



MUNICIPALITY OF ANCHORAGE
Assembly Information Memorandum

No. AIM - 2024

Meeting Date: July 16, 2024

1 **From: ASSEMBLY VICE CHAIR ZALETTEL**
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3 **Subject: AR 2024-210(S): A RESOLUTION OF THE ANCHORAGE**
4 **MUNICIPAL ASSEMBLY DEMANDING ACCOUNTABILITY AND**
5 **TRANSPARENCY REGARDING BODY-WORN CAMERA (BWC) FOOTAGE OF**
6 **THE POLICE SHOOTING OF KRIS HANDY, PROVIDING GUIDANCE TO THE**
7 **ADMINISTRATION AND ANCHORAGE POLICE DEPARTMENT ON RELEASE**
8 **OF BWC FOOTAGE OF CRITICAL INCIDENTS GENERALLY, AND CALLING**
9 **FOR A FULL REVIEW AND RECONSIDERATION OF THE APD POLICY ON**
10 **BWCS. INFORMATION FOR THE ASSEMBLY'S CONSIDERATION.**
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12 For the Assembly's consideration; please see the attached proposed body-worn
13 camera policy from the Alaska Black Caucus, the NAACP Anchorage Branch, and
14 the Northern Justice Project. This proposed policy was submitted, pursuant AMC
15 3.40.035, to the Municipality on February 6, 2023 as part of a formal petition to the
16 Anchorage Police Department to adopt a body-worn camera policy and was also
17 submitted as an exhibit to the complaint filed in Superior Court by the Alaska Black
18 Caucus against the Municipality on April 19, 2023.
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26 Prepared by: Assembly Counsel's Office
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28 Respectfully submitted: Meg Zaletel, Assembly Vice Chair
29 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.