

Request for Information on File No. 23-744

Research Services Division
Office of the Comptroller

January 29, 2024



Legislative History

At the December 2023 County Board Meeting, [File No. 23-744](#) was referred to JLEGS Committee and Research Services Division was requested to present information on video release policies of jurisdictions both within and outside of Wisconsin

1 By Supervisors Clancy, Gómez-Tom, and Martinez File No. 23-744
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4 **A RESOLUTION**
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6 In support of the City of Milwaukee Fire and Police Commission's new video
7 release policy and requesting the development of a similar policy at Milwaukee County
8 giving the family of individuals hurt or killed by police the opportunity to review video and
9 audio footage within 48 hours of the critical incident and mandating the release of
10 critical incident footage captured by the department within 15 days to the public
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*There are **no jurisdictions** in Wisconsin with a policy exceeding the Wisconsin Public Records Law*

Overview of Policies within Wisconsin

Jurisdictions abide by Wisconsin's Public Records Law and local policies may exist to address the release of video footage of officer-involved incidents



**Milwaukee County Sheriff's Office Policy
Manual which addresses video release
comport with Wisconsin Public Records
Law**

(MSCO Policy 243 & 803)

*"all persons are entitled to the
greatest possible information regarding
the affairs of government and the official
acts of those officers and employees
who represent them"*

Wis. Stat. §§ 19.31–19.39

**Milwaukee County
Sheriff's Office
*Current Policy***

Timeline of Video Release Policy by the Fire and Police Commission

Proposed Video Release Policy 575 is unanimously approved by the FPC and signed by Chief Norman

Milwaukee Police Association takes legal action for violation of collective bargaining agreement and policy is temporarily blocked

WI 2023 Act 12 is passed and returns policy oversight & recommendations to Police Chief

MPD SOP 747 signed by Chief Norman takes effect

Injunction hearing on FPC Video Release Policy 575 takes place

Ruling on FPC Video Release Policy 575 is anticipated

APRIL 2023

MAY 2023

JUNE 2023

NOV 2023

JAN 2024

MARCH 2024

Proposed Video Release Policy by the Fire and Police Commission as of 5/1/23

575.15: - Release Deadline

A. The department shall release video evidence of the following types of incidents to the public within **fifteen (15)** days of the incident:

1. Any officer-involved death as defined by SOP 575.05(C);
2. Any other critical incident as defined in SOP 575.05(D); or
3. Any incident involving the death of a person where a department member discharges a firearm, even if the death was not the result of the firearm discharge by the department member

575.30 - Notifications and Consultations

- A. In cases involving an officer-involved death or death of a person where a department member discharges a firearm, the department shall make reasonable attempts to notify the person's next of kin and provide them an opportunity to view the video footage within forty-eight (48) hours of the incident.



**City of
Milwaukee's
Police
Department**
*Current Video
Release Policy*

2023 WI Act 12 fundamentally changed the power of the Fire and Police Commission, no longer granting them power to create policy for the MPD.

MPD SOP 747 – Body Worn Cameras Video Release aligns with current Wisconsin Public Records Law. Police Chief Norman signed the policy November 9, 2023.



Sample of Out-of-State Policies

STATE OF CALIFORNIA

- Video of critical incidents must be released after **45 days** after the incident takes place with minor exceptions (State Mandated)

STATE OF MINNESOTA

- Body camera data that documents an incident when an individual dies as a result of use of force by a police officer are made public no later than **14 days** after the incident with exceptions for ongoing investigations (State Mandated)

CITY OF CHICAGO

- Information covered by their policy shall be released to the public no more than **60 calendar days** from the date of the incident (Civilian Office of Police Accountability handles the release)

Video release policies have been mandated at both the state and local levels





**MILWAUKEE
COUNTY**