kirbie Mack  
Ray Allen  
Tracey Caradine  
Theresa Sanders  
Yvette Craig  
Rev. Dr. Alex Gee  
Rev. Joseph Baring  
Atty Angela Arrington  
Kaleem Caire

Carola Gaines  
Constance Miles  
Rev. Marcus Allen  
Rev. Rick Badger  
Dr. Gloria Ladson-Billings  
Harper Donahue  
Atty Joshua Hargrove  
Jacqueline May  
Annette Miller  
Terri Strong

Dr. Corinda Rainey Moore  
Deirdre Morgan  
Pam Soward  
Teresita Torrence  
Dr. Danielle Hairston-Green  
Dr. Gloria Hawkins  
Dr. Richard McGregory  
Atty. Yolanda McGowan  
Maaina Mack Baker  
Percy Brown Jr.

## ATTY. DAVID HART

President

## KIRBIE MACK

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**Fields, Debbie**

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**From:** Greg Jones <gcjones15@att.net>  
**Sent:** Tuesday, August 1, 2023 4:31 PM  
**To:** All Alders  
**Subject:** Implementation of Body Worn Cameras  
**Attachments:** CommCoun8-1-23.docx

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good afternoon,

The attached statement is submitted by the Dane County NAACP. We strongly support the full implementation of Body Cameras in Madison. They will advance accountability in police and community interactions. The entire community will benefit.

Greg Jones, President  
NAACP Dane County

August 1, 2023

To: Madison Common Council

From: Greg Jones, President  
NAACP Dane County

Subj: Implementation of Body Worn Cameras

The Dane County NAACP supports the implementation of Body Cameras in the City of Madison. The Branch believes Body Worn Cameras are an effective and responsive tool to increase transparency in interactions among police and community; impose a level of accountability throughout the investigation and sentencing processes; and reflecting a means of building trust between police and community.

Data from the 2020 Madison Police Department Accountability Report demonstrates the nature of racial interaction between police and members of the community they serve and protect. These figures depict referred charges, not the number of arrests.

	White	Black	Hispanic
Assault Offenses	383	648	90
Drug/Narcotic Offenses	360	272	43
Larceny/Theft Offenses	302	313	26
Disorderly Conduct	814	1,069	143
Traffic Citations	3,736	2,077	488

These interactions can lead to 1. complaints of police misconduct; 2. assertions of police wrongdoing; and 3. ethics violation. Body Cameras can:

- Lead to a faster resolution of citizen complaints and lawsuits that allege excessive use of force and other forms of officer misconduct. During arrests.
- Increase civility, i.e., higher rates of citizen compliance to officer commands during encounters and fewer complaints lodged against law enforcement.
- Increase transparency and accountability and thus may improve law enforcement legitimacy in communities of color. There is a lack of trust and confidence in law enforcement.

Body Cameras are beneficial to the community and police. They are a first step in re-branding the police image in communities of color when interactions occur. This is a necessary ingredient in building trust between police and community.

The Dane County NAACP applauds the Council for its vision to implement a pilot study last year, but we maintain that full implementation demonstrates the Council's commitment to equal justice under law for all.

"Thriving Together" .....2023 NAACP Theme

## Fields, Debbie

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**From:** Keith Findley <keith.findley@wisc.edu>  
**Sent:** Tuesday, August 1, 2023 1:18 PM  
**To:** All Alders  
**Subject:** Support for BWC pilot project

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Dear Alders,

I write to urge you to vote yes on the Police Body Worn Cameras Pilot Project. As some of you know, I was co-chair of the Body Worn Cameras Feasibility Review Committee, and served as a member of the Police Civilian Oversight Board for two years. I am submitting this statement in writing because, while I registered to speak at tonight's Council meeting, I have a conflict that will likely prevent me from attending the meeting.

Madison has become an outlier when it comes to body worn cameras (BWCs). We are behind the times. We have studied BWCs for several years now, and it is now time to move forward. We cannot afford to continue to dither.

The policy submitted by the Madison Police Department is not perfect. But in its general framework it captures the essence of what the Feasibility Report recommended. Especially because we are only considering a pilot project at this point, it is worth moving forward without further delays. The pilot project allows us an opportunity to study how BWCs are actually implemented in Madison. Please do not stop or delay the pilot project based on speculation; run the project and make ultimate decisions with actual data. With that data, the police and the Common Council can tweak the program, if needed, to ensure it meets the expectations of the Feasibility Committee's report (or end it if it is a failure).

In the two-and-a-half years since the Feasibility Committee issued its report, I have become even more convinced that we must try BWCs. In part, that is because of the steady stream of cases across the country in which BWCs have provided at least the opportunity for accountability for police misconduct—an opportunity that would not have existed without the video proof provided by BWCs. BWCs are a tool, nothing more or less. Whether they are a tool for good or for oppression depends on how they are used. In Madison, we are sensitive to the need to use BWCs properly, and we now have a functioning Civilian Oversight Board and Independent Police Monitor, who need this tool to perform their critical police oversight function.

In part, my growing conviction is also based on my personal experiences of the last couple of years. I have recently become active working as a consultant and expert witness for criminal defense lawyers representing people arrested for and accused of crimes. Most of these accused people are Black and Brown people. I cannot tell you how many times I have reviewed the record in these cases—to evaluate, for example, how the police conducted an eyewitness identification procedure, or questioned a witness—and have found BWC footage invaluable. In case after case I have read police reports of those encounters that suggest no procedural problems. But then when I look at the BWC footage of those incidents I routinely see significant problems—procedural

violations, suggestiveness that taints an identification or witness statement, etc.—that would have been invisible without the footage. In many cases, I suspect the police officers themselves were even unaware of the flaws in what they were doing. As this suggests, remember that BWC footage is useful not only for capturing use-of-force incidents with suspects, but also all sorts of police activities. Justice for the accused (as well as protection for police officers who have done nothing wrong) and meaningful police oversight depend on having this unparalleled evidence. In sum, please proceed with the pilot project so the City can make final decisions about BWCs based on data and informed experience, and not just fear and speculation. As Alder Isadore Knox said at last night's Civilian Oversight Board meeting, one thing is abundantly clear: because of BWCs we now know more than ever about police conduct and practices. We need to keep that learning moving forward.

Keith Findley

Professor of Law

University of Wisconsin Law School

608-335-4544

[Keith.findley@wisc.edu](mailto:Keith.findley@wisc.edu)

## Fields, Debbie

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**From:** Gregory Gelembiuk <gwgelemb@wisc.edu>  
**Sent:** Friday, July 28, 2023 9:48 PM  
**To:** All Alders; Police Civilian Oversight Board  
**Cc:** Rhodes-Conway, Satya V.  
**Subject:** Regarding the BWC pilot program proposal

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders and PCOB Members,

I am writing with regards to the body camera proposal you will be deliberating and voting on. It appears to be out of compliance with key provisions of [the resolution the Common Council passed](#) on April 19, 2022. It is also clearly out of compliance with some of the most important policy recommendations and preconditions specified in the BWC Feasibility Review Committee Report (and recommendations from Mike Gennaco of OIR).

As someone pointed out to me, “The ‘comparison’ grid created by the City Attorney doesn’t give any inkling of what’s at stake or what the Model Policy was aiming to accomplish and avert.” Part of the problem is that, as the City Attorney’s memo notes, a lack of BWC expertise in the City Attorney’s office makes “it impossible to determine whether the MPD’s proposed Pilot Program meets standards described as ‘substantial compliance’ and ‘to the greatest extent feasible.’” Moreover, one problem, apparent in policing-related matters nationally, is that City Attorney offices are, by virtue of their duties, tightly enmeshed with and dependent upon city police departments, and tend to be extremely deferential to their wishes.

1. By far the largest financial cost of BWC programs is in officer time.

As the OIR Report notes:

On a more basic level, Madison must contend with the financial obligations that attach to BWC programs. Beyond the expense of the cameras themselves, such programs require a commitment for storage and processing costs that can be surprisingly large. There is also typically a notable increase in collateral costs needed for police, prosecutors, public defenders, internal affairs investigators, and judges to review recordings. These realities move the debate over the cameras into a more practical realm, particularly against a backdrop of resource priorities in the City and an ongoing debate about

MPD staffing levels.

Thus, the resolution passed on April 19, 2022 states:

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, ...

BE IT FURTHER RESOLVED, that officer time for tasks related to body-worn cameras during the pilot shall be recorded in work logs in order to gain a better understanding of the complete and true costs for Body-Worn Camera utilization, and that this requirement shall be stipulated in Madison Police Department’s Standard Operating Procedures during the extent of the pilot;

Various other departments implementing a BWC pilot program have required such a log of time spent on BWC-related tasks (which typically comes to about half an hour per eight hour shift). This is obviously something MPD didn’t wish to do – out of a desire to minimize the apparent cost of a BWC program.

So, in contravention of the Council resolution, there is **NOTHING** in the [Standard Operating Procedure](#), or in any of the other submitted material for such a logging of time on BWC-related tasks. I will also note that MPD has submitted “[a list of data points that the proposed BWC pilot will collect](#)”, authored by Axon consultant Broderick Turner, and the list of types of data to be collected does not include capturing time spent on BWC-related tasks.

As a minor ancillary point, I will note that the material available on legistar doesn’t include anything specifying the design of the trial (where the resolution requires a “rigorous randomized controlled trial”). Without a design, there’s no basis for concluding whether it would be a rigorous randomized controlled trial. For



example, the unit of randomization is critical – is the proposal to randomize by officer, or by shift, or by something else? There are problems with various potential designs – for example, if you randomize by officers, when officers with and without cameras respond to the same call, the trial arm (officers with BWCs) will contaminate the control arm (i.e. since officers without BWCs may act differently if they know they’re being filmed by BWCs on other officers at the scene). I’ll add that it seems somewhat problematic that a consultant being paid by a bodycam manufacturer (Broderick Turner) appears to be designing the trial.

