

Community Policing and Body Camera Ad Hoc Committee

Executive Summary Report

The Community Policing and Body Camera Ad Hoc Committee (CP&BC Ad Hoc Committee) was created by the Common Council on January 13th, 2015 to make recommendations on how to continue to ensure positive relationships and trust between MPD and our citizens, and to provide the framework for a pilot study of the use of body cameras.

The Ad Hoc Committee was made up of nine members.

Five Community Representatives:

- Citizen member from the Equal Opportunities Commission
- Citizen member from a domestic abuse victim services agency
- Citizen member from an organization serving communities of color
- Citizen member of the LGBTQ community
- Citizen member

Four City Staff members representing:

- Madison Police Department
- Madison Fire Department
- Department of Civil Rights
- Information Technology Department

Nancy Saiz - Staff to Committee
Community Development Division

The Ad Hoc Committee was charged with making recommendations to the Common Council on:

- 1) How to build positive relationships and trust between MPD and our citizens
- 2) Providing the framework for a pilot study concerning the use of body cameras, including but not limited to, MPD policies and practices, their impact on citizens and City agencies, and any fiscal implications.

The City contracted with the YWCA to conduct community engagement sessions and produce a report on their findings. Jacquie Boggess, Co-Director of the Center for Families Policy and Practice was one of the principles conducting interviews and was the author of the final YWCA report.

The ad hoc committee met 6 times: June 30, 2015, July 30, 2015, August 25, 2015, September 2, 2015, October 16, 2015, and October 23, 2015. The following synopsis augments the official minutes from each meeting.

June 30, 2015

- Reviewed the two main points of the resolution; *develop trust in the community* and *provide a framework for the use of body cameras*.
- Veronica Lazo was voted Chair and Tom Brown was voted Vice Chair.
- A motion passed requesting the Common Council extend the deadline on a report from the Committee for additional time for Consultant (YWCA) to continue and

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complete interviews with City employees, focus groups, and community members.

- The resolution was revisited before the meeting ended and it was discussed that one of the two charges will be complete once the report is done.
 - 1) *Guide, develop and implement a community and employee engagement process and timeline.*
 - 2) *Develop a policy on the use of body camera & develop a framework for a pilot study to occur in 2016. (This assumed the committee would recommend the use of body worn cameras after the report.)*

July 30, 2015

- The report prepared and presented to the Common Council entitled Madison Police Department Body-Worn Video Considerations for Program Implementation was shared with committee members. The following Pros and Cons were discussed:
 - **Pros.**
 - Reductions of complaints and a more timely resolution to complaints
 - Benefit of cameras for police is that there may be additional evidence and it may assist in putting reports together.
 - Benefits to citizens with follow up and complaints being resolved.
 - Federal programs may help to offset the starting cost, however it will ultimately fall on the City of Madison to continue funding.
 - Methods may be able to be developed to impact cost by building parameters on how cameras are phased in, by using a pilot study limiting initial use to positions or departments.
 - **Cons.**
 - Best practices are just being researched when it comes to using body cameras by police officers.
 - There is not much research or case law on this topic.
 - If and when policies are created around the use of body cameras, they will have to be a continual review process. This has been the experience with the use of vehicle cameras.
 - Privacy issues especially within immigrant communities and with domestic violence victims.
 - Open records ramifications as it relates to additional staff to handle requests. (It was noted that Madison currently receives more open records requests than Milwaukee).
 - Police will have additional costs in staff and equipment to keep up with open records requests. As it is, Madison has more open records requests than Milwaukee.

August 25, 2015

- The YWCA presented the findings in their report, Body-Worn Video for the Madison Police Department: Community Engagement Sessions. Mrs. Boggess

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stressed the communities' largest issue is that of mistrust and fear of the Police. (Please see attached YWCA final report, page 19, for recommendations.)

- The Ad Hoc Committee accepted the report and decided to review the findings before taking any actions.

September 2, 2015

- The CP&BC Ad Hoc Committee voted 4-2 with 2 abstentions to recommend NOT moving forward with using body cameras at this time. The roll call vote results as follows:

Lucia Nuñez – No	Kristen Roman – Abstained
Laura Laurenzi – Abstained	Richard Beadles – No
Veronica Lazo – No	Tom Brown – Yes
Maria Teresa Dary – No	Anthony Cooper - Yes

October 16, 2015

- Prior to the meeting, the Chair and Vice Chair came together to suggest a merger of the Ad Hoc Committee and the MPD Policy and Procedure Ad Hoc Review Committee.
- Staff to committee was not present and the agenda referenced a report to be discussed that committee members had not had a chance to review and handouts were not available at the meeting.
- Committee voted to adjourn.

October 23, 2015

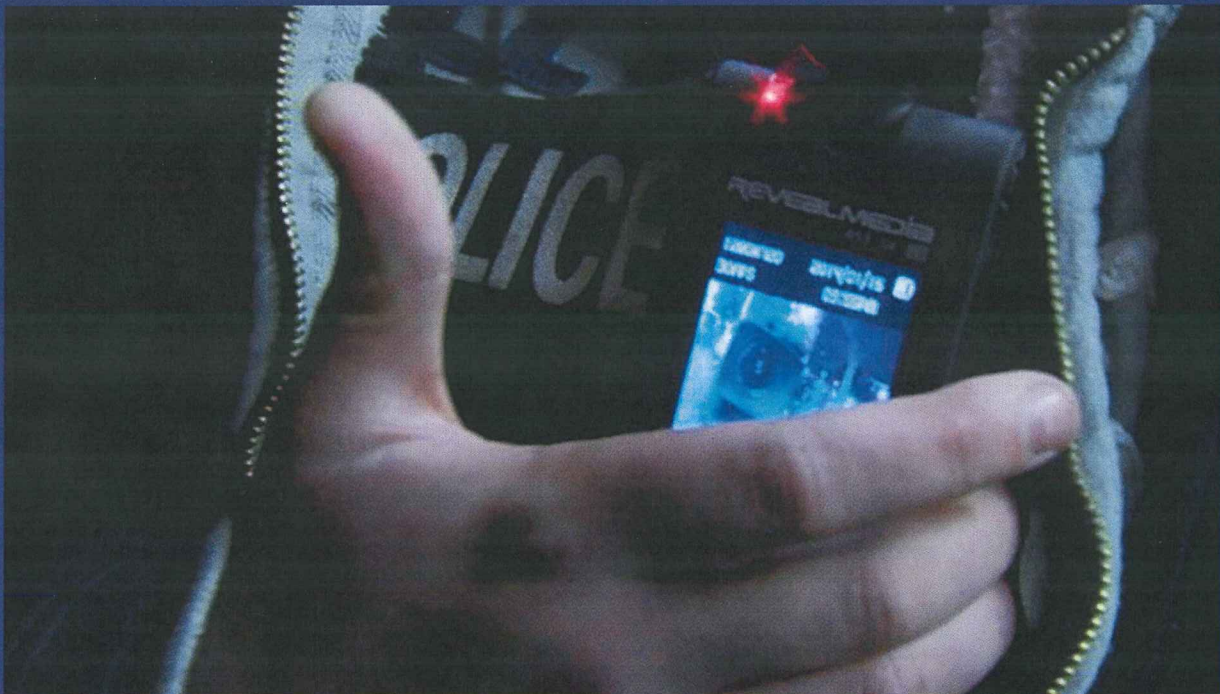
- A synopsis was presented to the committee by the Chair and Vice Chair.
- The following motion was made by Veronica Lazo, seconded by Maria Dary:

Due to the concerns identified by the *Body-Worn Video for the Madison Police Department: Community Engagement Session.*, the CP&BC Ad Hoc Committee recommends that this committee be recessed and the Common Council/Mayor appoint the citizen committee members to City Committees that are currently working on the issues identified in the report. The CP&BC Ad hoc Committee recommends that, when the concerns from the report have been addressed, and a determination is made to proceed with body cameras or a body camera pilot study in the future, the CP&BC Ad Hoc Committee should reconvene to develop the framework for the study and policies on the use of body worn cameras.

MADISON POLICE DEPARTMENT

Body-Worn Video

Considerations for Program Implementation

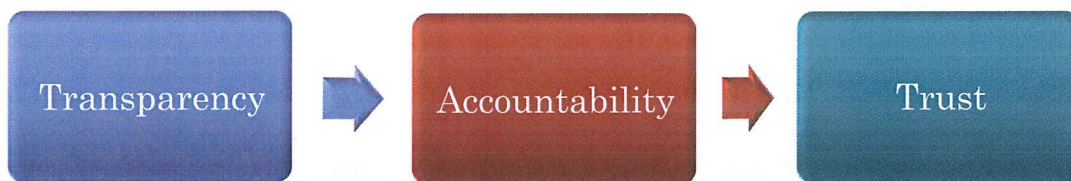


Report to the City of Madison Common Council

Prepared by
Captain Kristen Roman

Introduction

In recent years, the emergence of body-worn video cameras in police agencies across the country has garnered national attention, sparked community dialogue, and illuminated both real and perceived benefits regarding their use. While the many conversations taking place on this issue in communities such as ours throughout the country will no doubt yield various tailored program policies and practices, a common thread that weaves its way through all these discussions is the shared hope and in some cases firm belief that the use of officer-worn video cameras leads to increased transparency, accountability and trust.



It is important to understand from the outset that these three concepts or objectives are not one-sided. While there are clearly benefits to the community to have in place systems that provide greater transparency, accountability, and therefore increased trust in their police department, officer actions are only a fraction of what will be captured by body-worn video cameras. As crime scenes, witness statements, evidence, and civilians in both public and private settings are recorded, the community as a whole will be subject to greater levels of transparency and accountability. And matters of trust that emerge out of the increased visibility that such technology creates will impact not only police/citizen relations, but a number of community relationships in various contexts. The Madison Police Department (MPD) takes pride in its commitment to promote transparency, ensure accountability, and cultivate community trust. To this end, we welcome the opportunity to enter into thoughtful conversation with community stakeholders regarding the use of body-worn video (BWV) by MPD officers. This report will highlight key considerations for program development such as, the benefits and potential drawbacks of body-worn video cameras, privacy concerns, open records implications, and financial costs, all of which impact the community. Following a discussion of these considerations, this report will identify next steps toward BWV implementation.

Potential Benefits and Drawbacks

In much of the current literature that exists regarding the use of BWV by police, the overriding sentiment is that BWV benefits citizens and officers alike. Even so, guidelines published by the Police Executive Research Forum (PERF) as well as the Office of Community Oriented Policing Services (COPS) caution police departments and the communities they serve to carefully consider the impact of implementing BWV, “Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public’s privacy rights but also can affect how officers relate to people in the community, the community’s perception of the police, and expectations about how police agencies should share information with the public” (PERF, 2014, p. vii).

Police leaders who have deployed body-worn cameras point to many benefits related to their use. The benefits most commonly cited include:

- Complaint Reduction and Resolution
- Transparency and Accountability
- Improved Public Trust
- Evidence Documentation
- Training
- Identifying Systemic Problems

Complaint Reduction and Resolution

As outlined in a recent PERF survey, agencies utilizing body-worn videos report a reduction in citizen complaints against officers. The Rialto (CA) Police Department cited a 60 percent reduction in officer use of force incidents following camera deployment and an 88 percent reduction in the number of citizen complaints between the year prior to and following camera deployment. Police in Mesa, AZ reported 40 percent fewer total complaints against officers during a one-year pilot program and 75 percent fewer use of force complaints for officers with cameras during this same pilot. While it is true that cameras can lead to improved professionalism among officers wearing them, many agencies have found that having video footage of an encounter also discourages people from filing unfounded or false complaints against officers. As we have seen in the use of in-car video systems, incidents captured on video often lead to quicker resolutions when questions or complaints arise.

Transparency, Accountability, and Trust

"Whenever you do a thing, act as if all the world were watching."

- Thomas Jefferson

Proponents of police body-worn video argue that their use provides greater transparency, which in turn ensures accountability thus improving citizen views of police legitimacy. Yet as David White (2014), Professor of Criminology at Arizona State University noted in a recent report, "This claim has not been sufficiently tested. There have been virtually no studies of citizens' views of the technology" (p.10). White (2014) further argued that perceived benefits of body-worn video are largely that – perceived – and that, "Researchers should examine all aspects of the implementation and impact of the technology – from its perceived civilizing effect, evidentiary benefits, and impact on citizen perceptions of police legitimacy to its consequences for privacy rights, the law enforcement agency and other outside stakeholders" (p.14).

Despite White's cautionary position, police executives surveyed for the PERF report anecdotally advised that body-worn cameras have made their operations more transparent and strengthened accountability. Feedback that PERF received from 40 police executives who have implemented or are considering using body-worn cameras pointed to increased officer professionalism, an enhanced ability to identify and correct operational deficiencies, as well as improvements to officer performance, and interactions with the public as distinct benefits to the use of body-worn video cameras in their respective departments.

Fundamentally, the impetus for outfitting each and every patrol officer with a camera to record their actions and those of citizens with whom they interact is a matter of trust – or more accurately a lack of trust. As noted in the PERF (2014) report, "Trust builds through relationships, and body-worn cameras start from a position of mistrust" (p. 20). Given that a broader utilization of body-worn cameras in police agencies is a relatively new phenomenon, it is too soon to fully understand the impact that their use has or may have on the relationships between officers and members of the community. Does BWV actually improve trust or undermine it? Questions as to the ways in which BWV may hinder openness, or deter citizens from contacting police, making statements, or providing information pose serious concern and require full exploration and assessment given their potential chilling effect on police/community partnerships. These questions underscore White's (2014) position that far more research is needed to understand the macro-level impact and to either validate or debunk the perceived benefits and drawbacks to the use of BWV. At a local level, community engagement and officer input regarding

potential impact, program parameters, expectations, and the development of outcome measures to address each identified area of concern will be essential to any BWV implementation process.

President of the Madison Professional Police Officer Association (MPPOA), Dan Frei, articulated additional concerns in his supplemental memo, which is attached to this report. Frei pointed to potentially unrealistic community expectations regarding BWV and the ways in which such expectations may undermine trust in the Department. Frei's insights illuminate intangibles not explored in depth in the PERF report such as the unintended consequence of an overreliance on video evidence leading to a devaluing of officer statements or incident accounts. This same overreliance and misunderstanding as to the true limitations of technology can result in untenable expectations that all incidents will be recorded and that such recordings will present a full and complete picture of all contributing factors leading to specific officer decisions or actions. Frei's commentary illustrates well the need for a comprehensive approach to BWV program development and subsequent community education regarding what such a program can realistically be expected to offer in the way of police transparency, officer accountability, and increased trust in the Department.

Evidence Documentation

Currently, MPD Investigators visually document crime scenes through still photos and handheld video cameras. Prior to the arrival of these forensic specialists at the scene, officers and supervisors work to secure a perimeter and preserve all known evidence. The use of body-worn cameras by officers first arriving at the scene can serve to enhance evidence documentation by capturing footage from the outset of a police response and recording information that may not initially be identified as evidentiary but is later determined to be so. In addition, BWV can provide a record of interrogations, arrests, and anything else that officers may witness at various crime scenes. According to Chief Jason Parker of Dalton PD in Georgia, "Unlike in-car cameras, body-worn cameras capture everything that happens as officers travel around the scene and interview multiple people. The body-worn cameras have been incredibly useful in accurately preserving information" (PERF, 2014, p. 9).

