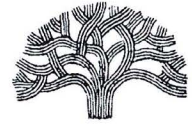


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OFFICE OF THE CITY CLERK  
OAKLAND



2016 APR - 7 PM 8:47  
Councilmembers Desley Brooks, Dan Kalb, and Rebecca Kaplan CITY OF OAKLAND  
CITY HALL - ONE FRANK H. OGAWA PLAZA, 2<sup>ND</sup> FLOOR - OAKLAND - CALIFORNIA 94612

## Agenda Memorandum

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To: Rules & Legislation Committee

From: Councilmembers Desley Brooks

Date: April 7, 2016

Subject: Resolution of Support for AB 1957: Release of Law Enforcement Body Camera Footage

Colleagues on the City Council and Members of the Public,

With our Resolution of Support for AB 1957 (Quirk), we are submitting the attached text of the bill.

Respectfully submitted,

Desley Brooks, Councilmember

# CITY OF OAKLAND

## BILL ANALYSIS



**Date:** April 7, 2016  
**Bill Number:** Assembly Bill 1957  
**Bill Author:** Quirk

### DEPARTMENT INFORMATION

**Contact:** Ashley Winston  
**Department:** Councilmember Desley Brooks  
**Telephone:** 510-238-3971

**RECOMMENDED POSITION:** Support

### Summary of the Bill

Current requirements under SB 175 state that each department or agency that require peace officers to wear body-worn cameras to develop a policy relating to the use of body-worn cameras that include the procedures for, and limitations on, public access to recordings taken by body-worn cameras, in accordance with the California Public Records Act

Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies

Assembly Bill (AB) 1957 (Quirk) would (1) require the governing board of the law enforcement agency, to review the footage from a body-worn camera when an officer is involved in an incident that results in great bodily harm or death (2) require a judge, if there is an indictment after an investigation, to determine the protocol for release of the footage from a body-worn camera and (3) require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage.

The bill would also prohibit the public release of footage that relates to crimes of domestic violence or crimes that include minors or that include statements of a witness at the scene of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Item: \_\_\_\_\_  
Rules & Legislation Comte.  
April 21, 2016

**Positive Factors for Oakland**

The Oakland Police Department has used Portable Digital Recording Devices since 2010 and requires patrol officers to wear the cameras during a number of outlined situations, including detentions, arrests, and serving a warrant. This legislation will help to improve public trust Oakland Police Officers and the people they serve through these accountability measures. It will also help to provide closure and transparency.

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or**  **None** (do not review with City Council, position not required)

**Please see attach for bill text and state legislative committee analysis.**

AMENDED IN ASSEMBLY APRIL 6, 2016  
AMENDED IN ASSEMBLY MARCH 17, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1957**

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**Introduced by Assembly Member Quirk**

February 12, 2016

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An act to add Section 6254.31 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1957, as amended, Quirk. Public records: body-worn cameras.

The California Public Records Act requires that public records be open to inspection at all times during the office hours of a state or local agency and that every person has a right to inspect any public record, except as specifically provided. The act further requires that a reasonably segregable portion of a public record be available for inspection by any person requesting the public record after deletion of the portions that are exempted by law. Existing law exempts from the disclosure requirements records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, law enforcement agencies, including the Attorney General and state or local police agencies.

*This bill would impose a state-mandated local program by requiring require the governing board of the law enforcement agency, in closed session, to review the footage from a body-worn camera when an officer is involved in an incident that results in great bodily harm or death. The bill would require the judge, if there is an indictment after an investigation, to determine the protocol for release of the footage from*

*a body-worn camera. The bill would require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage. The bill would also prohibit the public release of footage that relates to crimes of domestic violence or crimes that include minors or that includes statements of a witness at the scene of a crime.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*By increasing the duties of local law enforcement, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6254.31 is added to the Government  
2 Code, to read:  
3 6254.31. ~~Notwithstanding~~ (a) *Before the end of the business*  
4 *day following the date on which the incident occurs, the governing*  
5 *body of the law enforcement agency, in closed session, shall review*  
6 *the footage from a body-worn camera when the officer is involved*  
7 *in an incident that results in great bodily harm or death.*  
8 (b) *If, after reviewing the footage as required in subdivision*  
9 *(a), there is an investigation that leads to an indictment, the judge*  
10 *shall review the body-worn camera footage and determine the*