2. The [policy specified by Chief Barnes](#) is in contradiction to some of the most important policy provisions specified in the [BWC Feasibility Review Committee report](#) – provisions specifically written, with expert input, to mitigate harms associated with BWC programs. I am not going to exhaustively review this, but will discuss a few important examples.

**Example A.** As the BWC Feasibility Review Committee report model policy specifies:

5.a. No law enforcement officer shall review or receive an accounting of any electronic recording of an incident prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.

b. Once any required initial reports, statements, and interviews are completed, involved officers may then view the video file or other electronic recordings of the recorded incident. If, based on their review of the electronic recording(s) the officers determine that their written reports or statements were inaccurate or incomplete, they may then submit supplemental reports, making the needed corrections and additions, but must note that the corrections or additions were based on their view of the video file; the initial written report or statement itself may not be altered in any way after viewing the recordings.

The above is a strong recommendation of the ACLU and is congruent with the recommendations of the OIR Report and MPD Policy & Procedure Review Ad Hoc Committee report. As the ACLU states, viewing video before writing a report “will contaminate officers’ independent memories with BWC footage. It will also provide opportunities for officers to retrofit their reports or explain away misconduct as it relates to the content of the footage.”

In contrast, Chief Barnes proposed policy states:

Officers may review or receive an account of any electronic recording of an incident prior to completing any required initial reports, statements, and interviews regarding the recorded event. a. If an officer is suspected of a violation of Code of Conduct or an SOP, or involved in an officer-involved critical incident or other serious use of force, the Department reserves the right to limit or restrict an

officer from viewing the video file.

So officers could review video before writing reports, and MPD says that at its discretion, it might limit officer viewing of video in some circumstances. But as we all know, in reality, MPD is not a neutral party when its officers kill someone or use force – it always circles the wagons, and takes every action to benefit the officer.

I will also note **that it won't be known in advance that a misconduct complaint will be filed with any particular incident**. Under Barnes proposed policy, prior to a complaint being filed, the involved officer would have reviewed the video and have had the opportunity to sculpt their report to match what was visible (or not) in the video. If you want to avoid accountability, this policy is fine – if not, such a policy should not be accepted.

As Mike Gennaco of OIR (a police oversight professional) testified:

the whole issue when an officer involved shooting occurs, when there's a misconduct investigation, when there's a use of force, when it's the officer's conduct that is being reviewed, whether the policy will allow the officer to review or preview the body camera footage before she or he is interviewed. **I do not believe that is a best practice and I would resist adopting body cameras if in fact that's going to be the practice** because it allows the officer to do something that no other person whose conduct is being reviewed is afforded the opportunity to do, which is to review evidence before providing a statement.

The [OIR Report](#), reviewing MPD, states:

RECOMMENDATION 69: MPD should clarify its SOP on officer-involved deaths and other critical incidents to ensure that investigators obtain a statement from involved and witness officers prior to providing the officers opportunity to review any recording of the incident.

Barnes proposed policy does not comply with this recommendation.

As the [MPD Policy & Procedure Review Ad Hoc Committee report](#) states:

Cognitive science research has clearly shown that an individual’s memory of what happened will be suggestively influenced and altered by viewing video footage. Once an officer views a video, what had been two independent lines of evidence – the officer’s eyewitness memory and the recorded footage – are no longer two independent lines of evidence, since the eyewitness memory of the officer has been tainted by viewing the recording. Importantly, for a critical incident, the officer’s perception of an incident goes to the fundamental “state of mind” question, which is crucial for determining whether officers’ actions met the objective reasonableness standard. In key ways, the officer’s perception of what occurred is as important as what actually occurred, since this perception is likely to have governed the officer’s behavior. It is thus important to preserve the officer’s perception of the event and not taint his memory by letting him or her view the recorded footage. In addition, as the ACLU has noted, “If an officer is inclined to lie or distort the truth to justify a shooting, showing an officer the video evidence before taking his or her statement allows the officer to lie more effectively, and in ways that the video evidence won’t contradict.... [I]f the officer watches the video and discovers that certain elements that put them in a poor light happened not to have been captured—or that there’s a moment when the subject wasn’t in frame that the officer can say he reached for his waistband—then the officer will feel at liberty to shade and color their account of events, if not to lie outright.

Note that the recommendations of the MPD Policy & Procedure Review Ad Hoc Committee were adopted by the Council. Barnes proposed BWC policy is out of compliance.

**Example B.** As the BWC Feasibility Review Committee report model policy specifies:

8.c. Body camera video footage may not be withheld from the public on the basis that it is an investigatory record or was compiled for law enforcement purposes where any person under investigation or whose conduct is under review is a police officer or other law enforcement employee and the video footage relates to that person’s on-the-job conduct.

Barnes refuses to accept this – his proposed policy lacks any corresponding provisions. It goes to a key point of the OIR report – the need for openness. There’s a reason much of the community distrusts MPD – because it’s known to manipulate information that could affect its image. Refusing to release unflattering information.

Barnes’ proposed policy is actually in direct contradiction to the Model Policy:

BWC footage associated with open and active criminal investigations and/or open and active Internal Affairs investigations shall not be released to the public prior to the completion of that investigation.

As OIR found:

In contrast to the approach of many other leading agencies, the response of MPD has been to vigorously defend to the hilt each involved officer's decision to use deadly force, and speak to those who deign to ask questions with resentment, defensiveness, or even hostility.... Engagement is easy when the police set the terms and discussion points; it is much more difficult – but ultimately more productive – when the hardest of issues are embraced collectively. Unfortunately, we have also seen this defensiveness extend beyond a reluctance to be open about deadly force incidents.

Barnes' proposed policy is in sharp contrast to the policies of many progressive police departments. Expect an outcry in the media the next time such an incident occurs and MPD refuses to release the video.

I will add that I myself have experienced MPD refusing to release police video to which I was clearly legally entitled under Open Records laws, with MPD concocting provably spurious grounds to avoid releasing the video.

**Example C.** As the BWC Feasibility Review Committee report model policy specifies:

8.d. All unedited footage shall be made available to the Independent Police Monitor (IM) and/or the Police Civilian Oversight Board (COB) promptly upon request.

Barnes' proposed policy contains no such feature. Again, MPD resists oversight/accountability.

I will add that the information provided by the City Attorney's Office appears incorrect. The grid entry states "MP is not consistent with Wis. Stat. Sec. 165.87(2) & Wis. Stat. Sec. 19.35". However, Wis. Stat. Sec. 165.87(2) appears entirely irrelevant – it's only about records retention – does not concern records access. And citing Wis. Stat. Sec. 19.35 conflates OIM and PCOB access to records with Wisconsin Open Records Law. But OIM and PCOB access to MPD records is not via the Open Records Law mechanism. Keith Findley, the CoChair of the BWC Feasibility Review Committee and faculty at the UW Law School, has corrected this misimpression by

the City Attorney's Office multiple times. MGO Sec. 5.19(7) does state that "The OIM shall, to the extent permitted by law, have unfettered access to all MPD records", but unlike the Model Policy, this does not extend to the PCOB.

I expect that MPD will engage in the same kind of behavior that has stymied civilian oversight, in usage of BWC video, in NY City and many other municipalities – dragging their feet and finding all kinds of spurious grounds to prevent access. A lack of clear policy provisions mandating prompt release to civilian oversight organs will just make this problem worse.

**Example D.** This is quite important regarding mitigation of harms from a BWC program. As the BWC Feasibility Review Committee report model policy specifies:

8.f. Once any individual has been charged with a crime in connection with incidents captured on any body-worn camera footage, the Department shall immediately forward a copy of all such footage to the individual's defense attorney, if any, or to the Madison Trial Office of the State Public Defender's Office, or to the subject individual if the individual expresses an intention to proceed without counsel and requests a copy. Any footage disclosed to the accused and/or counsel must be unabridged and unedited, except to the extent that pixilation or redaction or deletion is otherwise permitted by this policy prior to release to the public, and in any event only to the extent that such pixilation or redaction does not undermine or detract from the evidentiary value of the recording or obscure any potentially exculpatory information.

Also:

8.e. When referring a case to the District Attorney's Office for charging, all video footage taken or received by the Madison Police Department related to the incident shall be forwarded to the District Attorney along with the referral documents, or as soon as practicable thereafter.

Also:

8.g. When forwarding video footage to the District Attorney's Office and/or Public Defender's Office (or other counsel for the accused in the case, or the accused himself or herself if unrepresented, as set forth above), the Department shall forward with the video footage a report stating in writing where in the video footage (by date, time, or similar reference marking) the events of most relevance to the charges or defenses in the case can be located.

Barnes' policy completely eliminates 8f and 8g, and only requires video to be forwarded to the DA's Office when requested by the DA.

There are important reasons why the BWC Committee Model Policy contained these provisions. There is good evidence that, in most municipalities examined, BWC implementation has resulted in increases in charging for low level offenses, with associated harms, particularly to communities of color.

Here are some of the basic problems, as explained by [Mike Gennaco of OIR, in testimony to the BWC Committee](#) (his testimony starts at the 46:20 mark). I will note that Gennaco has a great deal of experience with law enforcement departments and body cameras – the business of OIR is to consult on such matters. Gennaco advocated for policies to mitigate these problems.