Officer Training

The use of video as a training tool has a long proven benefit. Athletes review game footage, artists critique recordings of their performances to make improvements, and recruits in the MPD Pre-Service Academy analyze videos of their scenario-based training to identify ways to better their approach and improve incident outcomes. In addition to pre-service use, BWV can provide a post-incident review to highlight both effective and ineffective actions, decision-making, and various environmental factors that contributed to the incident. PERF's survey found that 94 percent of respondents use body-worn camera footage to train officers and aid in administrative reviews. MPD's SWAT Entry Team members have used body-worn video cameras for both training and post-incident review as well as evidence documentation since 2012. This small-scale use has given us a sense of both the promise these cameras hold for training purposes and the significant amount of server space that is required to maintain video data.

Identifying Systemic Problems

Beyond the potential value of using BWV as a training aid for individual performance, BWV can also assist in identifying and addressing systemic problems within the Department. Reviewing BWV footage as the need arises will provide opportunities to recognize patterns that may emerge from individual incidences and officer actions pointing to more wide-reaching structural problems in need of correcting. Each year, we review our Standard Operating Procedures and make necessary adjustments. BWV can provide a tool in conducting these assessments and determining best practices.

Drawing largely from the PERF (2014) report released earlier this year, information as to the benefits and possible drawbacks to the use of BWV is mostly anecdotal. And from a review of the limited literature on the subject with respect to the efficacy of BWV programs, it is clear that more research is needed to conclude empirically what the advantages and disadvantages are to the full-scale use of BWV in police agencies. While the benefits and drawbacks already discussed in this report are those most commonly cited to date, matters of concern that could also be characterized as potential drawbacks such as privacy, open records, and financial costs, will be further explored in the following sections.

Privacy Concerns

Perhaps the most nuanced consideration in the discussion of police body-worn video is that of privacy. In Wisconsin, only one party needs to consent to either videotape or audio record an interaction. Body-worn cameras raise many privacy issues and given the relatively recent use of BWV in policing, the courts have not yet provided guidance on these issues. Yet it is these very issues that will define the parameters of any BWV program implemented in the Madison Police Department. BWV is more intrusive than a mounted in-car video system, which operates in the realm of public view. And when affixed to a police officer's lapel, BWV can capture and memorialize not only police actions but the varied and often sensitive and tragic circumstances the citizens we serve confront on a daily basis. Officers are frequently called into scenes fraught with emotional and physical discord, volatility, injury, confrontation, pain, and trauma. The very nature of our work means that we often see people on their worst days, entering into the privacy of their homes in an attempt to engender calm in the face of chaos. Serious questions arise when we consider introducing a video camera into these interactions. Suspects, witnesses, bystanders, and victims, are all subject to the scope of the camera lens, which is at once far-reaching and limited in its ability to accurately and adequately portray the human condition.

Agencies currently using BWV acknowledge that privacy is a concern though to date there seems no clear measure of the impact that BWV has on the experience of citizens engaging with officers outfitted with a video camera. As mentioned earlier in this report, most of the information that exists in this particular area is speculative and not articulated from the point of view of citizens whose circumstances, statements, actions, and home settings, are being recorded and placed into public record. To this point, determining when to record presents considerable challenge and any resulting decision carries with it the potential to impact the police/citizen dynamic and perceptions of trust more than any other aspect of a BWV program. As noted in White's (2014) assessment, "These concerns highlight the importance of developing detailed policies governing when the body-worn cameras should be turned on and off... Detailed policies and careful officer training can assuage some citizens' objections to body-worn cameras" (p. 28). Police executives from the PERF (2014) survey cite the potential negative impact on community relationships as a reason to not record every encounter. Whether or not and to what extent BWV causes a chilling effect on citizens' willingness to contact police in a variety of contexts will need to be continuously evaluated by any agency using these cameras and should be fully vetted through community discussions prior to any program implementation.

Open Records Implications

Questions that have emerged from communities whose police departments employ BWV reveal the underlying privacy concerns and an apprehension shared by many fearing disclosure of specific recorded data, most notably footage from inside private dwellings, or footage that is sensitive in nature. In preparing this report to the Council, MPD consulted with the City Attorney's Office to receive guidance regarding any open records implications that a BWV program may create. Preliminary discussions with the City Attorney's office noted that records created through BWV cameras will be subject to the same balancing test that all MPD records are currently. As such, BWV records requests will be assessed on a case-by-case basis taking into consideration the unique attributes of each record requested and applying existing standards as to their release in either full or redacted form. However, unlike written records, video records require a more labor-intensive and specialized process to retrieve and review for the purposes of an open records request. As our experience with in-car video records has shown, there are an ever-increasing number of public requests for video records. The addition of BWV – which will likely capture far greater amounts of video than in-car systems – will not only create the need for significantly greater server/data storage capacities, but will also require additional staff to process open records requests for these videos. All of which translate into increased financial costs to implement a BWV program.

Some agencies that were quick to implement a BWV program, did not adequately anticipate the volume of open records requests that followed soon after. A recent news story out of Washington reported that agencies there using BWV have been slammed by massive public records requests that for one agency could take up to three years to fulfill and have caused other agencies to halt their BWV program pending legislation that places reasonable restrictions on blanket records requests. As stated in one article covering this story, "Some familiar with the bulk public disclosure requests for video, suspect that people are trying to obtain the footage to turn it into for-profit television or Internet programming" (Lucia, 2014).

Aside from these legal, logistical, and financial considerations pertaining to open records implications for BWV, the overriding open records concern as it relates to BWV takes us back to the issue of privacy and whether or not it serves the best interest of the public to create a record and make available upon request video footage recorded during a police contact that occurred inside the privacy of one's living room.

Financial Costs

While body-worn video cameras can provide potential benefits, the question in any cost-benefit analysis is whether or not what we gain from implementing a BWV program as a department and a community is worth the extraordinary financial cost of doing so. In this analysis the relationship and trust level that exists between the community and the police is of paramount importance. For communities with police agencies under consent decree to utilize BWV based on clearly identified service and/or trust gaps, the financial cost of these programs is outweighed by the benefits resulting from increased transparency and the added assurances of accountability that BWV can provide. The question soon before the Madison community will be whether or not as a whole it sees a clear need to increase assurances and potential accountability measures in *this* police department through a BWV program despite its drawbacks, one of which is its exorbitant financial cost.

The tables below outline estimated costs of implementing BWV in the Madison Police Department. Estimated costs for body worn video are based upon relating known usage, video quality and retention policies from the existing In Car Video system.

- Calculations were additionally extrapolated through the assessment of officer call volumes.
- Specialty units were also assessed to include the impacts of video from special events, Freakfest and Mifflin Street, (SET and Mounted Patrol) as well as SWAT responses.

The combination of these factors resulted in the estimated video storage requirements, and related costs, to cover daily, 120-day retention, and perpetual evidence storage.

Other financial considerations not included in this cost matrix are both operational and capital budget items. Annually, an operational budget item would be required to provide for maintenance, equipment repair and replacement. Additionally, the growing need for evidentiary storage would likely require capital funding to periodically expand the overall video storage, upgrade/replacement of servers, and provide for future upgrades to the body-worn video hardware and related software.

<u>Body Worn Video Estimated Costs</u>					
	<u>Officers Assigned</u>	<u>Body Worn Cameras (\$1,500 per unit)</u>	<u>Estimated Daily Video</u>	<u>Estimated 120 Day Retention</u>	<u>Estimated Evidence Per Year</u>
			<u>(in Terabytes)</u>		
<u>Patrol Districts</u>					
Central					
Patrol Officers	39	\$58,500.00	0.078	9.360	2.847
Sergeants	6	\$9,000.00	0.003	0.360	0.110
Community Policing Team	6	\$9,000.00	0.018	2.160	0.657
Education Resource Officer	0	-	0.000	0.000	0.000
Neighborhood Officers	3	\$4,500.00	0.014	1.620	0.493
Spare	1	\$1,500.00	0.000	0.000	0.000
Central Totals	55	\$82,500.00	0.113	13.500	4.106
East					
Patrol Officers	41	\$61,500.00	0.082	9.840	2.993
Sergeants	6	\$9,000.00	0.003	0.360	0.110
Community Policing Team	6	\$9,000.00	0.018	2.160	0.657
Education Resource Officer	1	\$1,500.00	0.005	0.540	0.164
Neighborhood Officers	2	\$3,000.00	0.009	1.080	0.329
Spare	1	\$1,500.00	0.000	0.000	0.000
East Totals	57	\$85,500.00	0.117	13.980	4.252

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North					
Patrol Officers	33	\$49,500.00	0.066	7.920	2.409
Sergeants	5	\$7,500.00	0.003	0.300	0.091
Community Policing Team	6	\$9,000.00	0.018	2.160	0.657
Education Resource Officer	1	\$1,500.00	0.005	0.540	0.164
Neighborhood Officers	3	\$4,500.00	0.014	1.620	0.493
Spare	1	\$1,500.00	0.000	0.000	0.000
North Totals	49	\$73,500.00	0.105	12.540	3.814
South					
Patrol Officers	32	\$48,000.00	0.064	7.680	2.336
Sergeants	5	\$7,500.00	0.003	0.300	0.091
Community Policing Team	6	\$9,000.00	0.018	2.160	0.657
Education Resource Officer	1	\$1,500.00	0.005	0.540	0.164
Neighborhood Officers	4	\$6,000.00	0.018	2.160	0.657
Spare	1	\$1,500.00	0.000	0.000	0.000
South Totals	49	\$73,500.00	0.107	12.840	3.906
West					
Patrol Officers	51	\$76,500.00	0.102	12.240	3.723
Sergeants	7	\$10,500.00	0.004	0.420	0.128
Community Policing Team	8	\$12,000.00	0.024	2.880	0.876
Education Resource Officer	1	\$1,500.00	0.005	0.540	0.164

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Neighborhood Officers	5	\$7,500.00	0.023	2.700	0.821
Spare	1	\$1,500.00	0.000	0.000	0.000
West Totals	73	\$109,500.00	0.157	18.780	5.712
Midtown *					
Patrol Officers	0	-	0.000	0.000	0.000
Sergeants	0	-	0.000	0.000	0.000
Community Policing Team	0	-	0.000	0.000	0.000
Education Resource Officer	0	-	0.000	0.000	0.000
Neighborhood Officers	0	-	0.000	0.000	0.000
Spare	0	-	0.000	0.000	0.000
Midtown Totals	0	-	0.000	0.000	0.000
Patrol Totals	283	\$424,500.00	0.597	71.640	21.791
<u>Specialty Units</u>					
SET	79		0.948	113.760	11.376
SWAT	50		1.200		144.000
Mounted	3	\$4,500.00	0.036	4.320	0.432
K9	6	\$9,000.00	0.005	0.540	0.164
TEST Motor Officers	3	\$4,500.00	0.018	2.160	0.657
TEST Officers	6	\$9,000.00	0.036	4.320	1.314
Gang	6	\$9,000.00	0.027	3.240	0.986
Spare Units	5	\$7,500.00	0.000	0.000	0.000

Body-Worn Video

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Specialty Totals	29	\$43,500.00	2.270	128.340	158.929
Patrol and Specialty Grand Totals	312	\$468,000.00	2.867	199.980	180.719
<u>Server Infrastructure</u>					
Server Storage		\$130,143.00			
Upload Server Upgrades		\$500.00			
Body Worn Camera Application Software		\$15,600.00			
District Network Upgrades (10 Gigabyte Switches)		\$100,000.00			
Camera Mounts		\$1,000.00			
Server Infrastructure Totals		\$247,243.00			
<u>Positions (2014 Rates)</u>					
FSU Lab Technician Position		\$69,900.00			
Management Information Specialist 2		\$87,000.00			
Program Assistant 1 Position		\$66,200.00			
Positions Totals		\$223,100.00			
<u>Overtime (w/Benefits 2014 Rates)</u>					
FSU Lab Technician Position		\$5,954.00			
Management Information Specialist 2		\$6,416.80			
Program Assistant 1 Position		\$4,733.30			
Overtime Totals		\$17,104.10			

<u>Total</u>		
<u>Estimated</u>		
<u>Costs</u>		<u>\$955,447.10</u>

* The Midtown police district is not included within the overall cost estimates.

Next Steps

As of the date of this report's submission to the Common Council, it has already been resolved to establish an ad hoc committee in 2015 to further explore the matter of body-worn video cameras for the Madison Police Department. Though the specific objectives and direction for the work of this committee will be determined collaboratively by those selected to participate, our preliminary research and assessment point to several potential strategies to facilitate this exploratory process. To begin, we have identified key internal stakeholders to lend their expertise and perspective to the ad hoc committee discussions. Issues in need of further inquiry and understanding include but are not limited to:

- Cost/benefit analysis
- Community impact
- Privacy considerations
- Policy and procedure
- Training
- Open records parameters
- Program measures to assess effectiveness/outcomes

Potential MPD strategies to address the above issues:

- Conduct community forums (with diverse representation from various communities)
- Educate the community regarding the benefits, drawbacks, and limitations of a BWV program
- Obtain legal consultation/input (HIPPA issues and other protected information considerations)
- Solicit organized labor feedback
- Coordinate discussions with victim rights advocates
- Coordinate discussions with mental health consumers and advocates
- Develop a long term financial feasibility plan

In conclusion, this report summarizes the many issues that must be carefully considered prior to choosing to establish a body-worn video program in the Madison Police Department. In short, it is a complex issue and there are no easy solutions or technological fixes to what, in the end, is a matter of trust.

References

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- White, M. (2014). *Police officer body-worn cameras: Assessing the evidence*. Office of Community Oriented Policing Services: Washington, DC.

To: Captain Kristen Roman
From: Dan Frei, MPPOA President
Re: MPPOA input regarding body worn cameras

Capt. Roman, thank you for the opportunity to provide input into the question of the Madison Police Department implementing a body worn camera (BWC) program. In general we recognize that there are benefits, both in terms of public opinion and trust and also to officers, to a BWC program but there are also many issues that are raised that must be addressed prior to implementing a BWC program and that would continue to need to be addressed even after a BWC program was begun.

In preparing this memo we reviewed the report from the Police Executive Research Forum (PERF) and also a paper from The Force Science Institute both of which are attached as supporting documents. In addition we also surveyed the MPPOA board for thoughts and opinions. In general we tend to agree with both papers and the points they raise, so for the sake of brevity I will not try to re-address each and every point contained in the papers as they stand alone. I will address certain points that I believe need further comment and will also try to bring up issues that were not mentioned in these articles. I will not try to address specifics of budgetary or staffing implications as I believe that you and others are dealing with those, but those are obvious factors that need to be considered as well.

The paper from PERF titled "Implementing a body-worn camera program: Recommendations and lessons learned", does a good job of laying out the perceived benefits of BWC programs. According to the report, many police executives reported that BWC have made their departments more transparent and accountable to the public while also helping to resolve questions following an encounter between officers and members of the public. Many executives also reported that complaints against officers were reduced and that use of force by officers was also significantly reduced when officers were wearing cameras. One caution I would raise is that the two studies cited (Mesa Arizona PD and Rialto CA PD) raise more questions in my mind than they answer and I would be hesitant to rely on their data without an in depth examination of the methods used and of the department's themselves. Both studies report significant reductions in use of force for officers wearing cameras as compared to officers who were not. The questions that come to my mind are:

Do those departments have problems with use of force by their officers (officers using too much or unwarranted force)? On the shifts where officers didn't wear the cameras and use of force was higher, were these use of force incidents found to be excessive or out of policy? Did the addition of cameras **SUPPRESS** warranted, legitimate use of force (officers did not use force when they should have, creating dangerous situations and at times the potential to have to use even greater force as the incident continues)? Did they see a reduction in officer output as a result of officers wearing the cameras (officers were less proactive when wearing cameras thereby reducing the number of potential contacts)? I would be hesitant to apply the findings of these agencies to all agencies and specifically to the MPD without a greater understanding of these questions along with the dynamics of how

these departments operate versus how MPD operates. SO while we agree with some of the perceived benefits cited we would caution trying to apply all of these to every department and especially to MPD.

