

EXTERNAL CORRESPONDENCE

The City Clerk's Office received
the attached correspondence regarding
**Agenda Item #6-A on the
7-16-15 City Council Agenda**

LARA WEISIGER

From: David Howard <dhoward773@gmail.com>
Sent: Thursday, July 02, 2015 5:15 PM
To: LARA WEISIGER; Trish Spencer; Tony Daysog; Marilyn Ezzy Ashcraft; Frank Matarrese; Jim Oddie
Subject: Written communication - 6-A, July 16, 2015 Body Camera policy

I have read the draft policy.

At the public meeting, can you please ask Chief Rolleri to go on-record with a simple yes/no answer to the question:

"Does the police department intend to treat all body camera recordings as investigative records not subject to disclosure under the California Public Records Act?"

Thanks,

Dave.

On Thu, May 21, 2015 at 4:16 PM, David Howard <dhoward773@gmail.com> wrote:

The item talks about developing a retention policy - and presumably public access policy - for data captured by body video cameras used by Alameda police.

There are a number of problems with this item:

- 1) The policy should be developed BEFORE the cameras are acquired.
- 2) The policy should be sure to address public records access to recorded video. My personal experience is that Alameda PD is resistant to release public records that should clearly be accessible - and I'm not talking about DAR audio, or ALPR data.

In the ALPR case, we saw Alameda police policies essentially criminalize people for driving around Alameda by treating ALPR scans investigative data exempt from public records act requests.

- 3) There should be a citizens panel input on policy. As the item reads now, it's the City Attorney and police officers association that are explicitly named as parties to developing the policy.

I fear, as I am sure others would, that the police officers association would press for policies that DO NOT release video, in the name of protecting their member's interest at the expense of the public interest/right to know. This seems to be the behavior in other jurisdictions across the country, under the guise of "Oh, well, police are seeing people at their worst, that shouldn't be a public record."

With the City Attorney representing the City of Alameda's interest from a liability perspective, and the APOA representing the interests of its members, where is the panel of citizens representing public interest and access to video?

The blogger Carlos Miller can be hyperbolic sometimes, and occasionally gets it wrong, but there seems to be enough "right" info his blog to persuade you to ensure that body camera video content is accessible to the public: <http://photographyisnotacrime.com/> (Criticize Carlos as you might, but he started the blog after being

falsely arrested by Miami police for exercising his First Amendment right to record officers in the line of duty.)

4) In addition to video retention/access policies, there needs to be a departmental use policy for officers regarding actual use of the cameras. In the past couple of years, I have read of incidents in the mainstream press of officers in other jurisdictions that "forgot" to activate their camera just before the critical incident in question. A proper policy would insure there is no incident after the fact for which there happened to be no video recorded due to equipment failure, user error, etc.

The permanent policy governing the use and retention of the body camera media will be created utilizing best practice recommendations by IACP and the Police Executive Research Forum (PERF). PERF is a national membership organization of police executives primarily from the largest city, county, and state law enforcement agencies in the United States which includes the United States Department of Justice. Both of these organizations analyze nationwide incidents and come up with recommendations and "best practice" guidance when it comes to agency policy development. A policy governing use, retention, storage, and access of the media will be drafted with the cooperation of the Alameda Police Officers Association and the City Attorney's Office so that a usable, conscientious, and responsible policy can be implemented.

David Howard
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