Mike Gennaco:

Body camera footage has a huge impact on the criminal justice system beyond the police department....If there is body camera footage to support the arrest, the information I've received anecdotally, ...what I've been told by a number of prosecutors, there will be an inclination to file the case. But the problem is... that filing decision is made almost always without reviewing the body camera footage. So you're getting more filings if you have body camera footage than you would ordinarily get, but you're not having the filing DA look at the information on the body cameras to see if it supports the arrest. So then what often happened down the road is, as the judge said, if the body camera footage doesn't match up with the police report, there will eventually be a dismissal of that case and the case will not be prosecuted. The problem with that system...is that in the interim, before the DA has had an opportunity to prepare for trial and review the body camera footage in preparation for that trial, a lot of other things have happened. One thing that has happened is that for any of those arrestees, defendants, they've stayed in custody. And so, even if that case ends up in an eventual dismissal, you're never going to undo the number of days that individual spent in custody. Can't undo that wrong. The other problem is that because individuals are in custody, there is a tremendous incentive for those individuals to cut a deal before anyone has really had a chance to look at the body camera footage. So individuals will plead guilty just so they can get out of custody, on time served, particularly for low level arrests, misdemeanor arrests, and proceed that way, which is also an unfair consequence of a criminal justice system. So that's something this committee should be considering.

Gennaco also spoke about how public defenders are overwhelmed with body camera footage. They receive huge quantities of footage to review, and they have limited time to do so. He also noted that the police will provide DAs with a map of important timepoints, but will send video to the public defenders without that guide, which is not cool. He noted that a friend of his in the public defender's office said that happens all the time.

Thus the BWC Model Policy requires that the DA's Office be immediately sent the BWC videos when a case is referred, for prosecutors to review, to reduce the rate at which innocent people are charged. And to allow defendants or their attorneys prompt access to the video, so that innocent defendants don't sit interminably in custody (opting to plead guilty, even when innocent). And to provide a map to critical timepoints in the video, to relieve the extent to which underfunded public defenders are overwhelmed by the volume of video (which is incredibly time consuming to review).

Keith Findley, who cofounded the Wisconsin Innocence Project, appeared to consider these some of the most important provisions in the Model Policy.

**3. The BWC Committee report specifies preconditions that had to be fulfilled before any BWC implementation (including any pilot program). It stated that they were to be treated as "strict preconditions for implementation of BWCs". **These preconditions have not be fulfilled.****

An enumeration of some of the specified preconditions (see pages 8-11 of the [report](#)):

1. MPD has formally adopted the BWC policies recommended by the Body-Worn Camera Feasibility Review Committee with, at most, minor modifications that do not alter the essential substance and principles outlined in this Report and in the Model Policy...

As I've illustrated above, there are not "at most, minor modifications that do not alter the essential substance and principles outlined in this Report and in the Model Policy." There has been wholesale gutting of the recommended policy, in a manner that would exacerbate harms to disadvantaged communities and reduce accountability.

2. Accompanying all disclosure or release of BWC footage shall be a statement, either written as a document or added to the beginning of the video, informing viewers of the perceptual bias (detailed below) inherent in viewing BWC video footage, with an instruction to the viewer to consider this risk and its impact before reaching a conclusion about the footage, in order to arrive at valid judgements....

There are absolutely no provisions for this in the materials MPD has submitted.

4. The Independent Police Monitor and Police Civilian Oversight Board are fully operational and have access to BWC video footage as set forth elsewhere in this report and model policy.

The Office of the Independent Monitor is not yet operational.

5. The City and MPD have made substantial and sustained progress toward adopting the other reforms recommended by the previous Madison Police Department Policy and Procedure Review Ad Hoc Committee, especially in the areas of Accountability, Use of Force, and Response to Critical Incidents.

MPD has only minimally complied with the recommendations of Madison Police Department Policy and Procedure Review Ad Hoc Committee. MPD has made mostly minor changes, digging in its heels and resisting reform while playing PR games.

6. A system and or process for sharing BWC video footage files – preferably an electronic file sharing system if feasible – with the Dane County District Attorney’s Office and the Public Defender’s Office in time for informing charging decisions for cases referred by MPD for potential criminal charges.

Nothing of the sort has been set up.

7. The Dane County District Attorney’s Office has formally enacted a policy to review any relevant BWC video before making a charging decision in any case referred by MPD where BWC video is available.

No such policy has been enacted by the DA’s Office. A glaring omission.

8. The Dane County District Attorney’s Office has firmly committed to measures sufficient to prevent an overall increase in charging rates and criminalization in low-level offenses caused by MPD BWC implementation.



No such commitment has been made by the DA's Office.

9. Arrangements have been made for a rigorous, randomized controlled trial as a pilot program, with tracking and analysis of data on key outcomes, and particularly prosecutorial charging rates. A primary use of the trial would be to determine if charging rates and pleading rates are increased, particularly for misdemeanors, for cases in which BWC video is available....

The planned datapoints includes only a vague "whether an individual was charged with a crime and the nature of any such charges." There appears to be no stated intention of capturing data on pleading rates.

10. The Common Council should engage in informed deliberation on whether resources required for BWC implementation would best be allocated to BWC implementation or other competing needs.

I have not really seen the Council deliberate on "whether resources required for BWC implementation would best be allocated to BWC implementation or other competing needs." As I have noted previously, such programs are extremely expensive when you actually consider labor costs (and to a lesser extent, storage costs).

Note that the BWC Committee report clearly states:

**If the City, MPD, and the DA's Office fail to fulfill these preconditions, then the Committee unanimously agrees that BWCs should not be implemented in Madison.**

No-one can honestly state that the preconditions have been substantially fulfilled. Trying to claim so would be a farce.

Sincerely,

Dr. Gregory Gelembiuk



**Fields, Debbie**

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**From:** Doris Gernetzke <dorisgernetzke@gmail.com>  
**Sent:** Tuesday, August 1, 2023 4:43 PM  
**To:** Mayor; All Alders  
**Subject:** Support Agenda #60 scheduled for tonight

Caution: This email was sent from an external source. Avoid unknown links and attachments.

We need our hard working police officers to have the equipment they need, such as body cameras, far more than we need a rapid bus system!

## Fields, Debbie

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**From:** Rick Griggs <rick\_griggs@hotmail.com>  
**Sent:** Tuesday, August 1, 2023 10:53 AM  
**To:** All Alders  
**Subject:** Please approve the Police Body Cameras Pilot Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

As a Northside District 18 resident I strongly support the use of police body cameras. After reviewing the history behind this pilot, hearing about the level of effort put in by a diverse group of citizens, and reading about the widespread support for police body cameras expressed across many constituencies, I echo my Aldermans' sentiments: This is the right time to kick off this pilot.

- We have the funding.
- We have a carefully-crafted policy.
- We have an Office of the Independent Monitor and the Police Civilian Oversight Board for oversight and accountability.
- We have the Public Safety Review Committee, which also overwhelmingly voted to implement the pilot.
- The NAACP, both nationally and locally, supports body-worn cameras
- Every department around us uses body cameras already.
- Barack Obama recommended body cams and gave a lot of grant funding for cities to purchase them.
- All cities larger than Madison use them, and every single other capital city.

Why not us? Why not here? We claim to be progressive, but on this issue, we're left in the dust.

Please approve agenda item 60, Police Body Cameras Pilot Program.

Thank you.

Rick Griggs  
1510 Golf View Rd. Unit D  
Madison, WI 53704

**Fields, Debbie**

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**From:** SHANNON KENNEDY <purefeline@aol.com>  
**Sent:** Monday, July 31, 2023 3:04 PM  
**To:** All Alders  
**Subject:** Body Worn Camera Pilot Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am in full support of this program. The City of Madison needs to be progressive in ALL aspects. There is no excuse for protecting the bad behavior of law breakers or the bad behavior of police officers. Where is the transparency!

## Fields, Debbie

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**From:** Linda Ketcham <linda@justdane.org>  
**Sent:** Tuesday, August 1, 2023 4:37 PM  
**To:** All Alders  
**Subject:** Body Worn Cameras

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Alders:

I am writing to request that you vote no on the body worn camera proposal you will be considering this evening. As a member of the MPD Ad-Hoc Committee I am disappointed that after five years of study and work to implement the recommendations of the report, including creation of the COB and Monitor position, the Council is still willing to consider undermining civilian oversight and dismissing the concerns of residents most targeted for policing. The proposal before you is not consistent with important provisions of the Council's April, 2022 resolution related to BWC. JustDane was one of the organizations that conducted focus groups on Body Worn Cameras. The overwhelming consensus among participants in the groups we facilitated was that there is an inherent distrust of MPD and the Department's willingness to use the cameras consistently.

Residents also expressed very real privacy concerns. BWC are presented by law enforcement as a panacea for systemic racism and use of force, yet cameras can be turned off, the footage withheld or manipulated to protect law enforcement officers who do not represent the professed ideals of the MPD. Even with a pilot program data can be manipulated, the confidentiality and privacy of residents violated and people harmed. I urge you to vote no on Agenda Item 60.

Sincerely,

Linda Ketcham  
Executive Director  
JustDane  
128 E. Olin Ave. Suite 202  
Madison, WI 53713

*"Compassion and justice are companions, not choices." Wm. Sloane Coffin*

## Fields, Debbie

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**From:** Joseph Keyes <jkeyes1a1@gmail.com>  
**Sent:** Sunday, July 30, 2023 9:17 PM  
**To:** Mayor; All Alders  
**Subject:** Support Body-Camera Pilot Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To All Alders and Mayor of Madison,

I am writing to you to support and vote for the police body-camera at the August 1<sup>st</sup> Common Council meeting (Agenda Item #60). The Wisconsin State Journal had an editorial on July 2, 2023, in support of the body-camera program. The salient words from that editorial are “improve transparency and accountability” which would apply to local law enforcement. Other smaller and similar sized police departments have already adopted this technology and can show the City of Madison how to effectively adopt the body-cameras. If other departments can deploy body-cameras to improve their transparency and accountability, why can’t the City of Madison do the same?

