

Municipal Clerk's Office

Approved

Date: July 16, 2024

Submitted by: Assembly Member Rivera,
Assembly Vice Chair Zaletel,
and Assembly Member Volland

Reviewed by: Assembly Counsel's Office

For reading: July 16, 2024

ANCHORAGE, ALASKA

AR No. 2024-210(S)

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY DEMANDING**
2 **ACCOUNTABILITY AND TRANSPARENCY REGARDING BODY-WORN**
3 **CAMERA (BWC) FOOTAGE OF THE POLICE SHOOTING OF KRIS HANDY,**
4 **PROVIDING GUIDANCE TO THE ADMINISTRATION AND ANCHORAGE**
5 **POLICE DEPARTMENT ON RELEASE OF BWC FOOTAGE OF CRITICAL**
6 **INCIDENTS GENERALLY, AND CALLING FOR A FULL REVIEW AND**
7 **RECONSIDERATION OF THE APD POLICY ON BWCS.**

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9 **WHEREAS**, the Anchorage Assembly approved AO 2020-116(S) on January 26,
10 2021 sending to the voters a ballot proposition “whether to approve a special tax
11 levy dedicated to payment of the costs of leasing for the Anchorage Police
12 Department, body-worn camera (BWC), in-car cameras, digital-evidence
13 management (DEM), computer-aided dispatch (CAD) and record-management
14 system (RMS) systems, and related technologies and systems”; and
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16 **WHEREAS**, two of the sponsors of this resolution brought forward AO 2023-78, an
17 ordinance to add a requirement for a body-worn camera policy in Anchorage
18 Municipal Code, but decided not to move forward with the ordinance and instead
19 put forward guidance to APD via AR 2023-353, passed and approved on October
20 24, 2023; and
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22 **WHEREAS**, earlier this year, there were three officer-involved shootings in the span
23 of three weeks, one of which was the police shooting of Kris Handy; and
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25 **WHEREAS**, conflicting and inconsistent narratives have caused harm and
26 confusion and demands have grown from community members and Handy family
27 members to release the BWC footage of the incident; and
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29 **WHEREAS**, at the Assembly meeting on June 11, Acting Police Chief Bianca Cross
30 publicly stated that she is open to having the Handy family view the BWC footage
31 once the Office of Special Prosecutions (OSP) decides whether charges are
32 warranted and would re-evaluate the request at that time;
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34 **WHEREAS, on July 11, 2024, APD issued a draft revised BWC policy that will**
35 **not be effective until after such time as there is consultation with the**
36 **Assembly through a work session scheduled for July 19, 2024;**
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38 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:**
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40 **Section 1.** The Anchorage Assembly urges APD to immediately provide for
41 possession prior to public release a copy of all BWC footage and/or recordings, to

1 include video and audio, of the Handy incident, in-car cameras, and 9-1-1 calls to
2 the Handy family at no cost.

3
4 **Section 2.** The Anchorage Assembly urges APD to publicly release by posting on
5 APD's webpages the BWC footage and/or recordings, including video and audio, of
6 all recent critical incidents within 30 days of passage of this resolution independent
7 of any pending investigations and possible criminal indictments.

8
9 **Section 3.** The Anchorage Assembly urges the Administration and APD within
10 ~~15~~**[30]** days of the passage of this resolution to **further** reconsider the **new draft**
11 **revised**~~[entirety of]~~ APD Policy and Procedure 3.10.110, Body Worn Cameras,~~[-]~~¹
12 **specifically**~~[Instead, all parties should]~~ **reviewing** and **considering**: the ACLU
13 model act for regulating the use of body worn cameras by law enforcement, **the**
14 **request for regulatory action submitted to the Assembly by the Alaska Black**
15 **Caucus, NAACP Anchorage Branch and the Northern Justice Project on**
16 **February 6, 2023,** as well as the LAPD BWC policy, **include**~~[des]~~ **in the revised**
17 **policy [which]** the creation of a public body with public hearings which makes the
18 determination on release of BWC footage **when APD determines not to release**
19 **BWC footage at the first opportunity available under the policy, and if a**
20 **determination not to release BWC footage at first opportunity should**
21 **constitute a denial of a request for inspection of a public record pursuant to**
22 **AMC 3.90.060B.**

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24 **Section 4.** This Resolution shall be effective immediately upon passage and
25 approval by the Assembly.

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27 PASSED AND APPROVED by the Anchorage Assembly this 16th day of July, 2024.
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30 *Christopher Constant*

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32 ATTEST:

Chair

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35 *Jennie King*

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37 Municipal Clerk
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¹ Current APD Policy and Procedure 3.10.110 available at
<https://public.powerdms.com/ANCHOR/tree/documents/3186656> (accessed June 27, 2024).