The paper from PERF also does a good job of laying out concerns related to data storage, records retention, and disclosure of records. Clearly there is significant cost to data storage along with security concerns. Recently we have seen data breaches to what were believed to be very secure systems (including threats and breaches to banks and high security Govt. institutions) and I would propose that there is no reason to believe that we would be able to have a data storage system that is any more secure than those we have already seen compromised. I will leave it to others to calculate the additional costs for data storage, security, along with the manpower issues that go along with increased open records requests.

Two areas of concern that are raised by the PERF report that we feel are worth greater elaboration are the areas of privacy concerns and the impacts on community relationships and information gathering. We, at the MPD take great pride in our relationships with the community. We feel that one of the reasons why Madison has such a low crime rate compared to other cities of our size or even smaller cities geographically close to Madison are the relationships we have built and maintained with our community. While there are some in our community who likely feel that BWC are needed and would possibly increase their relationship with their police department, there are others who I am sure would feel that BWC present a barrier to their ability to interact with their officers. The PERF report quotes Det. Bob Cherry from the Baltimore PD Fraternal Order of Police "trust builds through relationships and body worn cameras start from a position of mistrust". While no single piece of technology can either establish or completely remove trust, it does beg the question of if body worn cameras are seen as necessary by your community to establish trust then aren't there other areas that need to be worked on and might there be better uses of limited budgets (greater emphasis on community policing efforts versus technology)?

There are also impacts on the ability to gather information that must be considered. Many of the people that we deal with daily and especially at crime scenes are hesitant at times to be seen talking and providing information to police. The addition of having these encounters videotaped would certainly have a chilling effect on many of these interviews. Some of these concerns can be addressed through sound policy, giving officers the ability to use discretion as to when they can stop or not record. Of course the more discretion that officers are given the more questions that can be brought up by critics and begins to lesson the initial reasoning for implementing a BWC program in the first place.

One of the greatest areas of concern, both in the PERF report and by our board was in the area of privacy. It is a large leap when you go from recording interactions that occur in public (either through fixed position security cameras, squad video, or BWC) to recording inside people's homes and recording close up video of every encounter with citizens. We respond daily to calls to assist the fire department on medical calls or other calls where people might be in various stages of undress or distress. It is not infrequent to hear citizens, when calling 911, to ask that police and fire response be "quiet" (no lights or sirens). They do this because

they fear embarrassment from the attention that an emergency response draws. What effect will there be if they are also thinking that they will be filmed in these moments? We frequently come into contact with people in extremely vulnerable situations, people who have been victimized, who will now have to also worry about their situation being videotaped. We also deal with recent immigrants to this country who fear interacting with the police for reasons ranging from concerns about their immigration status to their experiences with law enforcement in their home country. The addition of BWC could present one more barrier that we have to overcome when trying to establish trusting relationships with these communities. Some of these situations can be addressed through sound policy, but again there will be the same associated questions and issues whenever specific encounters are not filmed. There will also be some legislative issues that will need to be addressed in the area of open records laws. No one wants their neighbors or others to see every detail of an interaction with the police especially in non-criminal situations. There will have to be a balance between privacy concerns and the public's "need" and right to know.

An area that the PERF report briefly comments on but we believe will need to be examined further is the area of officer efficiency and how videos from each call will be used. The PERF report addresses whether officers should be allowed to view videos prior to giving a statement in situations like officer involved shootings but doesn't address "everyday" calls. Should officers go back and review videos from each call to make sure that their memory and notes don't conflict with the exact details that will be shown on the video? Should officers review videos to make sure that things they saw and perceived during an encounter were captured in the video or do they need to document what was seen and perceived by them and why it wasn't captured on video? Will the video ever **BE** the report? All these, and more, questions will have to be addressed and each has an impact on officer efficiency. You can essentially double the time for each call if officers go back and watch the tape from each call prior to completing their report.

An intangible that the PERF report touches on very briefly but is an important consideration for officers is how the word of an officer is being de-valued by technology. The public and even DA's staff have come to expect and overly rely on video evidence, not taking into account the limitations of this and any technology. We have seen cases dropped because there was not video evidence even though the case was strong otherwise. We have also heard from the DA's office that juries now have expectations, based on what they see on TV shows such as CSI, that are completely unrealistic as far as what technology is in the hands of law enforcement and what it can and should do.

PERF as an organization naturally has a focus on the perspective of a police executive, but doesn't always fully take into account how a particular policy, program, or piece of technology is viewed by those most directly impacted by it. The PERF report raises very good questions and concerns in the areas of policy, procedure, financial considerations, and generally how the technology would be used, but doesn't speak to the limitations of the technology itself very well. The paper from the Force Science Institute does address some of these limitations and possible implications that rise from these limitations. The Force Science Institute is

a group of scientists that have chosen to examine human behavior in high stress and deadly force encounters. They have conducted groundbreaking scientific studies on perception, action/reaction parameters, attention and memory, and judgment of officers in force encounters.

I will not take the time to list each of the limitations listed by the Force Science Institute as their paper is attached but I will highlight two of their points. A camera can't feel, it doesn't possess the ability to attend to multiple cues at the same time as well as a human, it doesn't have a database of memory and training to access, in short not everything an officer sees, feels, and perceives can or will be recorded but people viewing the incident in the calm light of the day will very likely give more weight to what they see on the video than to what additional factors an officer might be able to add. From the Force Science paper ""according to the U.S. Supreme Court in *Graham V. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight,' Lewinski notes. "But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the coulda-shoulda game. Under calm and comfortable conditions, they can infinitely replay the action, scrutinize it for hard-to-see detail, slow it down, freeze it. The officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions."

Many of the concerns raised by the MPPOA board and MPD officers mirror those already addressed in the PERF and Force Science reports. Some concerns that we have that are more specific to Madison are reflected below. We are concerned that by adopting a BWC program that it creates a perception for the public that isn't always true. When the public hears that officers are wearing cameras they will then assume that every encounter will be available to be viewed. Technology is never perfect, it fails through no fault of anyone. It becomes outdated and starts to malfunction. The public bases much of their experience and expectations on what they see on television. While squad and BWC footage is being seen more frequently, the footage the public sees most often is from shows such as COPS. The public doesn't appreciate the difference in quality of camera technology and end product that a show like that (or Hollywood productions) produces versus what we see from body worn cameras. They don't appreciate the foreshortened and narrowed visual perspective that squad car and body worn cameras often produce (due to lens technology). While this concern might seem somewhat farfetched to some, you only need to see how many people feel that officers should shoot someone in the leg or arm in an armed encounter and think where that idea comes from to see our point. Very few people have any actual experience to draw from (other than television) where they would independently come up with the idea that officers should shoot someone in the arm intentionally.

One of the biggest concerns that we have and we feel **MUST CHANGE**, especially if civilian policy makers decide that MPD will undertake a BWC program, is the city budgeting process. Currently city agencies including MPD are forced to prioritize budget requests each year, pitting one need against another. This is done for good reason typically but if the MPD is directed to take on a BWC program the expense should not be "cost against" other department needs. This is an important

consideration not just for initial costs (cameras, data storage, and associated personnel increases that would be necessary) but for continuing costs. The continuing costs are at least as important if not more important. We have seen with our current squad cameras and microphones that as they aged the reliability went down. There came a time when microphones were no longer issued to new officers and the manufacturer of the cameras we use stopped making them. The cameras and microphones began to fail and currently many squads do not have properly functioning cameras or microphones even though our policy doesn't reflect this. Officers have been put in the position to have to defend and explain in court why there wasn't video or audio of a particular incident. This is due in great part to how the city budget process works. Our department is forced to prioritize the costs of replacing and updating equipment such as squad cameras against other needs. When our leaders have to choose between adding officers for community policing needs or spending that money on cameras, the technology often gets put off and correctly so. As stated above, technology is not the reason why the MPD has such a good relationship with the residents of Madison, our officers and the way we police are. This takes us back to public perception and expectations. The public will expect that the cameras are working and our officers should not have to explain that they aren't because the funds were not there in a particular year to maintain the cameras.

We would like to offer some recommendations that we would insist on to the degree that we are able:

- *If civilian policy makers determine that MPD must undertake a BWC program that there is a commitment to provide funding not just for initial costs but to maintain and update the technology. Funding that is independent of other departmental needs.

- *A statement by the Mayor and City Council openly acknowledging the limits of any type of camera technology, including the limitations listed by the Force Science Institute. This statement should also acknowledge that any video only captures one perspective of an incident, there might be other views that if available would give a different view and conclusion. There are currently videos from other departments that show the same incident from two or more different views that illustrate this point. One view shows what appears to be an unjustified use of force but when the other view is seen it shows why the use of force was justified. If only one view was available it could very well lead to an incorrect conclusion. Political leaders need to acknowledge this possibility. The statement should also acknowledge that there will not always be video, technology fails sometimes or there might be other reasons why an incident was not captured and this should be acknowledged prior to this occurring instead of in the aftermath.

In conclusion, we would urge policy makers to sincerely examine whether this technology, in this community, and with this police department, is the right way to go. The possible benefits should be weighed against the possible downsides and viewed through the prism of our community's dynamics and relationships. Thank you for the opportunity to provide our thoughts.



Massive public records requests cause police to hit pause on body cam programs

Requests for hundreds of hours of body camera video are creating major hurdles for police and raising new privacy concerns.

By Bill Lucia

November 10, 2014.

Steve Strachan is the chief of police in Bremerton, a city of about 39,000 located directly west of Seattle on the Kitsap Peninsula. A former King County sheriff with nearly 30 years of law enforcement experience, Strachan currently has around 60 officers in his department. About two months ago, several of those officers tested different models of the officer-worn body cameras that are becoming increasingly popular in police departments around the nation. The pilot program lasted about six weeks.

"The officers that had them said that the interactions they had markedly improved," Strachan said. "They didn't want to give them up. The officers said, 'We like these.'"

But even though his officers embraced the new technology, and the department has the money set aside in its 2015 budget to roll out a permanent body camera program, Strachan is planning to hold off for now. The reason: At least two other Washington state police departments that use the cameras have received public disclosure requests for all video footage recorded by the devices. The requests threaten to create a crippling workload for agencies with limited staff and technology. Some police officials also worry about the privacy implications for their communities if the footage is made widely available.

The video files can amount to hundreds of hours of footage and often need to be redacted to blur faces and other sensitive information, or to mute audio. The police department in Poulsbo, a city about 15 miles north of Bremerton, has received a blanket body camera video request. The chief there said that, with his current staff, it could take up to three years to fulfill.

Some familiar with the bulk public disclosure requests for video, suspect that people are trying to obtain the footage to turn it into for-profit television or Internet programming.

Along with the work they create, the requests also raise privacy concerns. "Do you want video of the inside of people's homes that have been burglarized to be available to the public?" Strachan asked. "Or an interview with a domestic violence assault victim?"

"What it really comes down to is: How can you have transparency and privacy? And I don't know if you can have both in a way that satisfies everybody," he added.

If state lawmakers do not revise public records and privacy laws to account for the new technology, officials at departments already using the devices say they might hit the stop button on their body camera programs. Likewise, Strachan said his department would not purchase cameras for a permanent program if the laws were not changed.

Notably, the Seattle Police Department is moving ahead with long-postponed plans for a body camera pilot project despite the complications surrounding public disclosure requests. Already bogged down with massive requests for in-car video, the department is looking for ways it could post most of the body camera footage directly to the Internet, and for new software to index video and automate parts of the redaction process.

The American Civil Liberties Union of Washington has tracked the body camera issue closely and has offered input at the state level and to the Seattle Police Department. The organization's stance is that body camera footage should only be used for police accountability purposes. While this approach might eliminate some of the problems related to large public disclosure requests, it would require changes to state law, and it would likely encounter pushback from some law enforcement agencies and police unions.

Doug Klunder, an ACLU attorney specializing in privacy, explained that in the organization's view, only videos related to incidents involving use of force, complaints against officers, or possible misconduct should be stored by police departments. This video would potentially be subject to public disclosure. Any other video would be deleted within a relatively short timeframe, such as 60 days. During that time it would not be released.

"The vast majority of recordings should never be used, or accessible to anybody," Klunder said.

The concerns around public disclosure, he added, are part of the reason "why we think comprehensive legislation is needed."

The ACLU also believes that changes to state law are needed to align the use of the cameras with the Washington's Privacy Act, which prohibits the recording of private conversations without consent. The privacy law includes some exemptions for emergency responders and in-car police cameras, but does not offer guidelines for body cameras.

In many major U.S. cities, including New York, Los Angeles and Washington D.C., police departments are experimenting with the cameras as pressure grows to increase transparency and accountability in local police departments. Interest in the devices surged earlier this year after an officer in Ferguson, Mo. shot and killed an unarmed teenager, setting off clashes between protesters and police.

The cameras come in different models. Some are about the size of a deck of playing cards and fasten to an officer's uniform, typically on their chest. Other cigar-shaped units can be affixed to eyewear and hats.

There is evidence that the cameras can provide benefits. A study conducted between 2012 and 2013 in Rialto, Calif. found that police shifts when officers did not wear cameras had about twice as many use-of-force incidents compared to shifts when cameras were worn. Police officials here in Washington, and in other states, also point to instances where the video technology has cleared cops of spurious misconduct complaints, and suggest that suspects behave better when they know they are on camera.

"Everyone seems to behave differently when they know they're being recorded," said Mike Wagers, the Seattle Police Department's chief operating officer.

But without proper training and implementation, the cameras are far from a panacea.

Albuquerque began issuing officers body-worn cameras in 2010. Since then, the department has undergone an investigation by the U.S. Justice Department's Civil Rights Division, which found that the department engaged in a pattern or practice of excessive force, including deadly force. In a letter to Albuquerque's mayor earlier this year, outlining the findings of the investigation, the Justice Department specifically noted the body cameras and said that it did not appear that officers were properly using the devices and that the camera program "appeared directed only at placating public criticism."

As part of a pilot program now scheduled to begin this December, the Seattle Police Department plans to equip about one dozen patrol and bicycle officers with the cameras in the East Precinct, which includes Capitol Hill and the Central District. The department will test cameras from two manufacturers, Vievu and Taser, over a roughly six-month period. The footage recorded during the Taser trial will be stored remotely using cloud-based storage service provided by Evidence.com, a division of Taser.

According to chief operating officer Wagers, the department is not banking on any changes in state law. "We just assume that it's not going to change, and we have to figure out ways to deal with it as the world exists now," he said.

The department initially planned to start testing body cameras last fall, but decided to delay the program because of legal concerns about privacy. That decision was based on a recommendation from the city attorney's office, which advised waiting until the state attorney general's office issued an opinion that could answer unresolved legal questions related to the cameras. A state lawmaker requested that opinion in February. It has not been issued yet.

An important precedent for public access to police video was set in June, when the state Supreme Court ruled that the Seattle Police Department had wrongly withheld dashboard camera footage from a KOMO-TV news reporter. The reporter filed a request in 2010 for "any and all" in-car footage the department had tagged to keep since 2007.

