

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

Existing law exempts from the disclosure requirements indicated by the California Public Records Act, 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 requires (1) 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 injury or death (2) 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) 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 resulting in great bodily injury or death depicted in the 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.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 APR 21 PM 3:56

REVISED

Approved as to Form and Legality

Priscia Hayes
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER DESLEY BROOKS

**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-WORK 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, The California Public Records Act requires state and local agencies to make their records available for public inspection, except where provided, 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; and

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 require (1) 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) 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) 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.; now, therefore, 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