MUNICIPALITY OF ANCHORAGE

Assembly Information Memorandum

No. AIM 105- 2024

Meeting Date: July 16, 2024

1 **From:** ASSEMBLY VICE CHAIR ZALETEL

2
3 **Subject:** AR 2024-210(S): A RESOLUTION OF THE ANCHORAGE
4 MUNICIPAL ASSEMBLY DEMANDING ACCOUNTABILITY AND
5 TRANSPARENCY REGARDING BODY-WORN CAMERA (BWC)
6 FOOTAGE OF THE POLICE SHOOTING OF KRIS HANDY,
7 PROVIDING GUIDANCE TO THE ADMINISTRATION AND
8 ANCHORAGE POLICE DEPARTMENT ON RELEASE OF BWC
9 FOOTAGE OF CRITICAL INCIDENTS GENERALLY, AND
10 CALLING FOR A FULL REVIEW AND RECONSIDERATION OF
11 THE APD POLICY ON BWCS. INFORMATION FOR THE
12 ASSEMBLY'S CONSIDERATION.
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14 For the Assembly's consideration; please see the attached proposed body-worn
15 camera policy from the Alaska Black Caucus, the NAACP Anchorage Branch, and
16 the Northern Justice Project. This proposed policy was submitted, pursuant AMC
17 3.40.035, to the Municipality on February 6, 2023 as part of a formal petition to the
18 Anchorage Police Department to adopt a body-worn camera policy and was also
19 submitted as an exhibit to the complaint filed in Superior Court by the Alaska Black
20 Caucus against the Municipality on April 19, 2023.
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28 Prepared by: Assembly Counsel's Office

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30 Respectfully submitted: Meg Zaletel, Assembly Vice Chair
31 District 4, Midtown
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Regulation 3.XX – Public Release of Anchorage Police Department Critical Incident Video Records.

3.XX.001 - Policy.

Public release of video footage depicting police officers using force enhances transparency and promotes accountability and public trust in police departments. Therefore, it is the policy of the Anchorage Police Department to publicly release all video records of critical incidents in a timely manner and to the greatest extent possible while balancing individual privacy concerns and the need to comply with applicable federal, state, and municipal laws.

3.XX.005 - Definitions.

- A. *Critical incident* means an event in which
 1. an officer uses force resulting in hospitalization or death;
 2. an officer discharges a firearm at a person or an animal;
 3. a police vehicle pursuit results in hospitalization or death; or
 4. a person dies while in the custody of the Anchorage Police Department.

- B. *Force* means any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; and any significant physical contact that restricts the movement of a person. “Force” includes the discharge of a firearm, pointing a firearm at a person, use of chemical spray, vascular restraints, hard empty hand control techniques, use of an electronic control weapon, taking of a subject to the ground, or the deployment of a canine.

- C. *Video records* means video and audio recordings captured by Anchorage Police Department body-worn cameras, in-car video/audio systems, or other cameras, including drone cameras.

3.XX.010 – Automatic Public Release of Critical Incident Video Records.

- A. Within 10 days of a critical incident, the Anchorage Police Department will release all video records of the critical incident to the public. The public release will include all relevant video records of the actions and events leading up to and including the critical incident. The public release may be accompanied by additional information to provide context, including relevant portions of 911 calls, computer-aided dispatch notes, or dispatch recordings, if the chief of police determines that such additional information is necessary and in the public interest.
- B. The public release of critical incident video records may occur through news conference, media availability, or direct distribution to news outlets or journalists. In addition, the Anchorage Police Department will post and maintain on its website all critical incident video records for at least one (1) year after the public release.
- C. The Anchorage Police Department will make reasonable efforts to provide notification prior to the public release of critical incident video records to the following:
 - 1. any private citizen(s) who is the subject(s) of the critical incident, or next of kin if the subject(s) is deceased, or the parent/guardian if the subject(s) is a juvenile;
 - 2. legal counsel representing the subject(s) of the critical incident;
 - 3. Anchorage Police Department employees who are identifiable on the critical incident video records;
 - 4. the municipal attorney;
 - 5. the district attorney;
 - 6. other law enforcement agencies involved in the critical incident or investigation of the critical incident.

3.XX.015 – Exceptions.

A. Redactions.

1. Portions of critical incident video records may be redacted or blurred prior to public release if the chief of police determines, through a written decision explaining the reasons, that it is in the public interest and necessary to protect the reasonable expectations of privacy of victims, witnesses, confidential sources, or other persons.
2. The chief of police will give due consideration to privacy rights in special circumstances and will presumptively redact or blur portions of critical incident video records depicting:
 - a. the location or interior of residences or other places where there is a reasonable expectation of privacy;
 - b. intimate images;
 - c. images of a person receiving medical attention;
 - d. images of a person who is seriously injured or deceased;
 - e. images of a juvenile; or
 - f. images of a victim of a sex crime or domestic violence.
3. In all cases, the chief of police will ensure that any redaction or blurring does not interfere with the viewer's ability to completely and accurately comprehend the events captured in the critical incident video records. Video records may not be otherwise edited or altered prior to the public release.

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B. Delayed Public Release.

1. Notwithstanding 3.XX.010(A), the chief of police may delay the public release of certain critical incident video records for up to 30 days beyond the 10-day automatic public release period if it is in the public interest and necessary to
 - a. maintain public order;
 - b. ensure the safety and security of all persons involved in the critical incident; or
 - c. prevent the destruction or loss of evidence required for the investigation of the critical incident, but only if the public release of the critical incident video records would substantially interfere with the investigation.
2. A decision by the chief of police to delay the public release of certain critical incident video records under this subsection shall be issued in writing and explain the reasons for the decision.
3. In no case shall the public release of critical incident video records be delayed for longer than 40 days after the critical incident, unless required by court order.

C. The exceptions to automatic public release of critical incident video records contained in this section (redaction and delayed public release) shall be construed narrowly consistent with the presumption in AMC 3.90.010 in favor of full disclosure of all public records.