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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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12  
13 WHEREAS, as the use of video by law enforcement has exponentially increased  
14 in the past decade, the public has had a greater opportunity to see first-hand incidents  
15 of police encounters that have resulted in deaths (primarily of Black men), that  
16 previously may have been blamed on the actions of the victim; and  
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18 WHEREAS, sources of video evidence can include, among other things, body  
19 worn camera (BWC) video, in-car video, audio recordings of 911/emergency calls, other  
20 video captured by the department, and video captured by other individuals or entities  
21 that is in the department’s possession; and  
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23 WHEREAS, a poll by the Cato Institute found an overwhelming majority of  
24 Americans (89%) support equipping police with body cameras, including both  
25 individuals with a favorable and unfavorable opinion of police, as video footage  
26 seemingly offers protection to both the officer and the citizens interacting with police;  
27 and  
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29 WHEREAS, 2019 Wisconsin Act 108, enacted February 28, 2020, mandates that  
30 BWC recordings must be retained for a minimum of 120 days after the incident, and  
31 longer if the incident involved the use of force by an officer, and requires that BWC  
32 recordings be subject to inspection and release pursuant to the state’s open records  
33 law; and  
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35 WHEREAS, the American Civil Liberties Union (ACLU) commented on the issue  
36 of body worn cameras, stating “if they [reform advocates] want police in their community  
37 to wear body cameras, they should demand effective body camera programs, which  
38 include not just cameras but also strong policies and institutional practices to make  
39 those cameras effective”; and  
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41 WHEREAS, the ACLU further emphasized that compliance and enforcement of

42 good policies and practices will ensure the cameras provide transparency and oversight  
43 and don't become simply surveillance devices; and

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45 WHEREAS, on March 23, 2020, Daniel Prude, a 41-year-old Black man, died  
46 after being physically restrained by Rochester, New York police officers; and

47 WHEREAS, despite an open records request for the video filed by the Prude  
48 family attorney on April 3, 2020, the video was not released until August 12, 2020, and  
49 later determined was delayed to concerns by police command staff that the death (later  
50 ruled a homicide) might lead the public to "...conflate this incident with any recent  
51 killings of unarmed Black men by law enforcement nationally"; and

52 WHEREAS, on September 8, 2020, less than a month after the video was  
53 released to the family, Rochester's chief of police resigned, and his entire command  
54 staff either resigned or was demoted; and

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56 WHEREAS, the City of Milwaukee Fire and Police Commission oversee all policy  
57 related to the Fire and Police Departments while the chief of each agency manages  
58 day-to-day operations; and

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60 WHEREAS, in April 2023, after more than a year of information gathering and  
61 debate, the Fire and Police Commission approved a video release policy that was  
62 aimed to increase transparency and reduce the public's mistrust in law enforcement;  
63 and

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65 WHEREAS, the Fire and Police Commission's Standard Operating Procedure  
66 575 - Video Release Policy provides reasonable precautions to redact, edit, or withhold  
67 video to comply with court orders, state and federal laws aimed at protecting juveniles  
68 and victims of crimes, confidential medical or mental health information, as well as  
69 several other safeguards; and

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71 WHEREAS, the Milwaukee Police Department defines a critical incident as any  
72 incident in which the actions of a department member result in death or great bodily  
73 harm to a person, death or great bodily harm occurs while a person is in the custody of  
74 the department, or in which the discharge of a member's firearm results in an injury to a  
75 person; and

76

77 WHEREAS, the Video Release Policy will ensure the family of the individuals  
78 hurt or killed in critical incidents involving the police will have the opportunity to view the  
79 video footage, with certain exceptions, within 48 hours of the critical incident and  
80 release of the video/audio footage captured by the department within 15 days to the  
81 public; and

82 WHEREAS, releasing footage of critical incidents to family members and the  
83 public is done in an effort to foster greater public trust in police departments and  
84 demonstrate transparency regarding departmental operations including instances that  
85 may result in deadly use of force or deaths in custody; and  
86

87 WHEREAS, the Committee on Judiciary, Law Enforcement, and General  
88 Services (JLEGS), Laid Over File No. 23-744 to a Date Certain [December 4, 2023]  
89 (vote 3-2); and  
90

91 WHEREAS, JLEGS, at its meeting of December 4, 2023, recommended  
92 **REJECTION** of File No. 23-744, due to a failed motion to recommend adoption  
93 (vote 2-3); and  
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95 WHEREAS, the Milwaukee County Board of Supervisors, at its meeting of  
96 December 21, 2023, referred File No. 23-744 to JLEGS (vote 10-7); and  
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98 WHEREAS, JLEGS, at its meeting of January 29, 2024, recommended  
99 **REJECTION** of File No. 23-744, due to a failed motion to recommend adoption  
100 (vote 2-3); now, therefore,  
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102 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby supports  
103 the City of Milwaukee Fire and Police Commission Standard Operating Procedure 575 -  
104 Video Release Policy (hereto attached to this file) which will ensure the family of  
105 individuals hurt or killed by police have the opportunity to view the video, with certain  
106 exceptions, within 48 hours of the critical incident and mandate the release of the  
107 video/audio footage captured by the department within 15 days to the public; and  
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109 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors  
110 hereby requests County Departments, including the Milwaukee County Sheriff's Office,  
111 District Attorney, Community Reintegration Center, and the Vel R. Phillips Youth and  
112 Family Justice Center, develop a video release policy(ies) that are similar to the City of  
113 Milwaukee's to foster greater public trust in County law enforcement and correctional  
114 facilities regarding departmental operations including instances that may result in deadly  
115 use of force or deaths in custody.  
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118 01/29/24  
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