

**LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS**

**PUBLIC SAFETY COMMITTEE**

**ITEM 16 FILE #060977**

**NOVEMBER 22, 2006**

**JEFF OSTERMAN**

File Number 060977 is a resolution relating to application for, and acceptance and funding of, a Digital Recording of Custodial Interrogations Grant.

**Background**

1. As a result of the findings and recommendations of the Avery Task Force (a legislative commission that reviewed the wrongful conviction of Steven Avery), the Wisconsin Legislature passed 2005 Wisconsin Act 60, which requires electronic recording of police interrogations of juvenile suspects. Failure to record will result in suppression of the evidence. For adult cases, the legislation makes electronic recording of interrogations a statewide policy. If a law enforcement agency fails to record an adult interrogation, when recording is feasible, the jury will be instructed that electronic recording is a statewide policy and that it can consider the failure to record when evaluating the evidence. Audio and visual tapes of line-ups are also required.
2. To comply with this new state law and to avoid having its evidence dismissed by courts, the Police Department included \$750,000 in capital funding in its 2007 Budget for a "Criminal Investigation Video Capture System" project. This money will fund the purchase of a server and related storage capacity, media management software and licensing fees, and video cameras and cabling equipment for line-up and interview rooms in the Police Administration Building and district stations.
3. The new video equipment complements changes in the physical lay-out and design of MPD's interview and line-up rooms that were undertaken in 2006.
4. The Criminal Investigation Video Capture System is a 2-year project. It is assumed that about half of the interrogation rooms will be upgraded in 2007, the other half in 2008. An additional \$275,000 will be needed to complete the project in 2008.
5. The Wisconsin Department of Justice, Office of Justice Assistance, is making Digital Recording of Custodial Interrogations Grant funds available to local law enforcement agencies for use in complying with the new requirements for line-ups and interrogations.

**Discussion**

1. The Milwaukee Police Department appears to be eligible for a Digital Recording of Custodial Interrogations Grant.
2. Grants are awarded in the amount of \$50 per law enforcement officer reported in the 2004 UCR document. Since MPD's 2004 UCR report indicated 1,958 sworn officers, the department is eligible for \$97,900 in grant funding.

3. The Police Department will use these grant funds to purchase a storage system for long-term storage and archiving of digital audio and video recordings. The actual total cost of this storage system, including installation and configuration, is \$107,645.
4. The grant period for this project will extend from November 15, 2006, through July 31, 2007.
5. **This is a new grant.**

**Fiscal Impact**

1. There is no City in-kind or cash match for this grant. However, since the total cost of the project exceeds the grant amount (\$107,645 vs. \$97,900), the balance of the cost of the storage system will be funded through the 2007 capital appropriation for the Criminal Investigation Video Capture System project.
3. The grant funds will be used to purchase a storage system for long-term storage of digital audio and video recordings of line-ups and interrogations. Grant funds will also be used for the installation and configuration of the new storage system.

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