From: Rickey, Al
To: Body-Worn Camera Feasibility Review Committee
Subject: BWC
Date: Wednesday, December 23, 2020 7:23:20 AM

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Committee Members,

I had some questions regarding the policy portion. I know it is late in the game so please disregard if you feel they are not worth consideration.

Some things to consider:

Consideration should be given to changing the wording that officers" shall" be disciplined for violations of the policy. This conflicts with the authority of the Chief and the PFC. They are the only entities that can administer discipline. The wording grants no discretion to the PFC or Chief. Imposing the discipline by the recommended wording is troublesome if the CC is demanding it. A CC member tried to penalize Chief Koval by deducting a sum of money from his paycheck. City Attorney Mike May made it crystal clear that the proposal was not within the authority of the CC, and it could not move forward.

I assume the officers will be able to activate BWCs when rogue elements of a protest threaten police and bystanders, make obscene gestures, taunt, and shout racial slurs at the officers.

The document also suggests that officers cannot review videos before completing a report. The goal of a police investigation is to provide truthful and detailed information. It should not be a test of the officer's recollection or note-taking abilities. Various board members in Madison Government have mentioned that they regularly review videos of past meetings to refresh their recollection. From my own past professional experiences, I learned that elements such as stress and duration of contacts might affect a person's recall. The BWCs should not be a tool to discredit police reporting and provide cannon fodder for defense attorneys and police critics. I would assume that the committee agrees that the outcome should be an accurate representation of events. An officer will not likely have the luxury of reviewing video given time restraints, but there should not be a blanket prohibition before completing a report.

Where does the policy intersect with and perhaps conflict with existing MPD policies and practices? I also assume video cameras are still used by officers during some interviews at MPD facilities. Do you intend to create multiple layers of video as well? Additionally, as Captain Austin pointed out, state statute mandates recording interviews of juveniles in some situations. Consent by the juvenile may not be an issue.

Does the policy require MPD to turn over video evidence to defense attorneys without input from the prosecutor?

Please forgive me if I misunderstand parts of the policy. I am seven years out from policing and may not be current with case law and MPD policy. One thing is certain: the longer and more confusing a policy, the more difficult it is to master and be in compliance.

I'm not looking for a response, just trying to throw some things into the mix. You folks have worked very hard. Thank you.

Al Rickey

North Madison
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