The Anchorage Police Department must adopt a body-worn camera program that will deliver accountability and transparency. We believe that, as the APD collects input from community members and stakeholder groups, the end result of its process must be a policy that fulfills this central promise of body-worn cameras — that they can be tools for greater public oversight of law enforcement, especially when force is used, and engender greater trust between the police and the Anchorage community. We offer several important ways APD can create a policy to achieve these goals.

**1. APD’s policy must ensure the timely public release of body camera footage in showing police use of force or alleged police misconduct.**

Incidents in which officers use force or where misconduct is alleged are central to accountability and transparency. But the APD’s draft policy does not describe how it will release footage in these cases, and would make it impossible to see footage where an officer’s conduct may be criminal. If APD is allowed to withhold critical footage, and release only footage that shows officers in a favorable light, then body cameras will go from being a tool for transparency and accountability to a tool for police propaganda.

This type of footage makes up a small percentage of all body-worn camera footage. But it is critical for helping the public determine if the way APD officers go about their jobs is effective, appropriate, and in the public’s interest. And releasing body camera footage can be done in a way that ensures people’s due process and privacy rights, while increasing public trust. Specifically, APD should:

* Remove the blanket prohibition on releasing footage involving pending criminal charges (Section 1 (D)(4)). This provision would prevent the public from seeing footage where an officer’s misconduct is so great that criminal charges need to be brought. Most footage of officer misconduct comes from private cameras, which can be made public. Releasing body-worn camera footage will not, and has not been shown to, negatively impact an officer’s right to a fair trial.
* When a public records request is for video footage showing a person being killed, shot by a firearm, or grievously injured, the policy should require APD to prioritize the request and provide footage as expeditiously as possible, but in no circumstances later than five (5) days following receipt of the request.
* Allow APD to redact personally identifying characteristics of people when necessary to protect personal privacy, the right to a fair trial, the identity of a crime victim or confidential source, or the life or physical safety of any person appearing in video footage – as long as an original version is retained, and the viewer can still understand the video.

**2. Create clear rules for when officers turn cameras on and off.**

It’s in the best interest of the public *and* officers to create a simple, clear framework for when to operate cameras, so officers have fewer steps to think through and cannot be blamed for making the wrong call. Our approach, which is mirrored in policies across the country, is to require officers to activate the audio and video recording functions of their cameras when responding to a call for service, or at the outset of any other law enforcement or investigative encounter with a member of the public. To APD’s credit, the latest version of their draft policy includes new language along these lines - that “officers shall record all calls for service or when initiating an encounter with the public unless it is unsafe, impossible, or impractical to do so.” But the policy should be stronger and cleaner. APD should:

* Remove the word “impractical,” because it is vague and low discretionary standard.
* In circumstances when activating a camera is unsafe or impossible, require officers to activate at the first reasonable opportunity.
* Require officers to stop recording only once the encounter is fully concluded and the officer leaves the scene.
* Require officers to notify people that they are being recorded, as close to the start of the encounter as possible. And for victims of crime, people making anonymous reports, and when entering a private residence without a warrant or exigent circumstances, they should be required to ask if the subject wants to discontinue filming.
* Prohibit gathering intelligence based on First Amendment protected activity unrelated to a call for service, or a law enforcement or investigative encounter between an officer and a member of the public. The draft policy merely requires officers to “minimize” their impact on people’s ability to exercise these fundamental constitutional rights.
* Remove language permitting officers to turn cameras off to conduct private conversations with other officers.

**3. Prohibit officers from reviewing footage of videos showing any use of force before completing initial casework.**

The initial reports, statements, and interviews that police routinely complete after an incident are the only chance for the public, police department, and legal system to learn about the officer’s first-hand experience of an incident. Reviewing footage prior to filling out reports runs the risk of changing the officer’s perception, undermining the legitimacy of investigations, and allows officers to align their statements and reports with video footage. In the worst cases, it enables outright lying. The APD’s draft policy does prohibit officers from reviewing or copying footage in some critical circumstances. But the policy should be made stronger by:

* Prohibiting officers from reviewing — or receiving an accounting of body camera footage — for *any* incident where force was used. The current language would not cover circumstances when force was used, but a person was not hospitalized.
* Allowing APD officers to view footage after these initial steps are taken, and original versions of statements are preserved, so they can amend reports in track changes.

**4. Create clear rules for how APD will retain video.**

It is in the interests of both the public and the APD to establish clear rules for how it will retain video. Storing video properly and for an adequate amount of time is important for fulfilling the transparency and accountability goals of the body-worn camera program. When video captures a use of force or misconduct, we need to be sure the video has not been deleted or purged. It is also important to keep video for an adequate amount of time in other contexts — such as when it holds value in a legal proceeding. But it’s also important to set limits on how long video may be retained before it is deleted, because of the high cost of storing video and because of privacy. APD’s policy can strike this balance by:

* Establishing a standard six-month time frame for retaining body camera recordings before deleting them.
* Requiring that footage be kept for at least three years when it captures an interaction or event involving any use of force, or an encounter about which a complaint has been registered by a subject of the video footage.
* Allow certain people to voluntarily request a video be kept for at least three years (e.g., an officer whose camera recorded the video footage, if they reasonably assert the video has evidentiary or exculpatory value; a member of the public captured in the video; the parent of a minor captured in video footage).

**5. Ban the use of facial recognition technology.**

Facial recognition is less accurate in identifying faces of color, of women, or younger and older persons, and of transgender/non-binary people. The stakes for being misidentified by facial recognition are incredibly high. If a person is falsely arrested because of misidentification, they may experience personal trauma and harm, or lose or be denied a job, among other consequences. Facial recognition technology also enables government surveillance. If an APD officer filmed a rally or protest, then facial recognition technology would allow the department to possess a record of who was there without suspicion or justification. APD has not indicated whether or not it uses facial recognition technology. Therefore, the policy should:

* Prohibit the use of facial recognition software or any other form of biometric analysis, including any real-time technologies.