Thank you for your consideration.

Joseph Keyes  
5117 Regent Street



## Fields, Debbie

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**From:** James Mand <jimmand1948@gmail.com>  
**Sent:** Tuesday, August 1, 2023 6:19 PM  
**To:** All Alders  
**Subject:** AGENDA ITEM #60 / Authorizing the Implementation of the Body-Worn Camera Pilot Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote yes to authorize the body-worn camera pilot program at tonight's council meeting.

This has been introduced, debated, studied several times and constantly delayed for almost 8 years now. Why is it so hard for the Madison City Council to get anything done?

I spoke in person before the City Council concerning this issue several times.  
When Mike Koval was Chief, and then again before Chief Shon Barnes.  
When Paul Soglin was Mayor, and then again before current Mayor Satya Rhodes-Conway.

Every municipal police force in the area, and all over the State of Wisconsin uses Body-Worn cameras.  
All major metropolitan cities, and State Capitols use Body-Worn cameras.

What is Madison afraid of?  
It was finally put in the budget almost 2 years ago, and an extensive study done again.  
It's time to FINALLY approve the Pilot program on the Northside.

Sincerely,  
James F. Mand  
49C Golf Course Rd.  
Madison WI 53704  
[Jimmand1948@gmail.com](mailto:jimmand1948@gmail.com)

## Fields, Debbie

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**From:** Laurel Mark <laurel.mark@gmail.com>  
**Sent:** Tuesday, August 1, 2023 4:42 PM  
**To:** All Alders  
**Subject:** Support Body worn cameras for police

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I'm a long time resident of Madison- over 40 years - living on the near west side. Very lucky to live in such a safe neighborhood and city.

I completely support the use of body worn cameras by law enforcement and urge you to vote yes on agenda #60 tonight to start the pilot program.

Strange that Madison needs a pilot program when this method has been in use by multiple municipalities throughout the country for years but if this is the best we can do now, let's go forward.

It isn't a perfect tool but it does help keep law enforcement responsive to the community.

Thanks

Laurel B Mark

3404 Cross Street

Madison

## Fields, Debbie

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**From:** Julia Matthews <juliamatthews4@gmail.com>  
**Sent:** Tuesday, August 1, 2023 5:47 PM  
**To:** All Alders  
**Subject:** Ethical concerns with the Body Worn Camera Pilot structure/data analysis

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Common Council,

I apologize for the last minute email. I attended the Police Civilian Oversight Board meeting last night and it was shown that the presentation and discussion actually occurred at a previous meeting (June 22nd). I was just able to review some of that meeting this afternoon and found something concerning with regards to the data analysis for this pilot study. I'm putting the full quote below and I also noted the timestamp of the video, **but during the June 22nd meeting Chief Barnes presented that Dr. Broderick Turner from T.R.A.P. labs would be conducting and guiding all data analysis.**

I attended the Axon public meeting on body cams at the memorial union in February of 2022 and recognized his name from that meeting as someone who does work with or for Axon. To confirm I went to Dr. Broderick Turner's Linked-In and you can see on page 3 of his resume (last updated 3/15/2023: <https://www.linkedin.com/in/bltphd/overlay/1635520294180/single-media-viewer/?profileId=ACoAAABF4u4BmZ-mCPeITgYIWuF5Q8rcckx94YPQ>) in the last bullet point of the top section "**Community Action Coalition Board Member - Axon, Enterprise 2021-Present**".

I'm sure the work this person does with T.R.A.P. and even the work they do with Axon is good, important work, and I am not trying to disparage that work.

Even going into the meeting yesterday, I had concerns about the actual structure and specificity of the data collection as well as the protocol for the randomized-controlled trial as mentioned in Chief Barnes' memo. I wasn't able to find that protocol or a specific outline of the data that would be collected and analyzed as part of the pilot in legistar for the PCOB meeting. Regardless of the content and quality of the work Dr. Broderick Turner does in his lab or as part of the board with Axon, I think it is very concerning that this potential conflict of interest hasn't been disclosed explicitly to the public, the PCOB, and the Common Council. If it has been made explicitly clear to you all already, then I apologize!

Even with proper disclosure, to me, it brings concern to the validity of the data analysis when the study is being conducted fully by an associate of one of the main companies that we would likely be acquiring cameras from. **I just want to make sure that this connection is known and able to be fully looked into if necessary.** This researcher is not just any contract researcher, but does have some specific ties to the industry. I would also advocate for some independent oversight and auditing of the data (which is standard in clinical research studies), though I am unsure of the potential legal constraints.

My other concerns are tied to:

1. the need for explicit study of the true costs of implementation as part of the pilot study, especially with the budget constraints already facing the city
2. the use of body cam footage for training purposes without any disclosure or permission from the civilians in the footage (especially in regards to mental health and domestic violence type calls). The use for mental health

training was a large focus of the Axon presentation at the February 2022 community meeting and as someone who knows many people who have gone through mental health crises the idea that footage of their lowest moments could be used in perpetuity by the police department without their knowledge or consent seemed demoralizing.

**Quote from June 22nd PCOB meeting:**

"The data that is going to be collected, that is so very very important.. that data is going to be collected in partnership with Dr. Broderick Turner from T.R.A.P. labs, which is technology, race, and prejudice. He's currently at Harvard University by way of Virginia Tech and he wants to work with us. He's very excited about the idea to do some experimentation about how technology could affect race and prejudice in policing. He's certainly a well-versed person in research and so I invite anyone from this group who wants to ride along with Dr. Turner and his staff as we collect data to do that. There's been some questions to me, will we be collecting data. We'll be providing data and of course we have to collect data, but the actual analyzing and processing of data will occur with Dr. Turner and not with myself." - Chief Barnes - starting around the 33min mark of the June 22nd presentation to the Police Civilian Oversight Board.

Thank you so much for your time,

Julia Matthews

## Fields, Debbie

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**From:** Julia Matthews <juliamatthews4@gmail.com>  
**Sent:** Tuesday, August 1, 2023 6:25 PM  
**To:** All Alders  
**Subject:** Re: Ethical concerns with the Body Worn Camera Pilot structure/data analysis

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Common Council,

I want to apologize for my prematurely sent previous email. I have now seen that these questions have been raised by members of the PCOB and at least 1 current Alder. I do hope they were able to be answered sufficiently and I also would advocate for more oversight and sets of eyes on the data as well!

Thank you for all you do!

Julia Matthews

On Tue, Aug 1, 2023 at 5:46 PM Julia Matthews <[juliamatthews4@gmail.com](mailto:juliamatthews4@gmail.com)> wrote:

Dear Common Council,

I apologize for the last minute email. I attended the Police Civilian Oversight Board meeting last night and it was shown that the presentation and discussion actually occurred at a previous meeting (June 22nd). I was just able to review some of that meeting this afternoon and found something concerning with regards to the data analysis for this pilot study. I'm putting the full quote below and I also noted the timestamp of the video, **but during the June 22nd meeting Chief Barnes presented that Dr. Broderick Turner from T.R.A.P. labs would be conducting and guiding all data analysis.**

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I'm sure the work this person does with T.R.A.P. and even the work they do with Axon is good, important work, and I am not trying to disparage that work.

Even going into the meeting yesterday, I had concerns about the actual structure and specificity of the data collection as well as the protocol for the randomized-controlled trial as mentioned in Chief Barnes' memo. I wasn't able to find that protocol or a specific outline of the data that would be collected and analyzed as part of the pilot in legistar for the PCOB meeting. Regardless of the content and quality of the work Dr. Broderick Turner does in his lab or as part of the board with Axon, I think it is very concerning that this potential conflict of interest hasn't been disclosed explicitly to the public, the PCOB, and the Common Council. If it has been made explicitly clear to you all already, then I apologize!

Even with proper disclosure, to me, it brings concern to the validity of the data analysis when the study is being conducted fully by an associate of one of the main companies that we would likely be acquiring cameras from.

**I just want to make sure that this connection is known and able to be fully looked into if necessary.** This researcher is not just any contract researcher, but does have some specific ties to the industry. I would also advocate for some independent oversight and auditing of the data (which is standard in clinical research studies), though I am unsure of the potential legal constraints.

My other concerns are tied to:

1. the need for explicit study of the true costs of implementation as part of the pilot study, especially with the budget constraints already facing the city
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**Quote from June 22nd PCOB meeting:**

"The data that is going to be collected, that is so very very important.. that data is going to be collected in partnership with Dr. Broderick Turner from T.R.A.P. labs, which is technology, race, and prejudice. He's currently at Harvard University by way of Virginia Tech and he wants to work with us. He's very excited about the idea to do some experimentation about how technology could affect race and prejudice in policing. He's certainly a well-versed person in research and so I invite anyone from this group who wants to ride along with Dr. Turner and his staff as we collect data to do that. There's been some questions to me, will we be collecting data. We'll be providing data and of course we have to collect data, but the actual analyzing and processing of data will occur with Dr. Turner and not with myself." - Chief Barnes - starting around the 33min mark of the June 22nd presentation to the Police Civilian Oversight Board.