1 *release protocol, including, but not limited to, whether the footage*  
2 *is released, to whom, and if redaction is required.*

3 *(c) Except as provided in subdivision (d), notwithstanding*  
4 *Section 6254, a state or local law enforcement agency shall make*  
5 *available, upon request pursuant to this chapter, footage from a*  
6 *law enforcement body-worn camera 60 days after the*  
7 *commencement of an investigation into misconduct that uses or*  
8 *involves that footage.*

9 *(d) Footage of body-worn cameras that relates to crimes of*  
10 *domestic violence or crimes that include minors or that includes*  
11 *statements of a witness at the scene of a crime shall not be released*  
12 *for public viewing.*

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
14 ~~Section 6 of Article XIII B of the California Constitution because~~  
15 ~~the only costs that may be incurred by a local agency or school~~  
16 ~~district under this act would result from a legislative mandate that~~  
17 ~~is within the scope of paragraph (7) of subdivision (b) of Section~~  
18 ~~3 of Article I of the California Constitution.~~

19 *SEC. 2. No reimbursement is required by this act pursuant to*  
20 *Section 6 of Article XIII B of the California Constitution for certain*  
21 *costs because, in that regard, the only costs that may be incurred*  
22 *by a local agency or school district under this act would result*  
23 *from a legislative mandate that is within the scope of paragraph*  
24 *(7) of subdivision (b) of Section 3 of Article I of the California*  
25 *Constitution.*

26 *However, if the Commission on State Mandates determines that*  
27 *this act contains other costs mandated by the state, reimbursement*  
28 *to local agencies and school districts for those costs shall be made*  
29 *pursuant to Part 7 (commencing with Section 17500) of Division*  
30 *4 of Title 2 of the Government Code.*

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OAKLAND  
2016 APR -7 PM 6:47

Approved as to Form and Legality

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

INTRODUCED BY COUNCILMEMBER DESLEY BROOKS

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**RESOLUTION IN SUPPORT OF ASSEMBLY BILL 1957 (QUIRK)  
WHICH REQUIRES STATE OR LOCAL LAW ENFORCEMENT TO  
MAKE AVAILABLE, UPON REQUEST, FOOTAGE FROM LAW  
ENFORCEMENT BODY-WORN CAMERAS 60 DAYS AFTER THE  
COMMENCEMENT OF AN INVESTIGATION INTO MISCONDUCT THAT  
USES OR INVOLVES THAT FOOTAGE**

**WHEREAS**, The Department of Justice recognizes body-worn cameras as a law enforcement strategy aimed at improving public safety, reducing crime, and improving public trust between police and the citizens they serve; and

**WHEREAS**, Current requirements under SB 175 state that each department or agency that require peace officers to wear body-worn cameras to develop a policy relating to the use of body-worn cameras that include the procedures for, and limitations on, public access to recordings taken by body-worn cameras, in accordance with the California Public Records Act; and

**WHEREAS**, The California Public Records Act requires state and local agencies to make their records available for public inspection, and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

**WHEREAS**, The Oakland Police Department has used Portable Digital Recording Devices since 2010 and require patrol officers to wear the cameras during a number of outlined situations, including detentions, arrests, and serving a warrant; and

**WHEREAS**, Assembly Bill (AB) 1957 (Quirk) would (1) require the governing board of the law enforcement agency, to review the footage from a body-worn camera when an officer is involved in an incident that results in great bodily harm or death (2) require a judge, if there is an indictment after an investigation, to determine the protocol for release of the footage from a body-worn camera and (3) require a state or local law enforcement agency to make available, upon request, footage from a law enforcement body-worn camera 60 days after the commencement of an investigation into misconduct that uses or involves that footage; and

**WHEREAS,** The bill would also prohibit the public release of footage that relates to crimes of domestic violence or crimes that include minors or that includes statements of a witness at the scene of a crime.; and be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 1957 and urges the California State Legislature and Governor Jerry Brown to support its enactment into law.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California