The court decision said that, while some video, such as footage related to pending litigation, could be exempt from public disclosure, for the most part, the department was obligated to comply with the request.

As of Oct. 31, the police department had 310,000 hours of in-car camera footage and multiple public disclosure requests for any and all of that video, records manager Bonnie Voegelé said in an email last week. Wagers said the department is anticipating similar requests for body camera video. "We know we're going to get a request for 'any and all,'" he said.

The department's public records division currently has one manager and five permanent employees. Two additional temporary workers were also recently hired to help with the video requests. Over the summer, a workgroup that included police officials and other city staff began meeting to discuss the department's in-car and body camera programs. According to notes from a July meeting, which Crosscut obtained through a public records request, the department estimated then that it would take 169 people a full year to view and redact the backlogged requests for in-car video.

Any requests for body camera footage would come on top of the ones for in-car video. So the department is looking for ways to fulfill its video public disclosure obligations more efficiently. "The question is, how do we handle the redaction?" Wagers said.

Based on preliminary estimates, Wagers said that 95 percent of the body camera video could be released without any redaction. Posting this un-redacted video to the Internet, so that it is accessible to anyone, is an option the department is considering. And according to the notes from the July workgroup meeting, there have even been discussions about recouping some costs by charging a fee for downloading the video files. Courts commonly use similar fee-based online systems to provide access to documents.

What would happen to the other five percent?

That footage might be related to pending litigation, or it could contain sensitive material, such as a domestic violence victim or a child. These videos would be set aside and reviewed by city staffers familiar with public disclosure laws, who would offer guidance about how the footage should be redacted, or whether it could be withheld.

While posting all of the material online could make some people uncomfortable from a privacy perspective, Wagers said it was beyond the department's purview to decide which videos should be public. "Unless there is a change in the law, we will adhere to what we have to disclose here in Washington," he said.

The department is also looking for ways to streamline the redaction process. While Evidence.com currently offers some point and click redaction tools, Wagers said in an August email to Seattle Chief Technology Officer, Michael Mattmiller, that the Taser affiliate was also working on new automated redaction tools and that they were "willing to work with Seattle as a test bed to perfect this, further driving down the cost."

Crosscut obtained that email and others about the department's body camera program through a recent public disclosure request.

The email correspondence shows that Mattmiller contacted the Department of Homeland Security and Microsoft Research seeking information about technology that could be used to automatically blur faces, or search video based on spoken words, or other attributes captured in the footage, such as the color of a person's clothing. His inquiry was pinged around to federal agencies including the Federal Bureau of Investigation and the Secret Service.

Nobody offered a complete solution.

An FBI photographic specialist said the agency had technology to locate recognizable faces in videos, but it did not include an automated blurring tool. An older face-blurring tool was said to be slow and required double-checking. The FBI official also mentioned technology under development at a Massachusetts Institute of Technology lab that could identify footage containing people with certain characteristics, such as dark hair, or a blue coat. But the official added that this tool was not automatic and "not very effective for real operations yet."

A Microsoft researcher said that while automated blurring technology exists, it is not 100 percent accurate and that it would require "a lot of computing infrastructure" to process large amounts of data in short periods of time.

In spite of the challenges, Wagers is optimistic. "We see a path forward," he said. "We want to conduct the pilot and make sure we get it right."

But for smaller departments already using the cameras, big public records requests can pose overwhelming challenges. "We're in the process of evaluating: Do we put this on the shelf?" said Lt. Mike Johnston of the Bellingham Police Department.

Johnston is in charge of the department's body camera program, which began earlier this year. Currently, between 22 and 23 officers are using the cameras.

"We think it's a valuable program," Johnston said. But the department recently received a records request for all of its body camera video. The roughly 600 video files the department has accumulated add up to about 900 hours of footage. A lawyer and one other department employee are currently chipping away at the request at a rate of about three to five videos per day. "We have nothing to hide," Johnston said. "It's just going to take a lot of staff time."

While Johnston acknowledged that there are reasons that a journalist, a lawyer, or a person who has had a run-in with a cop might ask for a body camera video, he adds, "Because I want to sit home and be entertained isn't a good enough reason."

The Poulsbo Police Department, which began issuing the cameras about six months ago, also recently received a public disclosure request for any and all of the footage. About 14 patrol officers are currently using the cameras, according to Chief Al Townsend.

This does not sit right with Townsend. He worries about the privacy of city residents. "Let's say [someone has] a son that's having a mental breakdown," Townsend said. "It's good people on their worst day." As far as distributing video of that type of incident, he said, "I'm not sure that people want that, and I'm not sure that as the police chief of this community I want to produce those videos and then give them out to people."

The department has about 1,500 videos of various lengths. "I think we figured if our sergeant who manages the system spent an hour a day, it would take us until 2017 to produce the videos for this one request," the chief said.

"We're a small department," he added. "We can't afford to hire someone just to do public disclosure requests on body cameras."

The Washington Association of Sheriff's and Police Chiefs is currently working on recommendations for how the Legislature could change public records and privacy laws to account for the new video technology. James McMahan, the organization's policy director, declined to discuss those recommendations in detail, but said, "We've yet to find a good solution."

McMahan stressed that the association supports preserving access to public information, while also limiting the obstacles for departments equipping their officers with the cameras.

"We think actually letting people see what it is that we do could shed a lot of light on it and change people's opinions," he said. "When one public records request can flip that entire equation on its head, that's a problem."

It's a problem that Chief Townsend is now confronting in Poulsbo.

"We may end up scrapping the program," he said, "which is really unfortunate because the public loves them, we love them, it's just a great tool."

Asked if Washington is the only state that will have to grapple with the privacy and public disclosure conundrums that the cameras raise, ACLU privacy attorney Klunder said he did not think so. "I do think we're going to see this play out around the country," he said. "And people, so far, haven't thought it through."

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Printed on November 24, 2014

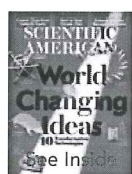
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Cities Want Cops to Wear Cameras, but Technology Could Heighten Distrust if Not Carefully Used

Wearing small recording devices could reduce violent confrontations, but without careful planning and better research, the attempt could backfire

Nov 18, 2014 | By The Editors |

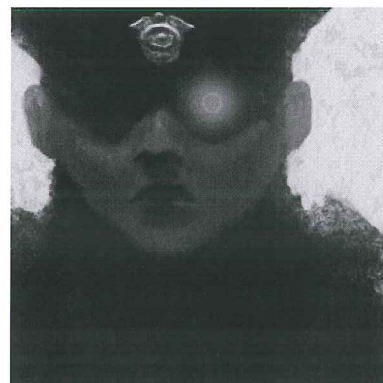
Less than a month after Michael Brown was shot and killed by a law-enforcement officer in Ferguson, Mo., the municipal police department issued 50 wearable video cameras to its officers so they could record encounters with the public. Since then, at least a dozen other U.S. cities—including Miami Beach, Fla., and Flagstaff, Ariz.—have announced similar plans. The response is commendable, but police chiefs should proceed cautiously.

Proponents argue that the small, tamper-proof cameras will lead to fewer violent encounters between police officers and citizens because everyone knows that their speech and actions can be retrieved later. The evidence supporting such a conclusion is preliminary, however. Blindly adopting the technology without a carefully thought out policy and without training on how and when cameras should be used could make matters worse.

“What if video doesn’t get recorded during a critical incident because officers are not trained, or they don’t understand how to maintain the equipment?” asks Michael D. White, a professor of criminology at Arizona State University, who recently assessed body-worn cameras for the U.S. Department of Justice. A community that has learned not to trust civic authorities might suspect a cover-up. And the chances of this kind of mistake are fairly high: in one survey, nearly one third of public safety agencies using body-worn cameras did not have a written policy governing when or under what circumstances they should be activated.

Even when video images are available, they are not always conclusive. For instance, after watching surveillance recordings of a 2012 arrest in Denver, in which the head of a handcuffed woman was slammed into a wall, the police chief concluded the use of force had been appropriate. But the city’s independent monitor found it excessive. Still, more evidence in most cases, even if it is not always conclusive, may turn out to be helpful.

Tantalizing hints that camera use could minimize clashes exist in the five small field trials that have been published so far. Although several of them were subject to biases because conditions were not well controlled, the tests nonetheless suggested that, overall, body-camera use decreased the number of times officers resorted to force, as well as the number of times citizens complained about police behavior.



Jeffrey Alan Love

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More rigorous study is needed. Patrol areas chosen to pilot the devices should be carefully compared with similar neighborhoods where officers do not wear cameras. These comparisons should be done before and after deployment to establish a proper baseline against which to measure the results. And video recording should be compared with other efforts, such as community outreach programs or officer training to de-escalate tense situations, to see which tactics prove more effective at reducing clashes.

Research should also address important civil-liberty questions. Could the images be used to monitor or otherwise entrap law-abiding citizens? Within police ranks, some officers worry that an unsympathetic supervisor might troll videos for minor infractions to torpedo an officer's career. Who has access to the videos? Will eyewitnesses be less willing to speak forthrightly if their conversations are recorded?

The National Institute of Justice, the research and development arm of the DOJ, is funding two larger camera studies in Las Vegas and Los Angeles that should explore a few of these issues. Results are expected starting in late 2015.

Chances are that the movement to adopt body-worn cameras is unstoppable. The American Civil Liberties Union, a traditional opponent of surveillance, has cautiously embraced the technology. This momentum makes the urgent need for clear rules and training guidelines all the more apparent. Towns and cities that are planning to use the cameras should ensure that the community has an ongoing say in those plans, as well as a mechanism to resolve disputes when videos are subject to contradictory interpretations.

Finally, the DOJ, which will probably end up subsidizing the purchase of many of these cameras, should buy devices only for police forces that participate in larger research efforts and share the results with the wider public. This way we can all see what is going on.

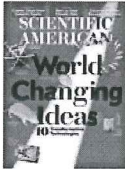
This article was originally published with the title "Caution: Cops with Cameras."

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Body-Worn Video for the Madison Police Department

Community Engagement Sessions

Introduction

Law enforcement professionals have recently focused increased attention on body-worn cameras (BWC) for police officers. Currently, police departments use them in ways they believe will promote officer safety, improve police/community relations, provide evidence, and improve training. Perhaps, because of the current social climate created by video evidence of the killing of unarmed citizens by police officers, more cities and agencies are considering BWC. Many advocates insist that the video will provide strong (if not incontrovertible) evidence in future incidents. However, body-worn cameras may present novel policy and practice concerns for agencies and their communities.

The City of Madison contracted with the YWCA-Madison and The Center for Family Policy and Practice (CFFPP) to engage individuals from marginalized and vulnerable communities in discussions about police body-worn video (BWV) cameras for Madison police officers. The objective was to record community members' input as to the potential effectiveness of this policy for the Madison (MPD). City officials also asked us to engage participants in a broader discussion of the state of police/community relationship in Madison. All stakeholders agreed, this relationship is the foundation of successful police enforcement policy, and participants were eager to discuss this topic. We asked these Madison residents about the impact of enforcement policy on communities, and how a body camera policy might affect their lives.

To supplement the feedback from the engagement sessions, we include two additional pieces of information for context and foundation: (1) interviews and focus groups with city employees whose work is pertinent to the question of body-worn video (BWV), and (2) investigation of other municipalities and government jurisdictions using or considering equipping officers with the cameras.

We spoke with people from Madison's Latino, African American, LGBTQ and Hmong communities, and though they were not strongly in favor of or against the use of BWV, they were eager to talk about current police policy and practice in Madison. City-employee interviewees and focus groups seemed to think that these communities would advocate for BWV. However, as it turns out, there was broad agreement and a strong feeling that a BWV policy would not respond to concerns and fears about Madison policing. On the topic of body cameras, participants expressed two major concerns, (1) police officer/agency manipulation of the camera device or of the video; and (2) unwarranted reliance on the video as incontrovertible evidence of police incidents. Another important point of concern in the discussions of BWV was the impact of the cameras on citizens' privacy. Each of these points is outlined below.

Focus group participants clearly understand the need for police protection and civic order, and they had numerous positive examples of individual officers and incidents. Generally, however, across groups, participants articulated an overriding fear and distrust of police, and a strong belief that policing in Madison's vulnerable communities is driven by racial discrimination and profiling. Brief highlights of those conversations—and pertinent issues raised in individual groups—are also included here.

Madison Community Engagement Sessions

The session included focus group conversations convened by the following local agencies and organizations.

- 100 Black Men
- BROTHER, Nehemiah
- Centro Hispano, Latino Youth Group
- Freedom Inc.
- LGBTQ Group, Coordinated with the LGBTQ Campus Center including outreach to Alianza Latina & GSAFE
- Man Up, Nehemiah
- Madison-area Urban Ministry
- Operation Fresh Start
- Third St., YWCA Madison
- UNIDOS
- Union de Trabajadores Inmigrantes (UTI)
- Urban League of Greater Madison

Most of our participants had not studied the issue of officer body-worn cameras, and many were unaware that the city and the Madison Police Department (MPD) and city officials were considering the use of these devices for officers. However, everyone we talked with in vulnerable communities—including the youngest participants—were familiar with the popular national conversations about body-worn video and about excessive use of force by police officers. Not surprisingly, in every group, the participants mentioned Tony Robinson, a teenager who was shot and killed by a police officer in Madison. In most of the groups, someone said that a body camera would have allowed us to see exactly what happened in that incident and determine the issue of excessive force. However, someone usually reminded the group that video has been insufficient for prosecution (or any other decision making) in other cases, and that, in any case, disposition of the legal issues would not bring Tony back.

The shocking blow of that incident in Madison created a citywide desire for understanding and answers. So, we began this work expecting a collective answer—either affirmative or negative—with regard to BWV. On the contrary, individuals in our groups had many answers and many responses to our questions. The discussion was nuanced and complex. In fact, their analysis was very much in line with that of the police and city employees (and national experts). Participants did not believe that video evidence could be used successfully to determine innocence or guilt. They said that video evidence is not a panacea for the problems in the relationship between police and the communities they serve.

Individuals in our community engagement sessions were also eager to weigh in on the practical, technical, and privacy questions of BWV. Yet, they tended to talk most about an issue of urgent concern to their families and communities; the mutual fear between people in their neighborhoods and Madison police officers. Some residents in vulnerable communities are afraid of police, in large part, because they believe police officers are afraid of them—and police carry weapons. The issue of fear will be explored in more detail below. However, the pertinent point here is that participants spoke most about issues, policies and practices in current effect with obvious consequences for them. This was the case in every group, regardless of the question or how it was worded. So, ultimately, we got feedback on the question of BWV, plus a more broad-based analysis of the impact of police activity on the lives of people in Madison.

Community Participants General perspective on BWV

In general, across and within the groups, there was no strong feeling or detailed argument in favor of police officers wearing body cameras. However, it is clear that, in each group, participants recognized the potential benefits of BWV. One individual suggested that BWV could provide pre and post incident protection for both officers and citizens. Another said that video would be useful in capturing interactions and incidents because “people can be belligerent,” and “police do need protection sometimes.” Others suggested that cameras could be used to “show citizens what they are doing wrong to get themselves in trouble with the police.”

One person considered the possibility of using the video evidence to protect the citizen accused of a crime. “There are obviously some positives; I mean your word could stand up against a police officer if it is on camera. It would no longer just be your word against his.” Also, some participants suggested that awareness of the camera might cause both officer and citizen to de-escalate the danger in an incident. This type of affirmative comment was evident in every group—put forth from time to time throughout the conversation.