Thank you so much for your time,

Julia Matthews

**Fields, Debbie**

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**From:** Jayne Meyer <mshazmat@gmail.com>  
**Sent:** Friday, July 28, 2023 1:52 PM  
**To:** All Alders; Mayor  
**Subject:** Support body worn camera pilot

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote YES on Item 60, Implementing the Body-Worn Camera Pilot Program. I support the pilot in the North District so we can develop good research and data and see if these cameras should be deployed city-wide as most police departments have. So much valuable information can be gained from these cameras. It is time to do the pilot.

Thank you for your consideration.  
Jayne Meyer  
201 Randolph Dr.

## Fields, Debbie

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**From:** Bonnie Roe <bonnie.roe@gmail.com>  
**Sent:** Monday, July 31, 2023 12:18 PM  
**To:** Rhodes-Conway, Satya V.; All Alders; Copley, Robert C.; Police Civilian Oversight Board  
**Cc:** Barnes, Shon F  
**Subject:** The time is now for the BWC pilot

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Members of the Common Council, Monitor Copley and Members of the Police Civilian Oversight Board,

I'm writing in support of the Body-Worn Camera Pilot Program. As one who attended every meeting of the Police Body-Worn Camera Feasibility Review Committee as the report and model policy were being drafted, my concerns have been satisfied and I am 100% in favor of implementing the pilot.

I think it's time that our City joins the 21st century and its best practices of policing. All 79 cities larger than Madison, every single capital city in the U.S., and every department all around us already equips their police officers with the number one tool for transparency and accountability: body cameras.

I'm aware of a letter being circulated by Madison's #1 opponent to body cameras. Important to note, it's author joined the Police Body-Worn Camera Feasibility Review Committee with the goal of not letting body cameras be the final recommendation and resigned from it, in dramatic fashion, on February 15, 2021, when it became more and more clear that the committee was going to recommend that the Common Council implement the pilot. In my opinion, he seemed unable to see this issue outside of his own bias and when the committee seemed to be moving forward with the report, he moved on in an attempt to discredit it.

Back to his letter. I don't think it's worth anyone's time to refute it point-by-point. It's probably enough to point out the logical inconsistency that toward the end of "Example C" toward the bottom of pg. 4, the author berates MPD for defending "to the hilt each officer's decision to use deadly force," and goes on to say, "Expect an outcry in the media the next time such an incident occurs and MPD refuses to release their video." The author does not want body cameras, period. But he can't help pointing out MPD's lack of transparency and accountability if they're not willing to release footage "immediately." He would rather not have any footage, yet blame the department for following state law, victims' concerns, and ethical values for how it's released if they do.

He says "there's a reason much of the community distrusts MPD— because it's known to manipulate information that could affect it's image. Refusing to release unflattering information." Yet he fought tooth and nail against the best, most objective technology we have available to review and expose officers' conduct on a regular basis, and in particular after an officer-involved critical incident. I'm sure I don't need to remind you that the Office of the Independent Monitor has subpoena power and can conduct independent investigations. I would think body camera footage would be very helpful to an objective outcome.



Thankfully we have a police department that values transparency, accountability, and community partnership enough to not only be willing to wear body cameras but to welcome it. They welcome their work being subject to review and know they would benefit from them in training.

As far as timing, it seems the Office of the Independent Monitor is close to being fully operational. It seems well along in the process of hiring a data analyst and in the final stages of completing a simplified complaint process. I would think it would be fully operational before this pilot kicks off.

Chief Barnes gave a thorough presentation on the Body Camera Pilot at the Public Safety Review Committee's July 12th meeting. And every member but Brenda Konkel (who is no longer on the committee) voted to recommend the pilot. That was the Public Safety Review Committee, which has traditionally opposed body cameras every step of the way. Chief Barnes was a part of one of the first department-wide implementations of body cameras many years ago, in a different department. He knows what a successful implementation takes.

So, the time is now. We have the oversight and accountability in place, through the Office of the Independent Monitor, the PCOB, and the Public Safety Review Committee, to do this right.

So how will each of you vote on this pilot?

A no vote is a vote to deprive the Independent Monitor and PCOB of the most detailed and objective evidence available from the scene of an officer-involved incident. The Office of the Independent Monitor will have subpoena power. We have more police oversight than any other city, IF we deploy body cameras. Body cameras help with accountability and give something to review to see if an officer is making inappropriate disparate arrests, etc. Our police department doesn't want that happening.

A no vote is a vote against narrowing the racial disparity rate in a court of law, where objective evidence can make all the difference in a suspect said, officer said contest.

A no vote is a vote to withhold family members of victims of officer-involved shootings the evidence they need for a full and transparent investigation and the closure they may need to move on.

A vote against body cameras is a vote to deprive city employees—police officers—of the tools they need to meet the demands of accountability placed upon them in the 21st Century.

A vote against this pilot is a vote against transparency, accountability, and best practices, a vote against healing and unity, and a vote against the vital police-community partnership necessary for a safer community for all residents.

Please vote yes on implementing the pilot.

Thank you,

Bonnie Roe  
District 11  
608-239-1748



## Fields, Debbie

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**From:** Bonnie Roe <bonnie.roe@gmail.com>  
**Sent:** Tuesday, August 1, 2023 12:43 PM  
**To:** Rhodes-Conway, Satya V.; All Alders; Tishler, Bill  
**Cc:** Barnes, Shon F  
**Subject:** The Community Has Spoken on BWC Pilot

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Mayor and Members of the Common Council,

Tonight is the night many of us have been waiting for, for a long, long time.

As a refresher:

- the Ad Hoc Committee (commissioned by this body with creating a comprehensive review of the Madison Police Department) recommended a body camera pilot back in October of 2019.  
(<https://www.cityofmadison.com/news/oir-report>)
- The Quattrone Center Review (commissioned to review MPD's response to sentinel protest events during the summer of 2020) also recommended body-worn cameras for a more effective and coordinated response.  
(<https://www.cityofmadison.com/police/documents/SentinelReport20211116.pdf>)
- The Office of the City Attorney recommends body-worn cameras due to city liability and risk management.  
(<https://www.cityofmadison.com/news/oir-report>, pg 61)
- The Police Body-Worn Camera Feasibility Review Committee (commissioned by this body to determine whether or not to implement a Body-Worn Camera Pilot Program) voted to recommend them in a 5-1 vote in 2021.  
(<https://www.nbc15.com/2021/12/09/police-body-camera-pilot-program-resolution-heads-madison-committee/>)
- The Common Council voted on April 19, 2021 to implement a Body-Worn Camera Pilot Program (a 3-month pilot with 48 cameras) in the North District with conditions that the policy comply as much as possible with the model policy established by the Body-Worn Camera Feasibility Review Committee.  
(<https://spectrumnews1.com/wi/milwaukee/news/2022/04/20/madison-body-cameras-pilot-program>).
- Funds in the amount of \$83,000 were allocated to cover the costs of the Body-Worn Camera Pilot in your 2023 capital budget.  
(<https://www.cityofmadison.com/finance/documents/budget/2023/operating/adopted/Adopted2023.pdf>)
- Chief Barnes, an expert in policing, who has implemented body-worn cameras many years ago, and whom you hired as our Chief of Police, drafted a policy he says is as close as possible to the recommended model policy.  
([https://www.wkow.com/news/madisons-police-chief-pushes-for-body-camera-pilot-program-ahead-of-common-council-vote/article\\_000cd542-301b-11ee-ab36-0f291b75f940.html](https://www.wkow.com/news/madisons-police-chief-pushes-for-body-camera-pilot-program-ahead-of-common-council-vote/article_000cd542-301b-11ee-ab36-0f291b75f940.html))

● After watching Chief Barnes' presentation on the BWC policy, the city's Public Safety Review Committee (traditionally opposed to body-worn cameras) voted 5-1 to recommend that Common Council implement the pilot. (You can watch that presentation and meeting here, It starts 22 minutes into the Public Safety Review Committee's July 12, 2023 meeting.

<https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/0e67282bfff54fc3877c1342b3f3bde1d>)

● Last night (7/31/23) the Police Civilian Oversight Board had their discussion on the policy and voted 6-2 to recommend that Common Council implement the pilot. Robert Copley, the Independent Monitor, spoke (and voted) in support. You can watch that short meeting here:

<https://media.cityofmadison.com/mediasite/Showcase/madison-city-channel/Presentation/abfb56ae6f894bb3b306dc2ac7e5d08d1d/Channel/116f3360e12344b797d6309a40ca443c5f>

[https://www.channel3000.com/news/madison-common-council-set-to-vote-on-authorizing-mpd-body-camera-pilot-program-tuesday/article\\_343a50c8-3012-11ee-82eb-f323d8215571.html](https://www.channel3000.com/news/madison-common-council-set-to-vote-on-authorizing-mpd-body-camera-pilot-program-tuesday/article_343a50c8-3012-11ee-82eb-f323d8215571.html))

● Every one of the 79 U.S. cities larger than Madison has already implemented body cameras. Every other capital city uses them. All the smaller cities, suburbs, towns and villages right around us– every single other department in Dane County– is equipped with body-worn cameras.

Is it finally our turn? It's a 30-day Pilot.

Tonight you will vote on whether or not to authorize the implementation of a 3-month Body-Worn Camera Pilot. Are you listening to all the community feedback given through many city committees? Have you read the recommendations of reports that you, as a body, have commissioned? Do you care about 20th century police reforms in the wake of George Floyd and countless other Black men? Are you listening to your own Police Chief and city-employed police officers who need these tools in order to comply with the demand for transparency and accountability placed on them in the 21st century?

Have you read the report of President Obama's Task Force on 21st Century Policing?

[https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf))

Do you realize that studies across the board consistently show extremely high public support for body cameras, 88-93% overall and the percentage is consistently highest among Black Americans?

Are you listening to all this community input? If you plan to vote no, who are you listening to? And why?

