

Substitute Resolution 68625 -- Attachment A

Madison Police Department Body Worn Camera Pilot Program

Requirements of Madison General Ordinance 23.63(4), the Approval Process for the Use of Surveillance Technology

1. Circumstances which necessitate the use of Surveillance Technology:

In April of 2020, the Common Council established the Body-Worn Feasibility Review Committee to make recommendations to the Council as to whether or not the Madison Police Department should establish a body worn camera program. The report of that committee recommended that MPD implement a body-worn camera pilot program to assess the impacts and effects of the use of body-worn cameras by MPD officers. Additionally, in its Sentinel Review of the Madison Police Department's response to the 2020 protests, the Quattrone Center for the Fair Administration of Justice also recommended that the City consider whether the benefits of body-worn camera technology outweigh privacy concerns.

2. The training protocols the Department will utilize:

Police personnel who are assigned BWCs must complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

3. The position(s) responsible for the account management and administration of the Surveillance Technology:

The Madison Police Department will establish a Body-Worn Camera Administrator position responsible for account management and administration, and that position will work in conjunction with the MPD Records Custodian

4. The position(s) responsible for receiving complaints regarding the Department's use of Surveillance Technology:

The Body Worn Camera Administrator and the MPD Professional Standards Internal Affairs Unit will be responsible for receiving complaints regarding the use the BWC technology. Complaints may also be filed with the Police Civilian Oversight Board.

5. The process for determining roles and access to Surveillance Technology:

The roles and access to BWC technology will be determined by the BWC administrator in accordance with MPD Policy and applicable State and Federal law. The BWC technology shall be used only for legitimate law enforcement purposes in accordance with applicable law and departmental policy. The viewing of any recording for anything other than approved Departmental purposes and the downloading or converting any recording captured by a BWC for any type of personal use is strictly prohibited.

6. The process to ensure access to Surveillance Technology is revoked when the employee no longer has a job-related need to said access:

The Body Worn Camera administrator will continuously monitor access to the Body Worn cameral system to ensure that access levels are consistent with assigned roles. Employees who leave the Department will no longer have access to BWC recordings outside of the public records request process. Employees who change roles and no longer require access to the BWC system will have permissions modified by the Body Worn Camera Administrator or designee.

7. The position(s) responsible for training staff and reviewing staff access and use of the Surveillance Technology:

The Body-Worn Camera Administrator will be responsible for training staff and reviewing staff access and use of the BWC technology and will regularly monitor access to ensure compliance with MPD policy.

8. Ensuring that the Madison Police Department will be provided with immediate access to all data recordings that may constitute evidence of a crime, unless otherwise prohibited by law:

As this program will be administered by the Madison Police Department for MPD personnel, this condition will be satisfied by the implementation of the BWC pilot program

9. The time period that downloaded or saved audio and video will be retained in accordance with the City's Records Retention Policy, and differentiate between recorded/streamed and downloaded or otherwise saved, see MGO Sec. 3.70(3)(b)6.a:

MPD policy for retention of BWC recording is set in the MPD Records Retention schedule. Recordings that are labeled by the officer as "non-evidentiary" shall be retained for a minimum of 180 days. The "non-evidentiary" tag shall be used only when no arrest was made and no events that were evidentiary were captured. Recordings that are tagged as "evidentiary" shall be maintained as case file records and be retained for 30 years and as permanent in accordance with the MPD Records Retention schedule. All recordings will be maintained in accordance with City of Madison policy.

10. Ensuring that the Surveillance Technology may not be used to visually or audibly monitor the interior of private dwellings where a reasonable expectation of privacy exists, absent a court order or lawful justification:

In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made pursuant to an arrest or search of the residence or the individuals or another legal justification exists.

11. Procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation or civil or criminal litigation:

MPD policy for retention of BWC recording is set in the MPD Records Retention schedule, which includes procedures for ensuring that records are not destroyed during the pendency of any public records request, investigation, or civil or criminal litigation.