Progress of the discussion was similar in every group. At least one (often, more than one) participant began the discussion with an assertion that a BWV policy is good common sense, and say something like “I think police officers should be required to wear body cameras.” Generally, the speaker would follow that statement with another assertion—that video could potentially reveal the rights and wrongs and truths and lies of incidents. One person even said, “maybe it [the camera] will stop criminals from attacking us,” and in another group, participants thought the cameras could be used to track incidences of profiling. In that manner, one person after another highlighted the positive possibilities. In one group, when the question of city budget limitations arose during the discussion, someone asked, “How much is Tony Robinson’s life worth?”

Generally, however, these statements in favor of BWV naturally combined with the other thoughts, opinions, themes and narrative elements from the discussion and from people’s everyday lives. In each group, the original positive perspective on BWV, naturally blended into a larger, more complex group analysis of life in Madison for African Americans, Latinos, Hmong, other immigrants, other people of color, and LGBT individuals— especially those who have few social or economic resources. Thus, the conversation inevitably moved to the interactions and incidents between those vulnerable people and the police. As each discussion progressed, participants made assertions about the past ineffectiveness of videos in proving criminal intent or excessive force, and the inevitability of police shootings, and the inequity and injustice of government systems. By that point, fewer people supported the idea of BWV,

and almost no one suggested that video data could respond to their most pressing concerns. In one group, this line of reasoning ended with a participant saying:

- “You see in court that would mean you have something that would stand up against the police...but, at the same time... you never know if they are just going to take off the camera and break it and blame it on the victim.”

Between the initial statement in favor of BWV for Madison police and the ultimate questioning of police trustworthiness, participants exchanged and compared stories and recollections of negative incidents with officers. And, about halfway through each discussion, someone would suggest that the video would not keep people alive or lead to the conviction of an officer for murder for excessive force.

Officer manipulation of the camera device.

Many participants were suspicious about a BWV policy for many reasons, but the concern first and most often expressed was officer manipulation of the device. Many of them believed that officers would turn off or otherwise manipulate the camera for their own benefit or perspective. Therefore, most participants thought that, if the policy is instituted here, the cameras should be constantly running, and definitely outside of the control of the individual officer wearing the device. So that, most of comments that were supportive, neutral, or even resigned to the cameras, seemed to assume that the officer would have no control of the camera. In fact, one group agreed that the officer should be unaware of the location of the camera on her own person. Participants said:

- “I was for body cameras after I heard that they were talking about them after the Michael Brown case, and I thought that this could be an opportunity to correct errors in interactions with citizens...now, I’m pretty skeptical, because we do live in a pretty technologically inclined era...but, it can be easily manipulated. They can definitely get away with something or brush something under the rug, and I feel like our phones are sufficient, because then we can control what’s happening.”
- “Can police alter the image? Can they turn it off and on at will? What are police bringing into situations when they arrive?”
- “Can this footage be manipulated?”
- “Who is making sure that this (manipulation of the video or the camera) is not happening or that the community remains in control of these situations?”

Compare this to the feedback from information technology (IT) personnel and other city employee respondents. According to their professional and informed deduction, these concerns would not be assuaged in the event. These agency representatives deal with video evidence every day, and much of it is redacted for legal, policy and privacy reasons. City employees said:

- what the public wants are often things that would have to be redacted. I know for a fact that we would redact a shooting. What the community wants. That type of thing, would not be released anyway.
- There is just so much information out there now that is available that would need to be reviewed and would need to be redacted. That reviewing the records...my concern would be that it would be very suspicious because large portions probably would be redacted.

If the city of Madison decides to institute a BWV policy, the administrative reality of redaction (and the likelihood that officers would have some control of the device on their person) will be serious point of concern for people in the community most affected. Again, generally, in community engagement sessions, participants were not calling for BWV. However, our community feedback suggests that if Madison officials decide to institute this policy, people will expect (or insist) that officers have little to no control over the device on their own person.

False sense of security

In addition to their concerns about officer manipulation of the camera device, participants expressed their concerns that this policy might lead to unreasonable expectations. They suggested that body-worn cameras might give everyone involved—officers, victims, citizens, and MPD—a false sense of security. In every one of our community groups, individuals said that video could not provide all of the necessary evidence to help decision makers understand or judge an incident between residents and police. They said simply and directly,

- “Body cams are not a panacea.”
- “Body cams, a case of false security.”

Regardless of their BWV policy position, many participants also warned against any assumption that the policy would solve or even address the problems that repeatedly arise in the Madison police/community relationship. They did not believe that the urgent problems of profiling, discrimination, and inequity would be solved by police officers wearing cameras. **No one suggested that video evidence would dispose of the question of criminal guilt or innocence (of police officers or accused residents). And, no one believed that the camera devices would stop police officers’ use of excessive force.**

It is interesting to consider this response from engagement sessions in light of our conversations with city employees who were concerned that the cameras would cause potentially unrealistic community expectations. On the contrary, in every community group we spoke to participants insisted on the limitations of this technology. Everyone reiterated the fact that the video cannot tell the whole story of an incident—cannot provide all the necessary facts of the case.

Privacy

A significant number of community engagement participants also agreed with city employee concerns that vulnerable people might choose not to call the police because of the cameras. Many individuals in the Latino community sessions expressed concern that the videos could be used by the Immigration and Customs Enforcement (ICE) agency. Some people thought that most incidents that required police support or protection would be an inappropriate place for body-worn video cameras. In every group, open records and privacy were two important concerns, though they did not rise to the top of any individual or group priority list for vulnerable and marginalized communities.

Participants were worried about video evidence in the context of the regulations of other government institutions and agencies such as probation, parole or child welfare might be interested in their movements or activities. In this regard, some respondents suggested that videos should be destroyed or deleted after a reasonable amount of time. People asked, “Are we creating another CCAP [now WCCA – Wisconsin Circuit Court Access] with this?” “How would cameras impact the many people of color on probation or parole?” and “do police tell/remind citizens they are on camera?”

Ultimately, the concern about other systems intersected with the suspicion about manipulation and misuse of the video. Participants’ priority was to make sure that the police did not have control of the video. A person in one of the groups conducted in Spanish said,

- “Privacy is going to be violated. Now that police are going to have cameras, people are going to be even more scared to fight for their rights to get their papers.”

When asked who (if not the police) should hold and control the video, participants had many suggestions including, the “media,” the Federal Department of Justice, and “an independent party.”

Living in Madison

In every focus group, participants were most interested in discussing incidents and interactions with the police in their communities now—under current police policy and practice. In each session, much of the time was consumed in conversation about their perspective on the scope of that topic. The themes of the many conversation were mistrust, fear and discrimination.

Mistrust

When we talked to police officers, they said that trust is the most important aspect of their relationship with residents. They were especially concerned that trust of their agency and officers was lacking in the most vulnerable and marginalized communities in Madison.

In general, participants in our community groups did not consider the question of BWV a priority, and most people said they did not trust police. They also said, that body-worn video cameras would not change that fact in any way. However, they stressed the importance of a positive police/community relationship to law enforcement and community safety. And, they agreed that the relationship must be built on trust and accountability. Still, generally, and across groups, no one believed that either of those elements was evident in the relationship between Madison police, and the vulnerable, marginalized

communities they serve. And, again, they said body-worn video cameras would not respond to the sources of distrust and suspicion (and their most urgent concerns)—racial profiling, aggression, and use of excessive force. Most of the ongoing conversation in community sessions was on this point. The comments were many and varied:

- “I don’t see how [BWV] would help at all, because I feel like police officers already have way too much power, and so I feel like it would just add to their power dynamic and would add to the list of things that they can wield against you, so I just don’t see how it can help”
- “Now, we are the enemy for them. We are worried and can’t have a relationship with them when they make us feel like we are dangerous. Both, the community and police officers have a defensive attitude towards each other.”
- “The less interaction with the police, the better for our community.”
- “I don’t know if they are simply going to enter my house and kill someone.”

One participant said that, even under community policing policies, officer activity will not engender trust if mutually respectful interaction is not consistent across incidents, officers and situations. According to some others, residents perceive differences between the objectives and practices of the friendly community officer on the one hand, and the officer who is called in an emergency or a dangerous situation, on the other. They suggest that this is a serious challenge to building a positive relationship.

Some participants spoke to this issue with examples:

- “...[at] Madison East High School, there was a resident officer, and he was always there...so, I imagine how much of a betrayal that it was in the Tony Robinson situation, where his friends call the police thinking that they are going to get officer Jesse, and then it turned out like it did.”
- “We did a forum, and they [police] spoke on their daily work and when you go home and they treat you a different way, in a bad way, you keep thinking what about the things that were said in the forum. Why are they lying?”
- “Camera will not stop police brutality and illegality.”
- “They should treat you like you are human. Talking and caring in the community. Asking if their presence is required and welcomed. Asking for our opinions. They should work on building trust.”

Fear

The most striking point to be made about the feedback from the community engagement sessions is that many people in marginalized and vulnerable communities fear police presence, generally. According to most people of color in our groups, the fear is mutual—police are afraid of them too. Participants consider this a particularly threatening problem because police bring weapons (and therefore danger) into any situation they attend.

All of our participants knew the national media narratives about police and low-income communities of color. Of course, they knew about the stories of young men and women dying at the hands of police officers around the country. What many people have gleaned from the national conversation is that the public, and the legal system will exonerate a police officer who may have been afraid for his or her own life. Many participants further suggested that implicit bias supports a fear of all people of color (perhaps, especially black men). And, they have seen evidence that any aspect of the clothes or demeanor of a person of color might be perceived as threatening. This information and understanding—in addition to personal experiences in Madison that mirror the national stories—reinforces this fear.

- “I feel that police officers are paranoid of our reactions...They use extreme force when unnecessary. They don’t know how to treat people.”
- “For the charges police officers faced on young black kids deaths, they had no cameras, but a few phone video recordings. What difference does the camera make if the kid is still going to be dead?”
- “It makes the people who are being watched feel like they are bad people. It makes you feel like something bad is going to happen.”
- “You start out not feeling afraid, but when the police show up, you start feeling afraid. Like something is going to happen.”
- “When I see police, I get scared. I feel like there will be a shooting.”
- “A camera won’t protect us from being shot though. There is more going on. We also need to change as a whole the system and the community.”
- “What makes them feel threatened? Because sometimes it is just the color of our skins that makes them assume we are bad people.”
- “I live by a lot of crime, but I would be more afraid to call the police. I see drug dealers, but I don’t call because I don’t want the police in my neighborhood because I’m also brown and with everything going on I wouldn’t want them to hurt me.”
- “Now we are the enemy for them. We are worried and can’t have a relationship with them when they make us feel like we are dangerous. Both, the community and police officers have a defensive attitude towards each other.”

Racial Profiling and Discrimination

In each of the groups, the people of color made it very clear that they believed that racial bias and discrimination were an important factor in the way that the Madison police department operates.

- “The current atmosphere that says we can’t hire new people of color because they all have arrest records—is that implicit bias?”

Also people believed that racial discrimination is an element of police harassment, excessive use of force and surveillance.

- “It feels like ghosts. You never know when they are going to pop up. [I see their car lights] in the dark. It makes me feel creepy.
- “I feel worried for my son and husband because minorities are being targeted.”
- “If you are not white then you are bad, that’s the message that is being sent by the police.”
- “In the same way they are targeting the black community they will eventually target the Latino community.”
- “There is a difference in the treatment of emergencies between Latino and white communities.”
- “What neighborhoods are they going to be using these cameras in? Will it just be in neighborhoods with marginalized people?”
- “Like if they are stand around in your neighborhood, taping everything that’s happening, they are taping you! And that can be used against you, I just don’t see how this can benefit communities of color at all. “

Other Issues in marginalized communities

The issues outlined above were common themes in each of the groups, from the middle school children to the young mothers, to the men past retirement age—Latino, Hmong, African American and LGBTQ participants of many races and identities. They all talked about racial bias, discrimination and injustice, and the overwhelming majority of these individuals in the groups did not consider BWV a solution to the problem between their community and the police. However, individual communities raised specific issues and concerns about policing in their own communities.

African American

Interestingly, each of the groups expressed some sense that Black people in Madison were in particular danger from police. Certainly, most participants believed that, in general, people of color should be

wary of the police. But, the sense that Black people were particularly vulnerable to harm by the police was universal across community engagement groups. For example, in two of the Latino groups (which were conducted in Spanish), participants said that they were particularly concerned for the lives of Black people.

- "I am always concerned if they are going to stop people, who are they going to stop? I'm especially afraid for African Americans.

Another participant in a Latino group said,

- "After what happened with Tony Robinson and what happened to the black community, I don't trust the police coming to my door."

And, a person in an LGBTQ group said

- "Like, it doesn't matter if you get killed on camera, police can manipulate the camera. And even if you get caught killing a Black person, on camera, you will not go to jail, like we have seen this happen. Like it is weird that we need an incentive to not kill Black people or abuse people...

And in predominantly African American groups, participants took for granted that, among their fellow participants, there was a universal understanding about racial discrimination against African Americans in Madison in all systems and institutions. With regard to the police force, they clearly believed that the discrimination is threatening to the life and liberty of black people in particular.

African American participants said, "The law is meant for them," and that "black people are routinely judged stereotyped and discriminated against." They also suggested that African American people have no power to protect themselves, their families or communities. Finally, over and over, in their own words they echoed the sentiment of one participant who said that clearly:

- "The incidents of excessive use of force by police without sanction is proof that 'black lives don't matter' to most people in society."

In these discussions, the themes were strong and much repeated. Two other comments represent ideas expressed by many:

- "The whole idea around police and Black people is just part of the culture and our history post-Civil War, and part of the Black codes [Jim Crow]. And, so we are saying that we need to give these people cameras, but we aren't talking about how these actions are ingrained in our culture, or in police culture, it is anti-Blackness, and it's just part of American culture."
- "The most important point is that the conversation about body cams, danger, guns, and policing must be discussed in the broader context of the American history of racial injustice and the current racialized system."

Hmong

The feedback from the young people we spoke to from this community was very similar to that of the rest of the groups. They begin the conversation by highlighting some possible positive aspects of a camera constantly recording police/resident interactions. However, ultimately most of the participants in this group clearly stated their vote against a BWV policy in Madison

One story stood out among the students we talked to in this group. When the facilitator asked a question about police presence in the neighborhoods and communities, one girl spoke up immediately to say that as she was returning home from school, walking down the street—alone—a police officer stopped her. She said that he asked her to open her backpack to reveal the contents. When asked why she thought the officer stopped her she said,

- “There was no one else around. I was not walking with friends, and I wasn’t doing anything wrong. I don’t know why he stopped me. He just believed we are always guilty.”

Latino

In addition to the general discrimination and bias some people in their communities are subject to because of their race, or ethnicity, or the color of their skin, Latino participants also voiced two other specific and important concerns. First, we heard many stories and experiences about enforcement in situations where police believed a person might not have documents to support their residence in the U.S. (whether or not they are correct in this assumption). Also, there are still communications issues with police officers and people who speak Spanish, and not English.

- “We are worried about how police respond to emergencies when it comes to our children. “We are culturally different, not bad people”
- “I feel like I cannot be a straight forward with police officers because they can take me away.
- “When we had a license, we used to work together with the police...We wanted to support them so that we could overcome those issues in our community. But now it is very difficult because first they ask you for an ID.”
- “Police are making money off of us because they know we don’t have licenses.”
- The police are like “the friend that is never there.”
- “My [relative] had several parking tickets and had either 10 days in jail or a \$300 fine. He didn’t have enough money so he decided to go to jail. It was the worse decision. That had him locked down for six days, on the seventh day they reported him as missing and he got deported. We cannot trust the police...”

