

Petition To Wisconsin Law Makers

Date: September 21, 2013

Re: Justice for all
(i.e. persevering video evidence in use of force)

- 1) This petition aims to bring to your attention, and galvanize you into action, to protect one of the states most vulnerable classes of citizens, of the manifest of injustice in the state prisons, "Use of Force" cases.
- 2) This body and the citizens of the state grant prison officials great authority and power to use violence against disadvantaged prisoners held in state custody.
- 3) This authority is postulated on prison officials maintaining and restoring order. However, as history and life experience teaches us, whenever power is left to its own device, it rarely stays true to its intended empowerment, and where there is no supervision or oversight, power not only corrupts but becomes manifest evil.
- 4) This petition is for the state of Wisconsin to create a statutory mandate that, in cases of planned and non-spontaneous *Use of Force* within and on prisoners, that force must be video taped and that video tape must be held in a secure and properly stored data base to be reviewed by independent reviewers or other public disclosure for a period of six years.
- 5) Negligence and non justifiable failures to video tape and store video can be a cause for independent tort actions consistent with contemporary standards of our evolving and readily/easy available digital technology. And spoliation sanctions and fines based upon the damages the video tape/evidence could have provided.
- 6) At present, Wisconsin prison officials can engage in suspect and even criminal misconduct in Use of Force cases, and then destroy the incriminating evidence (video tapes/disc) once independent inquires and reviews start being sought. This has been the case in several civil rights law suits, John Doe investigations, and conduct report certiorari reviews. (See attachment A, Table of Cases, where evidence questionably/suspectly destroyed.).
- 7) The true tragedy is that *no* law, rule, or code prevents prison officials from destroying incriminating or unfavorable videos/evidence against them. Nor are there any rules or codes mandating that they keep and store video footage/evidence involving *Use of Force* incidents.
- 8) This law, should this body act, will assure not only the citizens that the power they entrust to prison officials is not abused, but that in those circumstances where any allegations or abuse of *Use of Force*, those allegations will now have a fair chance of being reviewed because the footage/evidence must be preserved as mandated by law for six (6) year period and property

stored in a secure database where public and judicial inquires and reviews will have proper access to it.

9) We have attached to this petition letters of endorsement from some of Wisconsin's respected professionals.

FFUP Human Rights Advocacy Symposium

Written by: Ras Atum-Ra Uhuru Mutawakkil for the collective

Attachment A

Table of Cases with Spoliation of Evidence

- 1) George - vs - Smith, 467 F. Supp. 2d 906, At. 919 (W.D. Wis. 2002)
 - 2) Kaufman - vs - Schneider, 524 F. Supp. 2d 1101, At. 1109 (Wis. W.D. 2006)
 - 3) Jackson - vs - Gerl, 2008 U.S. Dist. Lexis 22659. 662 F. Supp. 2d 738 (W.D. Wis. 2009)
 - 4) Mutawakkil - vs - Gerl et al, 12 CV 816 (still in development stages)
 - 5) Brancy - vs - Grondin, 10 C-287-BBC; 712 F. 3d 1012 (7th Cir. 2013).
-
-