If the local time spent discussing, studying, and debating this topic was measured minute-by-minute, it would far surpass the 3-month time frame for this small pilot. All of this for a 90-day pilot.

It's time. Please vote yes.

Thank you,  
Bonnie Roe  
District 11

## Fields, Debbie

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**From:** Matt Schaefer <matt.schaefer@sbcglobal.net>  
**Sent:** Tuesday, August 1, 2023 8:14 PM  
**To:** All Alders  
**Subject:** Common council 8/1/23 agenda #60 BWC

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I registered in support of going ahead with the BWC pilot program. I've not had much change to review the documents but heard some of the concerns during the meeting. I hope analysis of the pilot data will answer questions on those areas where MPD's implementation of the pilot differs from the recommendations.

Thank you,

Matthew J. Schaefer  
621 Vernon Ave  
Madison, WI 53714

## Fields, Debbie

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**From:** getkidsoutside@gmail.com  
**Sent:** Monday, July 31, 2023 6:07 PM  
**To:** All Alders  
**Subject:** [All Alders] body cameras

**Recipient:** All Alders

**Name:** Diane Schwartz  
**Address:** 2145 East Washington Ave., Madison, WI 53704  
**Email:** getkidsoutside@gmail.com

**Would you like us to contact you?** No, do not contact me

**Message:**

I fully support the use of body cameras and ask that you also support them. It's time that our police get body cameras.

## Fields, Debbie

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**From:** Senatus, Lucien  
**Sent:** Tuesday, August 1, 2023 10:35 AM  
**To:** All Alders  
**Subject:** Authorizing the Implementation of the Body-Worn Camera Pilot Program

Dear Alderpersons,

First and foremost, thank you for continuing to listen to everyone's concerns for body worn cameras. It's hard for someone like me who is both a black man who has experienced negative police interactions, and who is also a police officer to speak on any police related issues because there is an expectation that I have to choose a side. For this particular topic, there should be no debate. BWCs benefits marginalized communities and the police. My frustration is that since I became a Police Officer for the city of Madison back in 2018, we have been talking about obtaining body-worn cameras, and still have yet to even enact the pilot program. This conversation might pre-date my employment here too. Growing up I have heard over and over again that we need to keep the police accountable for their actions; that we need transparency. What better way to do that than to actually have the ability to see what the police are doing? How are they speaking to people in their interactions? How and why are they using force on a person?

As a member of the Community Outreach team for MPD when I've spoken to people across Madison about their opinions on BWCs and an overwhelming majority have stated that they want MPD to have cameras. When I speak to colleagues about their opinions of BWCs, they want the policies and procedures in place to make sense for everyone involved, but overall they are in favor of having body worn cameras. As Chief Barnes mentions in his Memo to the city these are the following issues that the study seeks to address:

- 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?

<https://madison.legistar.com/View.ashx?M=F&ID=12089966&GUID=715C386B-EFB2-46F5-913E-D256C63AAF6C> – Full memo

So, when people try to argue their points of opposition to the pilot program asking these same questions that the Chief (and the department) wants addressed – we are on the same page! Again, I ask what is the hold up?

- Is it the cost? No, the money has already been allocated for the pilot program. And if when we move forward after the pilot program, in the long run the cameras pay for themselves. Here is a link to a recent study: *"Body-Worn Cameras in Policing: Benefits and Costs"* - [https://www.documentcloud.org/documents/20533586-cl\\_bwc-study](https://www.documentcloud.org/documents/20533586-cl_bwc-study)
- Is it the community? No! We want the cameras. Is the police? No! We want the cameras!

The only thing preventing the pilot program from happening is the voting of the council. So I urge you to vote yes in support of MPD finally getting the opportunity to launch the pilot program. We are many years behind other departments our size or larger when it comes to this. Please vote yes so we can do right by the community members of Madison.

Thank you,

PS - I'll see you all tonight. I just wanted to email my statement in case the night gets too long and I have to leave.

**Officer Lu Senatus #5699**

**Community Outreach & Resource Education (CORE)**

**Madison Police Department**

**Office: 608-261-9694**

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## Fields, Debbie

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**From:** Steve Verburg <stverburg@gmail.com>  
**Sent:** Monday, July 31, 2023 11:24 PM  
**To:** All Alders  
**Subject:** Please don't allow MPD to discard needed BWC safeguards  
**Attachments:** greg g BWC-letter.pdf

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Madison Common Council,

I'm writing to urge you to vote against the body-worn camera policy proposal on your agenda tonight.

As you've no doubt heard, Keith Findley on Monday night told the PCOB that he wasn't bothered that the proposed policy omitted a long list of safeguards that Findley's Police Body-Worn Camera Feasibility Review Committee *insisted* be in place before the technology was deployed.

Prof. Findley said he was excited at the prospect that -- if the Police Department chooses to release BWC footage -- the footage will be an exciting resource for the PCOB.

He didn't mention that Chief Barnes neglected to include in his policy the prompt release of BWC data to PCOB. (A city ordinance calls for release to the independent monitor but it includes a loophole for a police department with an abysmal record in the area of transparency. Read "[Wrongful Delays Shield Madison Police Records from View.](#)")

Prof. Findley suggested that he had seen BWC footage cast light on an unspecified number of cases filed against criminal defendants he represented.

Yes, there have been a few prominent cases nationally where BWC footage has led to unexpected justice. But these cases are a tiny fraction of the hundreds of thousands of cases in which BWC surveillance comes to bear by increasing the numbers of charges against people of color. That's what Prof. Findley's committee found after hearing expert testimony and reviewing the latest research.

Supporters of this technology are fond of saying, this "is just another tool."

That's true. It's yet another costly tool the Madison Common Council is being asked to generously provide to a police department that uses its resources to perpetrate racial disparities that are twice as bad as the average racial disparities of police departments in the U.S.

This tool will cost hundreds of thousands of dollars that could be spent on housing or other anti-poverty measures that would alleviate the conditions that lead to crime.

Instead, Chief Barnes wants hundreds of thousands of dollars a year to worsen the harm his department does by unfairly using its vast arrest powers to unfairly deprive people -- especially but not exclusively people of color - of their freedom and shackle them with criminal records.

Madison Police already have a serious racial bias problem in their arrest practices. Black people are about ten times as likely to be arrested by Madison police as white people. (Police Chief Shon Barnes recently attempted to explain the disparity by suggesting that Black people commit more crimes. He didn't explain why his department's racial disparities in arrests are twice as severe as the average racial disparities at other police agencies in the U.S.)

There is nothing that indicates that BWC technology decreases racial disparities on any meaningful scale. All we have are news reports of isolated incidents.

The Police Body-Worn Camera Feasibility Review Committee in 2021 recommend a police pilot program with body-worn cameras -- but only with specific safeguards in place to minimize the chances of additional harm being done to Madison residents.

In 2022, Madison Common Council decided that any pilot must implement the safeguards called for by the committee. The council also set a policy requiring that all costs of the pilot must be tracked.

Now Chief Barnes is pushing for a pilot that discards major safeguards and neglects a full accounting of costs.

Dr. Greg Gelembiuk , a UW-Madison researcher and veteran of Madison police-reform committees, including the recent body-worn camera feasibility panel, reviewed Barnes' proposal and concluded that "(n)o-one can honestly state that the (safeguard) preconditions have been substantially fulfilled. Trying to claim so would be a farce."

I've attached his letter to Common Council and PCOB members.

Gelembiuk found that Barnes' plan:

- \*Fails to track the largest cost of body-worn camera programs, which is the time it takes for officers to be trained and to upload, rewatch, process, edit and distribute camera footage. Without knowing costs, policymakers can't intelligently decide if the cameras are the best use of limited resources.

- \*Lacks a design for a required "rigorous randomized controlled trial" study policymakers can use to learn from the pilot.

- \*Discards a requirement aimed at preventing officers from using camera footage to evade accountability for wrongdoing.

- \*Discards a requirement that relevant camera footage be disclosed to the public to help repair the department's credibility problems.

- \*Discards requirements that footage be provided to the Police Civilian Oversight Board and its Independent Monitor to provide accountability required under the law.

- \*Discards requirements that footage connected to a criminal charge be forwarded immediately to the district attorney and defense attorney to prevent ensure proper charging decisions based on facts -- not on the promise of unseen BWC footage -- and adequate defense.

- \*Ignored "strict preconditions for implementation" of body-worn cameras.

- \*Ignored a requirement that camera footage includes a disclaimer asking viewers to consider the risk of perceptual bias, which is inherent in body-worn camera video.

\*Ignored a requirement that the Police Civilian Oversight Board and Independent Police Monitor be fully operational before cameras are deployed.

\*Disregarded requirements that the police department -- before deploying cameras -- make substantial and sustained progress toward reforms in the areas of accountability, use of force and response to critical incidents.

\*Failed to demonstrate a process for sharing footage with the district attorney and public defenders offices.

\*Failed to arrange with the district attorney to formally enact a policy to review existing footage for making charging decisions.

\*Failed to obtain a commitment from the district attorney to prevent body-work camera use from causing an overall increase in charging rates and criminalization in low-level offenses.

Gelembiuk notes that "(t)here are important reasons (for) these (requirements). There is good evidence that, in most municipalities examined, BWC implementation has resulted in increases in charging for low-level offenses, with associated harms, particularly for communities of color. .... (In Barnes' plan, t)here has been a wholesale gutting of the recommended policy, in a manner that would exacerbate harms to disadvantaged communities and reduce accountability."

Prof. Findley said his abandonment of his committee's urgent recommendations was motivated in part by his belief that Madison is behind the times.