- “I feel like there are cases where police officers and even city officials get frustrated when they are talking to people who don’t speak English...In one situation I was trying to translate for my friend...I kept trying to tell him [the police officer] what he was saying because I speak English, and he kept saying ‘it needs to come from her not from you.’ [The officer] was saying, ‘I learned Spanish in high school.’”

Overall, members of the three Latino focus groups expressed a common fear about deportation either for themselves or family members. Specifically, they cited a general sense that law enforcement know them to be a particularly vulnerable population, and therefore a more easy target for citations. In multiple Latino groups, participants commented that they plan their transportation to and from work around their fear of law enforcement and moving traffic violations: this takes the form of taking certain routes to work where they feel there is less likelihood of seeing a police vehicle, not driving to work certain weeks of the month when they believe quotas are due, and having their teenage children do all of the family driving.

Survivors of Domestic Violence

Some participants in the community engagement sessions identified themselves as victims of domestic violence. They voiced two particular concerns in that regard. First, that victims who have concerns about immigration and deportation may not call the police, and that they would be less likely to do so if the police are wearing cameras.

- “I had a friend that was a victim of domestic abuse and the man is looking for her but she doesn’t want to report him because she knows that she has no papers and could get locked and take her kids away. My friend could end up dead because there is no trust to talk to the police on these issues.”

Survivors also expressed another important concern. They spoke about incidents where they were afraid for themselves and their children’s safety, but hesitated to call the police because they were also afraid for their partner’s safety in a confrontation with the police. The fear of possible escalation between the police and the partner resulted in victims of domestic violence not calling the police even when their lives were in danger.

- “When you call the police...have a domestic, your guy, husband...is just getting ‘out of his body’ and trying to fight the police. They are going to shoot that man!”
- “I don’t want you to come kill him, I want you to remove him.”

LGBTQ

Participants in this group talked police presence during incidents of intimate partner violence, medical emergency, and peaceful group assembly (which officers suspected criminal activity). And, of course, marginalization and discrimination based on sexual orientation and gender identity is a cross-cutting issue in all of the vulnerable communities. This group, however, highlighted the intersectionality of these issues with regard to the people of color and others in the LGBT community. Participants also

highlighted their privacy concerns with the BWV policy and concerns specific to their community about the harassment, disregard and disrespect many of them experience in their interactions with police.

- “Now, when I see sirens, or see a police vehicle, I tend to just look away. It just isn’t a very positive [experience]...it’s almost like I just get immediately intimidated. Nowadays, I am a bit worried, because I identify the way that I do, that they would mistreat me or misgender me or something else like that.”
- “I grew up really white, but I still had all of these unspoken rules that I knew, like that I had to be quiet, and that I had to be polite. So when they [police officers] come to my job, I have to serve them so it’s like a weird interaction each time, and they don’t look me in the eye, or they won’t give me money, they put it on the counter...”
-are there any concerns about the video being available to the public?”
- “If the video concerns incidents with minors, I feel like that has to be a problem.”
- “I just think it is an invasion of privacy all together. I also think that it is traumatic, like it would suck to know that my traumatic experiences with police officers are floating around on tape.”

Community Safety and Good Policing

The individuals quoted above and throughout this report express a generally negative perception of police in vulnerable and marginalized communities. Fear and mistrust are current, general, and genuine responses to police activities and practices in those Madison communities. However, some participants (from those same communities) also gave positive assessments of police officers and their work. Those participants spoke of their regard for individual police officers, and for the police department mission and goals. Some people expressed recognition of the difficulty and importance of the job of a police officer. And, some participants had both positive and negative things to say about the police.

- “Police feel like they cannot do their job because everyone has cameras.”
- “The police help me keep an eye on and control my student mentees (they are resource officers at school).”
- “Maybe it [body-worn video device] will stop criminals from attacking us.”
- “...go into the community and improve relationships...the majority of cops are probably good people, but that doesn’t translate when they can’t even communicate with the community.”
- “Police do their job, and overdo their job.”

- "I just feel like with everything that is going on we are so quick to put labels on police officers. Like I understand why but I feel like our generation is especially quick to judge police officers as all bad. They aren't all like that."
- "...I work pretty closely with the police...we have two police officers who are kinda like assigned to our neighborhood, so it's a semi-nice interaction. It's nice to like watch them play pool with the kids, we work by [a] middle school, so we have the high-risk students of color, and they know their names, and I really appreciate that, but, at the same time, there is a surveillance quality to it, but they also appear friendly."

Some people did not express fear of the police as their sole reaction to police presence. In fact, some felt reassurance and safety in their presence.

- "I see them almost all the time...makes me feel safe."
- "I feel safe when I see them and I am at home."
- "It is also about their (police officer) safety. We all want to be safe."
- [responding to a point made by a fellow participant] "Police officers cannot identify if you are a person of color or not from a phone call. I imagine that there was a lack of communication from parents with the police department. Parents might not know that police officers are actually here to help them."

Recommendations and Suggestions from Community Sessions

While some people highlighted the good practices and people in the current system. Most were also happy to talk about improving the police/community relationship in Madison. The great majority of the people who spoke to that issue made the suggestions that any available revenue should be used for police training rather than body cameras. People spoke specifically about cultural competence training, community relationship training and officer assessment. Many also called for more services for the community. For example:

- "The money that they are using for body cameras should actually go to [police] trainings that better inform them how to work with the community."
- "We need more cultural competence in the police department. "
- "Another way to spend that money would be in rehab centers instead of building more jails..."
- "There should be a pre-assessment of police officers with regard to their tendency toward this kind of violence. This should be a pre-assessment of the candidate before training and on-going assessment

- “Have the kids get to know police officers so that they aren’t afraid of them and vice versa.”
- “And train community members ‘What things are legal what is not? And, what is the process when police come? What is appropriate police behavior? What are things we should know? What are our rights?’”
- “I always wonder about police training, and does it accurately depict how they will be dealing with situations in their job. Does it include sensitivity training, trainings for working with people of color?”
- “The most important thing is training and ongoing assessment of police. “
- “There are many ways that money can be used, like education for the youth, police officers and parents. Most of the parents haven’t even finished school. I have helped a lot of people because they don’t understand the language. I have always asked myself where are those organizations meant to help these folks?”

Finally, along that same line, there were some suggestions that Madison should work harder to recruit more people of color onto the police force.

- “Madison needs more police officers who are people of color.”
- “Are people of color being kept out of the police profession in Madison?”
- “And, why exactly is it that it is “hard to find” people of color without an arrest record?” [apparently, a reference to the high arrest rate of people of color in Madison]

Most of participants from Madison’s most vulnerable communities did not have the technical or professional expertise of City officials or other professionals. They were not well versed in enforcement agency policy and procedure. And, most of them were not lawyers (though a few were). Generally, like most other Madison residents, they didn’t understand all of the legal issues and requirements of the criminal justice system. However, in our engagement sessions, they provided a critical analysis and insight that was enlightening and informative. These recommendations and the previous statements about their experiences with MPD should be very helpful to city and agency officials considering a body-worn video policy for police officers.

City Employees Focus Groups and Interviews

The central objective of this report is to outline the feedback on BWV from participants in community engagement sessions commissioned by the city of Madison. To supplement and provide agency context for this information, we also conducted focus groups and interviews with 87 city of Madison employees, including employees of the Madison Police Department, the Madison Fire Department, the Department of Civil Rights and the MPD Public Records Unit.

Feedback made it clear that participants in the community engagement sessions believed their lives and liberty depend on a change in the police enforcement system in Madison. Police officers believed that their lives and reputations are also at stake—day. City employee feedback was not so visceral or personal. Their discussion about body-worn video focused on three areas of concern:

- *Safe and Effective policing*
- *Police Reputation* as trustworthy protectors of the peace and safety;
- *Costs* in city resources and citizens' loss of privacy

Generally, they thought BWV would be a negative addition to Madison Police Department policy and procedure. As a group, they thought that both the cameras and the video are too expensive to purchase, house, maintain, and store, and that the process of creating and distributing the video could prove to be an overwhelming task for designated staff.

While police were understandably most concerned with police reputation and effective policing, other city employees talked most about how this practice would insert additional considerations, processes, tasks, and expenses into the current system, they were not supportive of this new technology. Moreover, they argued that advocates in favor of the technology consider BWC “a solution” to the problematic relationship between Madison police and marginalized communities. They spoke of a “public” that believes body worn cameras will “bring accountability, and change officers behavior.” According to one participant:

- “The public is going to have an expectation of the third person overview shot of everything, and that is not what they are going to get. There are going to be tremendous gaps of information in the video. If the idea of this is to reduce the public mistrust of police actions, I don’t think this is going to do it. It is going to give the public a better idea of how police respond, but for what I think their expectations are going to be, it won’t satisfy that.”

Still, not all city workers were flatly against the use of BWV. Some of those participants said that the cameras and video might be useful in some cases. Others believed that, as a practical matter, the use of BWV is inevitable here in Madison, and in other cities like Madison across the country.

The focus group discussion and interviews with administrative city employees focused on the practical impact of BWV policy on the city budget and on agency process and procedure. Police officers on the other hand were, understandably, more concerned with the physical aspects of wearing the camera, and interacting with people while wearing it. Some police officers said that their colleagues might welcome the cameras. The video would show them “doing their duties” and the “bad apples” would be caught in their transgressions or criminal behavior.

City employees were also concerned about residents’ privacy:

- “Random people are videotaped. Addresses can be redacted from a report, but when you have video when officers are on site at the address, canvassing the neighborhood, we go up to the big red house, it doesn’t matter that we redacted [the address]. They are going to know the big red house and who is talking.”

- “The law does say that we need to redact the identity of an individual; we have to redact all the possible identifiers of that person in all the records. It’s called a Mosaic. So, if I were not to redact you and you say, ‘I am the brother-in-law of the victim,’ and I leave that in. And you only have one brother-in-law, you, essentially, have identified the victim.”

Police officers said that body cameras would work to “tear down trust.” Specifically, they said that the camera requirement would create a general assumption that they are not trustworthy.

- “I think the majority of officers wouldn’t mind wearing it...the way policing is going nation-wide—it almost feels inevitable. But when you think about the impact it is going to have on a community like Madison, where we want to build trust. I can see the negative impact on that. ‘Talk to me, what’s going on?’, and now you have a camera in their face. They didn’t want to even talk to you in the first place. ‘Let’s just talk. Man to man. What’s the deal?’”
- “The first answer that folks give about BWCs is that it will increase trust. The irony is that once you start asking these questions, and you think about, maybe the reverse is actually true. There are more potential ways that it undermines trust than cultivates trust.”
- “Demand for body cameras is founded up mistrust. “
- “Already, there is mistrust that hinders people speaking with MPD, especially MPD in uniform.”
- “One of the biggest problems with the BWC’ used to establish trust in police is that the underlying assumption is that trust is established through monitoring of police actions.”

It is interesting to juxtapose this concern with the feedback from our community sessions during which most participants clearly expressed mistrust and fear of the police and frustration with what they perceive as discrimination and disregard.

So, this feedback suggests that city employees and Madison residents probably hold conflicting opinions of the current levels of trust between them, and they probably disagree about how to cultivate trust and mutual respect in their relationship. However, they all appear to be agreement on the nature and effectiveness of police body-worn video. Though each of these two groups seems to think that the other does not “get it,” city employees’ concerns about BWV sound very similar to those of their community resident counterparts. They said:

- “Cameras only allow view from a particular angle.”
- “Might the cameras lead to a devaluing of officer (or citizen’s) statements?”
- “[We would have to be very careful to redact] video that may endanger victims and witnesses or violate HIPPA laws connected privacy/health.”

- "All the camera is going to do is document that use of force happened, right or wrong...it will be only a little slice (video/audio) of what occurred. This will not prevent good or bad shooting incidents."
- "Most of the public wants video to be released when it is all about the police, but when it is all about a citizen, 'no. I want it to be redacted.'"
- "There will always be one person making that bad decision. The belief that the camera will change our behavior? No, it won't change how officers act."
- "Camera and audio provide limited content and does not, cannot, provide the context."
- "MPD should not be the beta test of BWV. There is no case law."

Employees in the MPD Public Records Unit had some of the same concerns as both police officers and administrative personnel with regard to a BWV policy in Madison.

- "I am not convinced that what some of the public believe they will gain will actually be gained. Somehow they think that they get accountability, changing officers behavior or whatever, but under stress an officer will revert back to what they have been trained to do in the critical moments."
- "There is a perception out there that this is a solution. BWCs are seen as part of a cure or a fix. The camera is seen as 'truly unbiased.'"

They also predicted that the program would consume an unreasonable amount of agency resources.

- "Storage is a huge issue...megabytes of video. How do we provide and store it for records requests. How much do we have to have on hand? How much do we keep on as evidence...that a lot of video. And we keep on adding to that. Can the City Network handle all of that?"
- "And, then the general upkeep. They are being worn on their bodies. They are going to get damaged. They are going to need repairs, and there is a replacement cycle. And they are going to get lost!"
- "If it means less funds for other materials for services [there is some concern]. We are looking for other staff just to manage our current records, and we don't even have that at this point in time."
- "Will this lead to lots of open records requests?"
- "Officer report time of incidents increases and change [in other ways]"
- "...uncharted...technical issues [will]add levels of complexity"

- “[There will be a significant] financial impact. [The] cost of the technology, training, [and the] creation of new policies and procedures, ...upkeep and repair, staff time...

Conclusion

All discussion participants had an idea of something that is urgently at stake for themselves, their families, and communities, and for the city of Madison. For the individuals who participated in our sessions the question is about their lives, livelihood, safety and dignity, and their rights as citizens. Similarly, many police officers are concerned for their lives, livelihood, safety and professional reputation.

Through this process, we have unearthed valuable information from community members who often are not consulted when decisions are being made that will disproportionately impact them. While much of the feedback is troubling, it can be used to identify and implement productive solutions that could go further towards advancing trust, safety, and community relationships than the implementation of Body-Worn Video cameras. Essentially, we heard from people that they would like to be policed similarly to how white neighborhoods are policed: the police come when called to respond to emergencies; when they are called, they assume the people who called them are the victims and they do not attempt to criminalize the people who called on them.

While participants did not use this language, they are essentially looking for equity in policing policies and relationships. To that end, some of the systemic policy changes that could address the concerns detailed in this report could include:

- Ban racial profiling and establish enforceable protections against it.
- Establish teams that include mental health professionals as primary responders or co-responders to crisis situations.
- End police department quotas for tickets and arrests.
- Ban failure to appear fines or warrants, cap court fine revenue, and allow judges discretion to waive or initiate payment plans for fines and fees for low-income people.
- Revise police department use of force policies to: require officers use minimal force and de-escalation tactics, carry a non-lethal weapon, and intervene when another officer uses excessive force.
- Require police officers to undergo consistent racial bias training and bias testing, and use findings to determine hiring, performance evaluations and decisions about where to deploy officers.
- Develop a community communication strategy. This could include a community advisory board or community ambassadors. If any action is taken or policy is changed based on the feedback in this report, how will it be disseminated to marginalized and vulnerable communities to begin to rebuild trust?

Unlike the city staff we met with, participants in our community engagement sessions were not invested in the current municipal system. To them, the municipal policies and systems provided multiple barriers to being contributing members of their family and community. On the other hand, most city employees who have some control over these systems and policies, had little experience of life in poor and marginalized communities where people have few resources, no power, and little hope. While BWV cameras were not strongly supported as a solution to this problem, this report uncovered the perceived root causes of police and community mistrust, and explored some possible strategies to address them.



