



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 575 – VIDEO RELEASE POLICY

**GENERAL ORDER:** 2023-XX  
**ISSUED:** January 9, 2023

**EFFECTIVE:** January 9, 2023

**REVIEWED/APPROVED BY:**  
Assistant Chief Paul Formolo  
**DATE:** November 14, 2022

**ACTION:** Creates SOP

**WILEAG STANDARD(S):** NONE

#### **575.00 PURPOSE**

- A. It is the intent of this policy to promote transparency and accountability with respect to the operations of the Milwaukee Police Department (MPD), and in doing so, foster greater public trust. The people of Milwaukee have an undeniable interest in being informed, in a timely fashion and based on the most accurate information available, about how their police department conducts its business, especially where officers use lethal force or where the use of force by the police results in the death of a civilian.
- B. This policy sets the standard of the public release of video recordings that capture officer-involved deaths that fall under [Wis. Stat. § 175.47](#) and other critical incidents that involve MPD officers. This policy is intended to balance two important interests: the public's interest in transparency and police accountability, and the privacy interests of the individuals, or next of kin of the individuals, depicted in such videos. The public has a strong interest in obtaining timely access to information, including video footage, and other evidence, regarding incidents where officers use lethal force and/or where a person has died as a result of a police encounter or while in police custody. At the same time, the individuals who appear in these videos have a privacy interest, which must be considered. These individuals include not only the involved individuals and the police officers, but also witnesses, bystanders, next of kin, and the subject upon whom force is used.
- C. There are considerations, such as preserving the integrity of related investigations, that may justify a delay or deviation from this standard operating procedure, and these considerations are detailed in this policy. In recognizing that a video may not tell the whole story, the MPD will also provide the necessary context when releasing video so the public has the most accurate picture of what occurred based on the information known at the time of release.

#### **575.05 POLICY (WILEAG 8.1.1)**

- A. It is the policy of the Milwaukee Police Department that video evidence in the department's possession of officer-involved deaths that fall under [Wis. Stat. § 175.47](#) and other critical incidents that involve MPD officers be released to the public in a "community briefing" video within:
  - 1. Thirty (30) days after the incident if the incident is investigated by the Milwaukee Police Department.

2. Forty-five (45) days after the incident if the incident is investigated by an outside agency.
- B. The Chief of Police may determine that earlier release is in the public interest. This “community briefing” shall consist of relevant video imagery, as well as other evidence (e.g., audio from 911 calls for service), that depicts the actions and events leading up to and including the incident that falls under [Wis. Stat. § 175.47](#) or the other critical incident.
  - C. Relevant video imagery is video and accompanying audio footage that is typically considered by the Chief of Police and criminal prosecutors to determine the propriety of an officer’s conduct during such incidents. The release of video shall be accompanied by additional information to provide context based on the evidence available at the time of release.

### **575.10 DEFINITIONS**

#### **A. OFFICER-INVOLVED DEATH**

For the purposes of this SOP, an officer-involved death is an incident that involves, “A death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.” [Wis. Stat. § 175.47\(1\)\(c\)](#).

#### **B. OTHER CRITICAL INCIDENT**

Other critical incident is an incident involving a department member that results in death or great bodily harm to a person that is caused by a member’s actions, occurs while in police custody, or any incident that the Chief of Police, or his/her designee (designee must be the rank of inspector or above), declare a critical incident. Any injury to a person as a result of a firearm discharge by a department member, not resulting in death, shall also be considered a critical incident.

### **575.15 PROCEDURE**

#### **A. This policy applies to video imagery concerning the following types of incidents:**

1. Any officer-involved death as defined by [Wis. Stat. § 175.47\(1\)\(c\)](#).
2. Any other critical incident as defined in SOP 575.10(B).
3. Any other police encounter where the Chief of Police determines release of video is in the public interest.

#### **B. VIDEO SOURCES**

The sources of video that may be released pursuant to this policy includes, but are not

limited to, body-worn camera video, digital in-car video, police facility surveillance video, and video captured by third parties that is in the department's possession.

### C. PRIVACY PROTECTIONS

1. Video will not be released where prohibited by law or court order.
2. Consistent with the protections afforded juveniles and the victims of certain crimes, video imagery shall be redacted or edited to the extent necessary to ensure that the identity of said individual(s) is protected. The video shall be withheld if it cannot be sufficiently redacted or edited to protect the person's identity.
3. Video may be redacted or edited to protect the privacy interests of other individuals who appear in the video. In each instance, such redaction may include removing sound, altering voices (to maintain requested anonymity) or blurring of faces and other images that would specifically identify involved individuals, sensitive locations, or reveal legally protected information.
4. The redaction or editing of the video shall not compromise the depiction of what occurred during the incident when possible.
5. Video may be redacted or edited based on requests from next of kin.

### D. DELAYED RELEASE

1. There may be circumstances under which the release of such video must be delayed to protect one or more of the following:
  - a. Safety of the involved individuals, including officers, witnesses, bystanders, or other third parties;
  - b. Integrity of active investigations (including criminal or administrative);
  - c. Confidential sources or investigative techniques;
  - d. Constitutional rights of an accused.
2. The reasons to delay the release of such video shall not be general as the reasons must be specific to the individual case and have a factual basis (e.g., next of kin has not had an opportunity to review the video).
3. Any decision to permit a delay shall be re-assessed every seven (7) days.
4. The video imagery in question shall be released as soon as the reason for delay has been resolved.

## E. NOTIFICATIONS

Absent exigent circumstances, reasonable attempts shall be made by the Homicide Division and/or Public Information Office to notify the following individuals or entities prior to the release of video imagery and afford those individuals or entities an opportunity to review the video and provide feedback:

1. Officers depicted in the video and/or significantly involved in the use of force;
2. Subject upon whom force was used (when no criminal charges exist or are pending against the subject);
  - a. If the subject is deceased, the next of kin will be notified.
  - b. If the subject is a juvenile, the subject's parents or legal guardian will be notified.
  - c. If the subject is represented by legal counsel, that representative will be notified.
3. District Attorney's Office
4. Milwaukee Police Association or Milwaukee Police Supervisors Organization depending on the officers depicted in the video and/or significantly involved in the use of force; and
5. Other individuals or entities connected to the incident as deemed appropriate.

## F. RELEASE – LIMITED WAIVER

The release of any specific video imagery does not waive the department's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law. This policy is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the department with respect to any legal disclosure requirements, including but not limited to, any court order or disclosure provisions of the Wisconsin Public Records law.



JEFFREY B. NORMAN  
CHIEF OF POLICE