Before voting on the police chief's proposal, I believe the council must ask Prof. Findley and Dr. Gelembiuk to explain the potential harm that the Madison community faces without having the safeguards in place.

Then vote no. Take a step toward demanding the Madison Police Department correct its worst-in-the-nation racial disparities. Allocate scarce resources to anti-poverty and affordable housing programs that will benefit Madison, not a trendy surveillance technology that will bolster the careers of a few important people.

Thank you for considering my concerns.

Sincerely,

Steve Verburg  
Madison, Wisconsin

Dear Alders and PCOB Members,

I am writing with regards to the body camera proposal you will be deliberating and voting on. It appears to be out of compliance with key provisions of [the resolution the Common Council passed](#) on April 19, 2022. It is also clearly out of compliance with some of the most important policy recommendations and preconditions specified in the BWC Feasibility Review Committee Report (and recommendations from Mike Gennaco of OIR).

As someone pointed out to me, “The ‘comparison’ grid created by the City Attorney doesn’t give any inkling of what’s at stake or what the Model Policy was aiming to accomplish and avert.” Part of the problem is that, as the City Attorney’s memo notes, a lack of BWC expertise in the City Attorney’s office makes “it impossible to determine whether the MPD’s proposed Pilot Program meets standards described as ‘substantial compliance’ and ‘to the greatest extent feasible.’” Moreover, one problem, apparent in policing-related matters nationally, is that City Attorney offices are, by virtue of their duties, tightly enmeshed with and dependent upon city police departments, and tend to be extremely deferential to their wishes.

**1.** By far the largest financial cost of BWC programs is in officer time.

As the OIR Report notes:

On a more basic level, Madison must contend with the financial obligations that attach to BWC programs. Beyond the expense of the cameras themselves, such programs require a commitment for storage and processing costs that can be surprisingly large. There is also typically a notable increase in collateral costs needed for police, prosecutors, public defenders, internal affairs investigators, and judges to review recordings. These realities move the debate over the cameras into a more practical realm, particularly against a backdrop of resource priorities in the City and an ongoing debate about MPD staffing levels.

Thus, the resolution passed on April 19, 2022 states:

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, ...

BE IT FURTHER RESOLVED, that officer time for tasks related to body-worn cameras during the pilot shall be recorded in work logs in order to gain a better understanding of the complete and true costs for Body-Worn Camera utilization, and that this requirement shall be stipulated in Madison Police Department’s Standard Operating Procedures during the extent of the pilot;

Various other departments implementing a BWC pilot program have required such a log of time spent on BWC-related tasks (which typically comes to about half an hour per eight hour shift). This is obviously something MPD didn't wish to do – out of a desire to minimize the apparent cost of a BWC program.

So, in contravention of the Council resolution, there is **NOTHING** in the [Standard Operating Procedure](#), or in any of the other submitted material for such a logging of time on BWC-related tasks. I will also note that MPD has submitted [“a list of data points that the proposed BWC pilot will collect”](#), authored by [Axon consultant Broderick Turner](#), and the list of types of data to be collected does not include [capturing time spent on BWC-related tasks](#).

As a minor ancillary point, I will note that the material available on legistar doesn't include anything specifying the design of the trial (where the resolution requires a “rigorous randomized controlled trial”). Without a design, there's no basis for concluding whether it would be a rigorous randomized controlled trial. For example, the unit of randomization is critical – is the proposal to randomize by officer, or by shift, or by something else? There are problems with various potential designs – for example, if you randomize by officers, when officers with and without cameras respond to the same call, the trial arm (officers with BWCs) will contaminate the control arm (i.e. since officers without BWCs may act differently if they know they're being filmed by BWCs on other officers at the scene). I'll add that it seems somewhat problematic that a consultant being paid by a bodycam manufacturer (Broderick Turner) appears to be designing the trial.

2. The [policy specified by Chief Barnes](#) is in contradiction to some of the most important policy provisions specified in the [BWC Feasibility Review Committee report](#) – [provisions specifically written, with expert input, to mitigate harms associated with BWC programs](#). I am not going to exhaustively review this, but will discuss a few important examples.

**Example A.** As the BWC Feasibility Review Committee report model policy specifies:

- 5.a. No law enforcement officer shall review or receive an accounting of any electronic recording of an incident prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
- b. Once any required initial reports, statements, and interviews are completed, involved officers may then view the video file or other electronic recordings of the recorded incident. If, based on their review of the electronic recording(s) the officers determine that their written reports or statements were inaccurate or incomplete, they may then submit supplemental reports, making the needed corrections and additions, but must note that the corrections or additions were based on their view of the video file; the initial written report or statement itself may not be altered in any way after viewing the recordings.

The above is a strong recommendation of the ACLU and is congruent with the recommendations of the OIR Report and MPD Policy & Procedure Review Ad Hoc Committee report. As the ACLU states, viewing video before writing a report “will contaminate officers' independent memories with BWC footage. It will also provide opportunities for officers to retrofit their reports or explain away misconduct as it relates to the content of the footage.”

In contrast, Chief Barnes proposed policy states:

Officers may review or receive an account of any electronic recording of an incident prior to completing any required initial reports, statements, and interviews regarding the recorded event. a. If an officer is suspected of a violation of Code of Conduct or an SOP, or involved in an officer-involved critical incident or other serious use of force, the Department reserves the right to limit or restrict an officer from viewing the video file.

So officers could review video before writing reports, and MPD says that at its discretion, it might limit officer viewing of video in some circumstances. But as we all know, in reality, MPD is not a neutral party when its officers kill someone or use force – it always circles the wagons, and takes every action to benefit the officer.

I will also note **that it won't be known in advance that a misconduct complaint will be filed with any particular incident**. Under Barnes proposed policy, prior to a complaint being filed, the involved officer would have reviewed the video and have had the opportunity to sculpt their report to match what was visible (or not) in the video. If you want to avoid accountability, this policy is fine – if not, such a policy should not be accepted.

As Mike Gennaco of OIR (a police oversight professional) testified:

the whole issue when an officer involved shooting occurs, when there's a misconduct investigation, when there's a use of force, when it's the officer's conduct that is being reviewed, whether the policy will allow the officer to review or preview the body camera footage before she or he is interviewed. **I do not believe that is a best practice and I would resist adopting body cameras if in fact that's going to be the practice** because it allows the officer to do something that no other person whose conduct is being reviewed is afforded the opportunity to do, which is to review evidence before providing a statement.

The [OIR Report](#), reviewing MPD, states:

RECOMMENDATION 69: MPD should clarify its SOP on officer-involved deaths and other critical incidents to ensure that investigators obtain a statement from involved and witness officers prior to providing the officers opportunity to review any recording of the incident.

Barnes proposed policy does not comply with this recommendation.

As the [MPD Policy & Procedure Review Ad Hoc Committee report](#) states:

Cognitive science research has clearly shown that an individual's memory of what happened will be suggestively influenced and altered by viewing video footage. Once an officer views a video, what had been two independent lines of evidence – the officer's eyewitness memory and the recorded footage – are no longer two independent lines of evidence, since the eyewitness memory of the officer has been tainted by viewing the recording. Importantly, for a critical incident, the officer's perception of an incident goes to the fundamental "state of mind" question, which is crucial for determining whether officers' actions met the objective reasonableness standard. In key ways, the officer's perception of what occurred is as important as what actually occurred, since this perception is likely to have governed the officer's behavior. It is thus important to preserve the officer's perception of the event and not taint his memory

by letting him or her view the recorded footage. In addition, as the ACLU has noted, “If an officer is inclined to lie or distort the truth to justify a shooting, showing an officer the video evidence before taking his or her statement allows the officer to lie more effectively, and in ways that the video evidence won’t contradict.... [I]f the officer watches the video and discovers that certain elements that put them in a poor light happened not to have been captured—or that there’s a moment when the subject wasn’t in frame that the officer can say he reached for his waistband—then the officer will feel at liberty to shade and color their account of events, if not to lie outright.

Note that the recommendations of the MPD Policy & Procedure Review Ad Hoc Committee were adopted by the Council. Barnes proposed BWC policy is out of compliance.

**Example B.** As the BWC Feasibility Review Committee report model policy specifies:

8.c. Body camera video footage may not be withheld from the public on the basis that it is an investigatory record or was compiled for law enforcement purposes where any person under investigation or whose conduct is under review is a police officer or other law enforcement employee and the video footage relates to that person’s on-the-job conduct.

Barnes refuses to accept this – his proposed policy lacks any corresponding provisions. It goes to a key point of the OIR report – the need for openness. There’s a reason much of the community distrusts MPD – because it’s known to manipulate information that could affect its image. Refusing to release unflattering information.

Barnes’ proposed policy is actually in direct contradiction to the Model Policy:

BWC footage associated with open and active criminal investigations and/or open and active Internal Affairs investigations shall not be released to the public prior to the completion of that investigation.

[As OIR found:](#)

In contrast to the approach of many other leading agencies, the response of MPD has been to vigorously defend to the hilt each involved officer’s decision to use deadly force, and speak to those who deign to ask questions with resentment, defensiveness, or even hostility.... Engagement is easy when the police set the terms and discussion points; it is much more difficult – but ultimately more productive – when the hardest of issues are embraced collectively. Unfortunately, we have also seen this defensiveness extend beyond a reluctance to be open about deadly force incidents.

Barnes’ proposed policy is in sharp contrast to the policies of many progressive police departments. Expect an outcry in the media the next time such an incident occurs and MPD refuses to release the video.

I will add that I myself have experienced MPD refusing to release police video to which I was clearly legally entitled under Open Records laws, with MPD concocting provably spurious grounds to avoid releasing the video.