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Master

File Number: 39187

File ID: 39187

File Type: Resolution

Status: Passed

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

File Created Date : 07/02/2015

File Name: Amending the work timeline for the Community
Policing and Body Camera Ad Hoc Committee.

Final Action: 07/21/2015

Title: Amending the work timeline for the Community Policing and Body Camera Ad Hoc
Committee.

Notes:

Sponsors: Paul R. Soglin, Shiva Bidar-Sielaff and Denise DeMarb

Effective Date: 07/22/2015

Attachments:

Enactment Number: RES-15-00599

Author: Gloria Reyes

Hearing Date:

Entered by: ahacker@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor's Office	07/02/2015	Referred for Introduction				
	Action Text: This Resolution was Referred for Introduction						
	Notes: Common Council Meeting 7/21/15						
1	COMMON COUNCIL	07/07/2015	Refer to a future Meeting to Adopt	COMMON COUNCIL		07/21/2015	Pass
	Action Text: A motion was made to Refer to a future Meeting to Adopt to the COMMON COUNCIL. The motion passed by voice vote/other.						
	Notes: Adopt 7-21-2015.						
1	COMMON COUNCIL	07/21/2015	Adopt				Pass
	Action Text: A motion was made by Cheeks, seconded by Schmidt, to Adopt. The motion passed by voice vote/other.						
	Notes:						

Text of Legislative File 39187

Fiscal Note

No expenditure required.

Title

Amending the work timeline for the Community Policing and Body Camera Ad Hoc Committee.

Body

WHEREAS, the City of Madison created the Community Policing and Body Camera Ad Hoc Committee (Resolution File #36838) to declare the City's intention to study the potential use of body cameras by the Madison Police and the framework for a pilot study through the creation of an ad hoc committee and a community and employee engagement process; and

WHEREAS, that Resolution provided a timeline requiring that the Ad Hoc Committee present its recommendations to the Common Council at its August 4, 2015 meeting; and

WHEREAS, the Ad Hoc Committee held its first meeting on July 2, 2015 meeting; and

WHEREAS, due to the scope of the issues under consideration, the Community Policing and Body Camera Ad Hoc Committee will not complete its work by August 4, 2015;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council amends the work timeline for the Community Policing and Body Camera Ad Hoc Committee for the presentation of its recommendations as follows: the Ad Hoc Committee will present its recommendations to the Common Council at its September 15, 2015 meeting.



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Meeting Minutes - Approved COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Tuesday, June 30, 2015

5:00 PM Madison Municipal Building Conference Room LL-110

CALL TO ORDER / ROLL CALL

Meeting was called to order at 5:15pm by Lucia Nuñez who chaired the meeting. She thanked and welcomed everyone in the room.

Present: 7 - Kristen Roman; Laura Laurenzi; Lucia Nunez; Richard Beadles; Veronica Lazo; Tom Brown and Anthony B. Cooper, Sr.

Absent: 2 - Percy L. Brown, Jr. and Maria-Teresa Dary

Others Present: Sue Williams, Gloria Reyes – Mayoral Aid, Ashleigh Hacker – Mayoral Clerk, Nico Savage - State Journal

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

INTRODUCTIONS

Everyone went around and introduced themselves.

As City staff introduced themselves they spoke of their role in Committee:

Rich B. from IT is knowledgeable and familiar with various body worn cameras and their technology; he is also very familiar with the cost of such technologies.

Laura L. from Fire department is the records custodian and HIPPA compliance.

Kristen R from the Police Department is the Captain of Community Outreach and Policing

Sue Williams – does support operation, training, finance, record keeping

Community members

Tom Brown from Madison Urban Ministries was nominated by Ruben Anthony

Anthony Cooper - Director of Re Entry Services at Nehemiah

Veronica Lazo – Director of UNIDOS Against Domestic Violence

Will Clifton – YWCA Staff

DISCUSSION ITEMS

39083

Role of Committee June 2015

Lucia went over Resolution stating the two main points of the resolution which are developing

-trust in community

-a framework for using body cameras

The resolution timeline states the Ad Hoc Committee will present its recommendations on August 4th Common Council meeting

Captain Kristin R – spoke of the research that has been done along with the report she wrote with recommendations. The Captain clarified that this Ad Hoc Committee is to make the decision of whether Body Worn Cameras should be something the Madison Police department should use or not.

There was a discussion on the need to update the Community Members of the Ad hoc Committee and the best way to share information. Since the Ad Hoc Committee has community members, SharePoint does not seem the most feasible especially since the committee may not meet for very long. The other suggestion given by Veronica was to use Google Docs. It was decided by the committee that, for now, all documents can be sent via email as attachments to the Ad Hoc Committee. This will also help with transparency throughout the process.

The other item of discussion was about the timeline and needing to amend the resolution to give Ad Hoc members an opportunity to read reports, get updates from the YWCA, and make recommendations.

39085

YWCA Update June 2015

Will Clifton gave an update on the YWCA work. Will was representing Colleen Butler and Jacqueline Boggess, who have been doing the bulk of the work. They are both currently on vacation, but will be joining the Ad Hoc Committee at the next meeting.

The YWCA has been holding focus groups in the community along with one on one interviews to get opinions on the issue of Body Worn Cameras. The following are just some of the groups the YWCA has met with:

Okeefe Middle School
Jefferson MS
Homeless
Domestic Violence
Freedom Inc.
Latino youth
Union de trabajadores/ Interfaith Coalition of workers.
Madison Urban Ministries
Man Up
LGBTQ at the YWCA
Urban League of Greater Madison
African American leadership Council

City groups include:
Information Technology
Department of Civil Rights
Madison Police Department (Focus group is coming up soon)
Fire Department

Will C. passed out a Frequently Asked Questions handout developed to explain why opinions are being gathered.

Will spoke about the Community and City nuances regarding the use of cameras, and the overarching question of why now? Will mentioned the work being done Nationally. He recommended the committee start looking at national recommendations, which will sent to committee via email. The YWCA is still setting up community sessions up until July 17th.

Kristen mentioned the importance to interview other responders, i.e. mental health and EMT

Laura L – suggested that the YWCA contact Journey Mental Health, Hospital SW, SANE nurses, MMSD Social Workers like Amy Noble who work with Homeless families.

Lucia suggested my account for feedback and opinions

Will assured the Ad Hoc Committee that he will give names and info to Jacqueline, but he also reminded committee that there is not much time left.

Laura L and Veronica L – spoke of their concern to the current timeline for community feedback, and the time frame given for Common Council presentation.

Process and technical questions – Discussion
Process for Extension?
What is the contract with the YWCA?

Laura L. made a MOTION for Ad Hoc Committee to ask for an extension for the last Common Council Meeting in September, which is on the 15th.
It was seconded by Anthony Cooper. And passed unanimously by the Ad Hoc Committee

39086

Election of Chair and Vice Chair June 2015

Last item on the agenda was voting for Chair and Vice Chair of the Ad hoc Committee.
Veronica Lazo was voted as Chair
Tom Brown was voted Vice Chair

39087 Meeting Schedule June 2015

Nancy S. will send a doodle calendar to schedule 4 meetings. Articles and links will also be sent to Ad hoc Committee via email

From now to next meeting the Ad Hoc Committee will:

- do readings of reports and recommendations
- Look at cost of Cameras
- Perhaps bring in Roger Allen

At the next Ad Hoc Committee meeting

Kristen will give a presentation of her research and report.

YWCA continues to give update.

ADJOURNMENT

Veronica made a motion to adjourn at 6:30 pm. Anthony seconded the motion.

Motion passed by a voice vote.



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Meeting Minutes - Approved COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Thursday, July 30, 2015

9:00 AM

101 E. Mifflin St.
YWCA - Vilas Room

CALL TO ORDER / ROLL CALL

Present: 7 - Kristen Roman; Laura Laurenzi; Richard Beadles; Veronica Lazo; Tom Brown; Maria-Teresa Dary and Anthony B. Cooper, Sr.
Absent: 2 - Lucia Nunez and Percy L. Brown, Jr.

Others present: Rich Beadles, IT; Johnny Winston Jr, Madison Fire Department (in place of Laura Laurenzi); Nancy Saiz, Committee Staff; Gloria Reyes, Mayoral Assistant; Jacquie Boggess, YWCA; Colleen Butler, YWCA; Will Clifton, YWCA

APPROVAL OF MINUTES

Richard B. moved to approve the June 30th minutes, it was second by Cpt. Roman

PUBLIC COMMENT

Public Comment – Gene Cox from Occupy Madison Village came to speak in support of Community Policing.
“Since the redoing of the Village there has been Community Policing, and there have been no police. There has been harm done in the Village but the residents of the Village have created a community where people take responsibility for themselves. This is good for the community and individuals.”

DISCLOSURES AND RECUSALS

None

DISCUSSION ITEMS

39451

Overview of Reports by Capt Roman August 2015

Tom B. brought up the importance of the work we are doing in lieu of the Cincinnati Shooting that happened last week. Cpt. Roman gave an overview of the report she worked on as stated in resolution 36838. This is a list of pros, cons, and things that need to be kept in mind if this committee moves forward with recommending cameras.

- Focus of the research was on reports and articles that speak to policies being set
- There is not much research on this topic.
- Committee needs to be realistic about the cameras expectations, benefits and drawbacks
- Do they really provide accountability and transparency?
- If policies are crafted around the use of cameras, there needs to be a continual review process of set policies.
- The end goal is not for cameras to take the place of officers developing relationships and building trust in the community.
- Some of the early discussion points to a reduction of complaints, more timely resolution to complaints
- Car cameras have also shown the previous point.
- When car cameras were first introduced there was push back from the police officers. Now officers see the benefit.
- Police officers have many of the same concerns as community, in terms of transparency and accountability.
- More reports and how to guides have been coming out on the pros and cons of cameras.
- If the committee decides to go forward with recommending cameras, there is a lot of sifting of policies and procedures to go through to make sure the committee chooses what fits Madison.
- A benefit to police is the cameras add to evidence and helps put reports together.
- Citizens benefits are there is follow up and complaints are being resolved.
- Biggest issue is Privacy
 - Privacy needs to be one of the biggest parameters around cameras.
 - Immigration – concern about evidence and the use of it
 - Open records ramifications will be huge
 - *Police will have to add staff to keep up with open record requests. As it is Madison has more open records requests than Milwaukee.
- Police department cost will increase tremendously
 - Equipment + Staff
- There are federal programs that can help offset the starting cost, however it will ultimately fall on the City of Madison to continue funding.
- There are ways to impact cost by building parameters on how cameras are phased, it could start as a pilot by positions or departments.
- Feelings vary within the police department. Some see it as a protection for themselves.

The biggest questions for this Ad Hoc Committee are: what are the benefits? And what are we undermining by using cameras? This committee ultimately recommends whether cameras are used or not.

Rich B. – Technology is a tool. It will not solve the problem.

Tom B. – Partnerships and education are important to implement best practice strategies that are consistent. We all want the same things public safety, trust, crime reduction, but both sides need to give

Cpt. Roman – Part of the recommendations need to have an element of measurement. What are those things? Are we all in agreement? How are measurements developed? Once we start answering those questions Police officers need to be involved in the development of a program.

39452

YWCA Update August 2015

Colleen Butler from the YWCA introduced the staff who has been working on gathering community input:

Will Clifton – has been one on one interviews as well as focus groups within the City of Madison.

Jacqueline Boggess has been working with various community groups doing one on one interviews as well as focus groups. Some of the groups Ms Boggess has met with include:

- Operation Fresh Start
- UNIDOS
- MUM
- LGBTQ group on Campus
- Nehemiah
- Union de Trabajadores Inmigrantes (UTI)
- GSAFE
- Alianza Latina
- Urban League
- Freedom Inc.
- 100 Black Men

Over 100 people have interviewed. There is diversity in age, ethnicity, and nationality

Jacque Boggess is Co Director of a national policy organization called Center for Family Policy and Practice based in Madison WI. Jacque gave an overview of her findings and made the committee aware that interviews were wrapping up, and therefore still working on the report. The following are themes that she found overall.

- When the conversations began most groups and individuals said YES cameras should be used.
 - As the discussion began and there was conversation most people felt cameras were NOT necessary.
 - Vulnerable and marginalized communities were targeted. Therefore, open records was not the main concern
 - The main concern – the ability police officers will have to turn cameras off and on. Many asked ‘what is the point of cameras then?’
 - This gave most people a false sense of security. This can be seen on both sides.
 - Depending on the group, privacy concerns were brought up especially for LGBTQ and Domestic Violence groups.
 - A positive aspect people spoke to was situations may not escalate quickly
- All across the groups there was theme that kept coming up that spoke to the police presence highlighting the overall feeling of distrust, fear, and a constant feeling of surveillance. People understand that there may be fear on both sides but cops carry guns.

Will C. – Pointed out that there was an overlap on much of the info gathered from community and employees of the city interviewed.

After much discussion the committee agreed that they needed more time to look at the final report from the YWCA and have an honest discussion about how to move forward. The resolution was revisited and was noticed that one of the two charges has been done.

1) guide develop and implement a community and employee engagement process and timeline

The second charge however assumes that the committee will move forward with a recommendation for body cameras.

2) develop a policy on the use of body cameras, and 3) develop a framework for a pilot study to occur in 2016.

After YWCA gave a report on its findings the committee feels that they need more time to discuss and consider everything that has been brought up ie police relations, cost, community perceptions, privacy, etc.

39454 Meeting Schedule August 2015

Committee decided to meet on August 25th at 1pm. The YWCA report will be done and sent to committee on August 24th. The committee will work on a definitive recommendation on the meeting of the 25th.

39456 Plan for Recommendations to go to Mayor and Council (September 15) August 2015

Veronica L. made a motion for committee to still give a report to the Council on September 15th with their definitive recommendation on whether cameras should be used or not. If committee recommends to move forward with a recommendation for cameras then committee will ask for more time and assistance on developing policies and framework. Anthony Cooper second the motion. Motion passed unanimously.

ADJOURNMENT

Anthony motioned to adjourn meeting. Veronica L seconded. Motion passed unanimously.



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Meeting Minutes - Approved COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Tuesday, August 25, 2015

1:00 PM

101 E. Mifflin Street-YWCA

CALL TO ORDER / ROLL CALL

The meeting was called to order by Chair Veronica Lazo at 1:04pm.

Present: 5 - Laura Laurenzi; Lucia Nunez; Richard Beadles; Veronica Lazo and Tom Brown

Absent: 4 - Kristen Roman; Percy L. Brown, Jr.; Maria-Teresa Dary and Anthony B. Cooper, Sr.

Others Present:

Gloria Reyes – Mayoral Aid

Jacquie Boggess – Center for Families Policy and Practice (CFFPP)

Colleen Butler - YWCA

Will Clifton - YWCA

APPROVAL OF MINUTES

Richard Beadles made a motion to approve the minutes of 7/30/15. Lucia Nuñez seconded the motion. Motion passed by a voice vote.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

NEW BUSINESS

None

DISCUSSION ITEMS

39793 Update from Council August 2015

Gloria Reyes - gave an update on her conversation with Council Leadership Alder Demarb and Mayor regarding the resolution discussion that happened at the last CP&BC Ad Hoc meeting. Gloria Reyes did convey to Alder Demarb and Mayor that the committee will present their findings and decision on Sept 15th, 2015.

39794

Presentation on YWCA Body Cameras Input August 2015

Jacquie Boggess - gave her presentation on the community engagement sessions regarding Body Cameras. A report was handed out, please see attachment, and a power point presentation was given on the themes that were found throughout the Community and City focus groups.

The following is a list of themes that were captured on the slides.

- Mistrust – overall and generally people are not happy with the police
- Direct concerns with body cameras – officers can manipulate (turn on and off), provides a false sense of security, and privacy concern

Richard Beadles asked if the community ever recommended policies, in the conversations. Jacquie explained that due to the questions, policy was never brought up.

- Perspective on Police /Community relationships – mistrust, fear of police officers, frustration with racial profiling, and discrimination.

NSaiz raised the question about people's knowledge of the various police department in our area due to various municipalities, and institutions?

Veronica Lazo informed the group that due to her experience and work in the community, people don't tend to separate police departments. Police is police. That is why there should be a better way to communicate between departments to help victims of DV in a more efficient way.

- Fear – it was clear from all focus groups that there is fear of safety from the police and community side. However overwhelmingly the community pointed out that police do carry weapons.

- Racial Profiling and Discrimination – this theme came up often. However Jacquie made sure to explain that due to all the happenings in 2015 with police cases. When people spoke about racial profiling it was in a very general national way. Feedback must be taken in the context of the 2015 spring and summer encapsulation of time.

- Community concerns brought up by individuals

 - *Every group had the same overall analysis of police and body cameras.

 - *Almost every group brought up a concern for the safety of the Black community. With the exception of the Hmong youth group.

 - *For Latinos there is a fear of driving, transportation, and immigration. Not only is there a fear of being stopped but the potential for escalating and being deported or hurt.

- There was an understanding of the police and the dangerous work they have to perform at times.

- Central community recommendations – Any funds available should be used for training, there needs to be more cultural competence training, there needs to be more community education.

- The YWCA/CFFPP also had recommendation that are included at the end of the attached report

Laura Laurenzi – Pointed out she would like to hear from the homeless and population and those dealing with Mental Health illness. She also pointed out that people may prefer dealing with the Fire Department because there is a lack of a weapon, and there is no possibility to arrest or incarcerate.

- The City employee groups that were interviewed were predominantly white.

Their primary concern was privacy and their constitutional rights. Followed by a false sense of security

39795

Recommendation Discussion August 2015

The meeting was getting close to the end time. Committee members felt that there were too many people missing and more time was needed before the committee could provide any recommendations or make decisions.

Lucia Nuñez asked if the group felt there was more data that needed to be gathered. Group has had resources at their disposal, and honestly body cameras data has just been recently been gathered and studied.

Tom Brown spoke to the opportunity this City has to not just adopt cameras, but the key is providing education to the community especially by community providers and schools.

Veronica Lazo suggested the group call another meeting, to give people a chance to read the report by the YWCA/CFFPP

Laura Laurenzi asked the question of building trust? Which the group agreed that recommendations need to be given to MPD given the discussions and information people have gathered.

Lucia Nuñez made a motion to table the discussion for the next meeting. Laura Laurenzi second.

39796

Report to Council on September 15th August 2015

No Report

ADJOURNMENT

Tom Brown will check to see there is room available at Wright MS, if not we will look at the YWCA or UNIDOS.

Veronica made a motion to adjourn meeting, and it was second by Richard Beadle.



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Meeting Minutes - Approved COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Wednesday, September 2, 2015

1:30 PM

Wright Middle School LMC
1717 Fish Hatchery Road
Madison, WI 53713

CALL TO ORDER / ROLL CALL

Present: 8 - Kristen Roman; Laura Laurenzi; Lucia Nunez; Richard Beadles; Veronica Lazo; Tom Brown; Maria-Teresa Dary and Anthony B. Cooper, Sr.

Absent: 1 - Percy L. Brown, Jr.

Others Present:

Gloria Reyes – Mayoral Assistant
Nino Rodriguez – Center for Families Policy and Practice (CFFPP)
Naomi Takahashi - Center for Families Policy and Practice (CFFPP) & YWCA
Will Clifton - YWCA
Karen Rivedal – State Journal
Molly Jones – MSW Student UW-Madison
Nora Jungbluth – MSW Student UW-Madison

APPROVAL OF MINUTES

Lucia Nuñez made a motion to approve the minutes of 8/25/15. The motion was seconded by Anthony Cooper. Motion passed by a voice vote.

PUBLIC COMMENT

Nino Rodriguez – addressed the Ad Hoc Committee in regards to the recommendations sent by the Committee Co Chair Tom Brown. Nino wanted to reiterate that in the focus groups people were very clear that they “do not feel comfortable with police being present at their events and their communities, especially when police are in uniform and have guns.”

Since Nino was representing Jacquie Boggess from CFFPP. It was made clear to the committee that as a CFFPP representative he was able to answer questions of the focus groups.

DISCLOSURES AND RECUSALS

None

NEW BUSINESS

None

DISCUSSION ITEMS

39969 Committee Recommendation September 2015

Tom opened meeting by asking committee for any feedback, questions or concerns to be brought forth. Tom reminded the Committee that today's meeting was to take a vote on whether MPD should potentially use Body Cameras.

Kristen Roman – asked for clarification of the documents sent to committee. Documents included Tom's recommendation and the YWCA report.

Nancy Saiz – clarified that Tom's recommendations are suggestion for the committee to consider as they move forward, and that these two documents are completely separate.

Tom Brown – Asked for other comments and clarifications. Hearing none, he moved to voting on whether the Committee should recommend the potential use of body cameras giving all the information that the Committee had been purview to in the last month and a half. Tom asked individual Committee members to please state their position to be recorded.

Lucia Nuñez – No

Kristen Roman – Abstained

Laura Laurenzi – Abstained

Richard Beadles – No

Veronica Lazo – No

Tom Brown – Yes

Maria Teresa Dary – No

Anthony Cooper - Yes

39970

Discussion of Committee Recommendation September 2015

Kristen Roman- addressed the systematic changes that were brought up on Page 19 in the conclusion. She proceeded to go through the 7 bullet points to clarify and explain that some of the suggestions are currently in place.

-Policy and procedures currently exist to ban racial profiling

-There are Officers who have received training and serve as Mental Health Liaisons in the 5 districts.

<http://www.cityofmadison.com/police/community/mentalhealth/>

-There are no quotas for tickets or arrests. Quotas do not exist.

-Police do not have anything to do with Judge or court discretions. Capping court fines is not under the Police purview

-A committee will start meeting soon to discuss existing policies on how the police respond and the use of force.

-Police officers go through various trainings on racial bias and equity plays a role in the hiring process.

Kristen Roman did admit that from the report it was obvious the police are not doing a good job and need to do better to communicate with the community regarding police efforts. Kristen Roman suggested that police needs to take stock of what is being done and how it is being done.

-Richard Beadles – there seems to be a lack of distinction between the different police departments.

-Anthony Cooper – there is a need to build as a community

-Kristen Roman – It is disconcerting to hear that police are not wanted in the neighborhoods

-Anthony Cooper - Who was surveyed? And who spoke to not wanting a police presence at events?

-Veronica Lazo – As providers in the community we need to work and help the police build relationships with the community.

-Naomi Takahashi – Please keep in mind the communities perspective. There is historical trauma and racial disparities that are real and currently exist.

-Lucia Nuñez – One of the recommendations is to build trust both ways. How do you do that from the community side? What are the different mechanisms in place? Are there models that exist on improving communication?

-Kristen Roman – I can provide information on what the police have in place. We are looking at different things happening, but can provide what is currently going on.

Lucia Nuñez – How does the pilot fit into this and what was the ask of the committee

-Gloria Reyes – the committee was asked to decide on the use of cameras, and the committee has done that. The pilot no longer fits anywhere. Now the committee needs to give recommendations on how to continue or develop positive relationships between Madison residents and MPD.

-Lucia Nuñez – what efforts does MPD currently have in place?

-Will Clifton –wanted to remind the committee and speak of those in the City that were interviewed. There was a stark difference between white folks and the consciousness and connection to police, but do not have the experience. Compared to people of color in the City who have a different consciousness of the experience and the interactions with police are real.

-Veronica Lazo – MPD is working with people that come from all over the world. The Latino community does understand that police officers have a job,

but we need to start working with community to educate on the work of the police officers and their responsibilities.

-Laura Laurenzi – the City is currently doing a lot of work with the Racial Equity and Social Justice Initiative. Is there any way to leverage the work that is being done there for the community and the police?

-Tom Brown – Building rapport and training activities and education awareness are part of the suggestion in this recommendation. The key words are crime reduction. There needs to be strategy on how collaboration is built. The talking needs to stop and we need to start doing. Let's start with concrete recommendations.

-Kristen Roman – There are various efforts that exist in the City i.e. Racial Equity and Social Justice Initiative and Resolution MPD. How can we work to inform community about the work being done?

-Gloria Reyes – There is a unique opportunity for policies and procedures to dictate how the police should establish relationships in the community. This committee has been asked to recommend how the police should build relationships with community.

-Kristen Roman – The YWCA has a structure on continuing to gather the community input.

-Tom Brown – Involve community Leaders as well, because they are the conduits of the community.

-Veronica Lazo – there are current community efforts that should be considered as well.

39971

Council Report September 2015

Lucia Nuñez - Next Steps

-Continue to meet

-Get recommendations on the second piece of the resolution

-Turn in an interim report

-Ask the Common Council for more time to work on this

Laura Laurenzi- moved to present report regarding the decision of the committee on the Body Cameras and establishes methods on how to move forward regarding building trust. Also the committee would like to request for the redistribution of funds toward pilot to be available for this process. Anthony Cooper seconded the motion. Everyone was in agreement. Motion passed unanimously

Laura Laurenzi – Would like a presentation from the Police Department on current efforts and initiatives.

Nancy Saiz reminded committee on September 15th presentation is when the extension should be asked for. Committee agreed to meet until the first week of August of 2016 and come back to Common Council with recommendations.

ADJOURNMENT

Lucia Nuñez made a motion to adjourn the meeting. Anthony Cooper seconded the motion. Motion passed by a voice vote.



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Meeting Minutes - Draft COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Friday, October 16, 2015

10:00 AM

Fountain of Life Church
633 W. Badger Road
Madison, WI 53713

CALL TO ORDER / ROLL CALL

Veronica Lazo called the meeting to order at 10:15 a.m.

Present: 6 - Laura Laurenzi; Lucia Nunez; Richard Beadles; Veronica Lazo; Tom Brown and Anthony B. Cooper, Sr.

Absent: 3 - Kristen Roman; Percy L. Brown, Jr. and Maria-Teresa Dary

APPROVAL OF MINUTES

Laurenzi made a motion to approve the minutes of 9/2/15. The motion was seconded by Beadles. Motion passed by a voice vote.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

NEW BUSINESS

Lazo shared with the members of the committee that Gloria Reyes and she had discussed the future of the committee. She stated that Reyes said that if this committee wanted to merge with the Policy and Procedures Committee that it could merge. Lazo spoke about making sure that efforts were not duplicated and that they could move forward with the members of the other committee.

Nunez asked if there are members on the Policy and Procedures Committee.

Rich Beadles doesn't think that this committee can just simply evolve into another committee, that there has to be action from the Council and/or Mayor.

Laurenzi stated that someone needs to make a recommendation to first dissolve the Body-Worn Camera Committee then create another.

Lazo said that they were waiting for us to make a decision.

Beadles stated that this item would need to be placed on the agenda before we could decide.

Nunez stated that the group cannot even discuss this item since it is not currently on the agenda.

DISCUSSION ITEMS

40445 Present Recommendation to Common Council October 2015

The group attempted to find this report/resolution through various means and could not locate the legislative file for the committee members to view and discuss. Lazo explained that she had met with Reyes and Saiz to draft this report and would send it to Saiz so that she could forward to the entire group. Beadles and Laurenzi felt they could not proceed with this item without first reading the report/resolution that is to be presented at Council. The group wanted to try to meet next week.

40446 Thank You to Committee Members October 2015

ADJOURNMENT

Laurenzi made a motion to adjourn, and Cooper seconded the motion. Motion passed by a voice vote. Lazo called the adjournment of the meeting at 10:30 a.m.



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Meeting Minutes - Draft COMMUNITY POLICING AND BODY CAMERA AD HOC COMMITTEE

Friday, October 23, 2015

1:30 PM

UNIDOS Against Domestic Violence
128 E. Olin Ave., Suite 201
Madison, WI 53713

CALL TO ORDER / ROLL CALL

Lazo called the meeting to order at 1:40 pm.

Present: 5 - Laura Laurenzi; Veronica Lazo; Tom Brown; Maria-Teresa Dary and Anthony B. Cooper, Sr.

Absent: 4 - Kristen Roman; Lucia Nunez; Richard Beadles and Percy L. Brown, Jr.

APPROVAL OF MINUTES

Laurenzi made a motion to approve the 10/16/15 minutes. Cooper seconded the motion. All approved the minutes with no changes.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

None

ANNOUNCEMENTS

40493 Accepting Nominations for the 2015 Jeffrey Clay Erlanger Award

Information and application was passed out for the 2015 Jeffrey Clay Erlanger Award

DISCUSSION ITEMS

40583 Community Policing & Body Camera Ad Hoc Committee Recommendations to Council

Saiz, staff to CP & BC Ad Hoc Committee, apologized for not having reports available for the committee to review. However, Saiz clarified that the recommendations could have been discussed and voted on to be included, or not, as part of the final report. Veronica Lazo and Tom Brown had submitted recommendations on 9/15/2015 via email. Saiz emailed recommendations to committee for their review and to be discussed on 10/16/2015.

After much discussion Laura suggested that this committee be recessed until the concerns identified by the YWCA report have been addressed, and a determination is made to proceed with body cameras or a body camera pilot study in the future.

Veronica Lazo made motion - the Common Council/Mayor appoint the citizen committee members to a City Committee(s) that is/are currently working on the issues identified in the report. In addition, the CP&BC Ad hoc Committee recommends that if and when the concerns are addressed and if a determination is made to proceed with body cameras in the future the CP&BC Ad Hoc Committee should reconvene to 2) Develop a policy on the use of body cameras and 3) Develop a framework for a pilot study to occur.

The motion was second by Maria Dary. Motion passed unanimously by committee.

Saiz will work on an executive summary where the committee's recommendations will be included.

40584 Report to Common Council

The report to the Common Council will include:

- Executive summary with committee's recommendations
- Madison Police Department Body-Worn Video Considerations for Program Implementation written by Captain Kristen Roman
- Body-Worn Video for the Madison Police Department Community Engagement Sessions written by consultant Jacquie Boggess, YWCA & CFFPP
- Request for extension
- Minutes reflecting the times committee met - June 30, 2015, July 30, 2015, August 25, 2015, September 2, 2015, October 16, 2015, and October 23, 2015

40585 Work of Committee

As stated in the motion made by Veronica Lazo and pending approval of the Mayor/Common Council, the committee recommends the CP & BC Ad Hoc committee is recessed and citizen members be placed on the MPD Policy and Procedure Committee. on City Committee(s) that are currently working on the issues identified in the report. The CP&BC Ad hoc Committee recommends that if and when the concerns are addressed and a determination is made to proceed with body cameras in the future the CP&BC Ad Hoc Committee should reconvene.

ADJOURNMENT

Veronica Lazo made a motion to adjourn and Tom Brown second the motion.
All voted in favor. Lazo adjourned the meeting at 3:00 pm.