**Example C.** As the BWC Feasibility Review Committee report model policy specifies:

8.d. All unedited footage shall be made available to the Independent Police Monitor (IM) and/or the Police Civilian Oversight Board (COB) promptly upon request.

Barnes' proposed policy contains no such feature. Again, MPD resists oversight/accountability.

I will add that the information provided by the City Attorney's Office appears incorrect. The grid entry states "MP is not consistent with Wis. Stat. Sec. 165.87(2) & Wis. Stat. Sec. 19.35". However, Wis. Stat. Sec. 165.87(2) appears entirely irrelevant – it's only about records retention – does not concern records access. And citing Wis. Stat. Sec. 19.35 conflates OIM and PCOB access to records with Wisconsin Open Records Law. But OIM and PCOB access to MPD records is not via the Open Records Law mechanism. Keith Findley, the CoChair of the BWC Feasibility Review Committee and faculty at the UW Law School, has corrected this misimpression by the City Attorney's Office multiple times. MGO Sec. 5.19(7) does state that "The OIM shall, to the extent permitted by law, have unfettered access to all MPD records", but unlike the Model Policy, this does not extend to the PCOB.

I expect that MPD will engage in the same kind of behavior that has stymied civilian oversight, in usage of BWC video, in NY City and many other municipalities – dragging their feet and finding all kinds of spurious grounds to prevent access. A lack of clear policy provisions mandating prompt release to civilian oversight organs will just make this problem worse.

**Example D.** This is quite important regarding mitigation of harms from a BWC program. As the BWC Feasibility Review Committee report model policy specifies:

8.f. Once any individual has been charged with a crime in connection with incidents captured on any body-worn camera footage, the Department shall immediately forward a copy of all such footage to the individual's defense attorney, if any, or to the Madison Trial Office of the State Public Defender's Office, or to the subject individual if the individual expresses an intention to proceed without counsel and requests a copy. Any footage disclosed to the accused and/or counsel must be unabridged and unedited, except to the extent that pixilation or redaction or deletion is otherwise permitted by this policy prior to release to the public, and in any event only to the extent that such pixilation or redaction does not undermine or detract from the evidentiary value of the recording or obscure any potentially exculpatory information.

Also:

8.e. When referring a case to the District Attorney's Office for charging, all video footage taken or received by the Madison Police Department related to the incident shall be forwarded to the District Attorney along with the referral documents, or as soon as practicable thereafter.

Also:

8.g. When forwarding video footage to the District Attorney's Office and/or Public Defender's Office (or other counsel for the accused in the case, or the accused himself or herself if unrepresented, as set forth above), the Department shall forward with the video footage a report stating in writing where in the video footage (by date, time, or similar reference marking) the events of most relevance to the charges or defenses in the case can be located.

Barnes' policy completely eliminates 8f and 8g, and only requires video to be forwarded to the DA's Office when requested by the DA.



There are important reasons why the BWC Committee Model Policy contained these provisions. There is good evidence that, in most municipalities examined, BWC implementation has resulted in increases in charging for low level offenses, with associated harms, particularly to communities of color.

Here are some of the basic problems, as explained by [Mike Gennaco of OIR, in testimony to the BWC Committee](#) (his testimony starts at the 46:20 mark). I will note that Gennaco has a great deal of experience with law enforcement departments and body cameras – the business of OIR is to consult on such matters. Gennaco advocated for policies to mitigate these problems.

Mike Gennaco:

Body camera footage has a huge impact on the criminal justice system beyond the police department....If there is body camera footage to support the arrest, the information I've received anecdotally ,...what I've been told by a number of prosecutors, there will be an inclination to file the case. But the problem is... that filing decision is made almost always without reviewing the body camera footage. So you're getting more filings if you have body camera footage than you would ordinarily get, but you're not having the filing DA look at the information on the body cameras to see if it supports the arrest. So then what often happened down the road is, as the judge said, if the body camera footage doesn't match up with the police report, there will eventually be a dismissal of that case and the case will not be prosecuted. The problem with that system...is that in the interim, before the DA has had an opportunity to prepare for trial and review the body camera footage in preparation for that trial, a lot of other things have happened. One thing that has happened is that for any of those arrestees, defendants, they've stayed in custody. And so, even if that case ends up in an eventual dismissal, you're never going to undo the number of days that individual spent in custody. Can't undo that wrong. The other problem is that because individuals are in custody, there is a tremendous incentive for those individuals to cut a deal before anyone has really had a chance to look at the body camera footage. So individuals will plead guilty just so they can get out of custody, on time served, particularly for low level arrests, misdemeanor arrests, and proceed that way, which is also an unfair consequence of a criminal justice system. So that's something this committee should be considering.

Gennaco also spoke about how public defenders are overwhelmed with body camera footage. They receive huge quantities of footage to review, and they have limited time to do so. He also noted that the police will provide DAs with a map of important timepoints, but will send video to the public defenders without that guide, which is not cool. He noted that a friend of his in the public defender's office said that happens all the time.

Thus the BWC Model Policy requires that the DA's Office be immediately sent the BWC videos when a case is referred, for prosecutors to review, to reduce the rate at which innocent people are charged. And to allow defendants or their attorneys prompt access to the video, so that innocent defendants don't sit interminably in custody (opting to plead guilty, even when innocent). And to provide a map to critical timepoints in the video, to relieve the extent to which underfunded public defenders are overwhelmed by the volume of video (which is incredibly time consuming to review).

Keith Findley, who cofounded the Wisconsin Innocence Project, appeared to consider these some of the most important provisions in the Model Policy.

**3. The BWC Committee report specifies preconditions that had to be fulfilled before any BWC implementation (including any pilot program). It stated that they were to be treated as “strict preconditions for implementation of BWCs”. **These preconditions have not be fulfilled.****

An enumeration of some of the specified preconditions (see pages 8-11 of the [report](#)):

1. MPD has formally adopted the BWC policies recommended by the Body-Worn Camera Feasibility Review Committee with, at most, minor modifications that do not alter the essential substance and principles outlined in this Report and in the Model Policy...

As I've illustrated above, there are not “at most, minor modifications that do not alter the essential substance and principles outlined in this Report and in the Model Policy.” There has been wholesale gutting of the recommended policy, in a manner that would exacerbate harms to disadvantaged communities and reduce accountability.

2. Accompanying all disclosure or release of BWC footage shall be a statement, either written as a document or added to the beginning of the video, informing viewers of the perceptual bias (detailed below) inherent in viewing BWC video footage, with an instruction to the viewer to consider this risk and its impact before reaching a conclusion about the footage, in order to arrive at valid judgements....

There are absolutely no provisions for this in the materials MPD has submitted.

4. The Independent Police Monitor and Police Civilian Oversight Board are fully operational and have access to BWC video footage as set forth elsewhere in this report and model policy.

The Office of the Independent Monitor is not yet operational.

5. The City and MPD have made substantial and sustained progress toward adopting the other reforms recommended by the previous Madison Police Department Policy and Procedure Review Ad Hoc Committee, especially in the areas of Accountability, Use of Force, and Response to Critical Incidents.

MPD has only minimally complied with the recommendations of Madison Police Department Policy and Procedure Review Ad Hoc Committee. MPD has made mostly minor changes, digging in its heels and resisting reform while playing PR games.

6. A system and or process for sharing BWC video footage files – preferably an electronic file sharing system if feasible – with the Dane County District Attorney's Office and the Public Defender's Office in time for informing charging decisions for cases referred by MPD for potential criminal charges.

Nothing of the sort has been set up.

7. The Dane County District Attorney's Office has formally enacted a policy to review any relevant BWC video before making a charging decision in any case referred by MPD where BWC video is available.

No such policy has been enacted by the DA's Office. A glaring omission.

8. The Dane County District Attorney's Office has firmly committed to measures sufficient to prevent an overall increase in charging rates and criminalization in low-level offenses caused by MPD BWC implementation.

No such commitment has been made by the DA's Office.

9. Arrangements have been made for a rigorous, randomized controlled trial as a pilot program, with tracking and analysis of data on key outcomes, and particularly prosecutorial charging rates. A primary use of the trial would be to determine if charging rates and pleading rates are increased, particularly for misdemeanors, for cases in which BWC video is available....

The planned datapoints includes only a vague "whether an individual was charged with a crime and the nature of any such charges." There appears to be no stated intention of capturing data on pleading rates.

10. The Common Council should engage in informed deliberation on whether resources required for BWC implementation would best be allocated to BWC implementation or other competing needs.

I have not really seen the Council deliberate on "whether resources required for BWC implementation would best be allocated to BWC implementation or other competing needs." As I have noted previously, such programs are extremely expensive when you actually consider labor costs (and to a lesser extent, storage costs).

Note that the BWC Committee report clearly states:

**If the City, MPD, and the DA's Office fail to fulfill these preconditions, then the Committee unanimously agrees that BWCs should not be implemented in Madison.**

No-one can honestly state that the preconditions have been substantially fulfilled. Trying to claim so would be a farce.

Sincerely,

Dr. Gregory Gelembiuk

**Fields, Debbie**

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**From:** kathyviets@gmail.com  
**Sent:** Saturday, July 29, 2023 11:22 AM  
**To:** All Alders  
**Subject:** [All Alders] Body-worn Cameras

**Recipient:** All Alders

**Name:** Kathy Viets  
**Address:** 6 Brookins Court, Madison, WI 53716  
**Email:** kathyviets@gmail.com

**Would you like us to contact you?** No, do not contact me

**Message:**

Hello All,

I am asking you to please approve body-worn cameras for MPD. You must realize how foolish our city looks that we don't have them.