

Legislation Text

File #: 20-1045, Version: 1

Release of Police Department Video Footage.

As recommended by the Rules and Open Government Committee on August 26, 2020:

(a) The Council deem as “incidents of extraordinary public interest” the three publicized encounters between SJPD officers and protesters during the May 2020 period of unrest, as identified on (http://www.sjpd.org/records/protest_videos.html) and in the Council memorandum dated June 5, 2020 from Vice Mayor Jones and Council Members Peralez, Diep, and Carrasco, and Mayor Liccardo as:

- (1) The incident involving the collision between the police motorcycle and the running pedestrian;
- (2) The incident involving a physical altercation between police and a male who is pulled back behind the police line by multiple officers, and subjected to repeated blows by police; and
- (3) The incident involving an officer responding to a protester with expletives, including “shut up, b***h.”

(b) Within 2 weeks of Council vote on this item, the City Manager shall release body-worn camera or other City-generated video and audio clips regarding each of the incidents of extraordinary public interest identified in paragraph (a), under the following conditions:

- (1) All video sources shall be provided, but where multiple such sources exist and production of all sources would unduly consume time and labor, the City shall identify the three videos that most clearly and fully capture the event;
- (2) At least ten minutes of footage prior to the actual interaction or event shall be provided in each case, to ensure the viewer has the benefit of the full context of the incident; and
- (3) Provision of this video shall be limited only by the exceptions outlined in state law under SB 748 for responses to Public Record Act requests for video of “critical incidents,” mandating disclosure except where would doing so would “substantially interfere” with an ongoing criminal or administrative investigation, such as “endangering a witness’ or confidential source’s safety,” as demonstrated by clear and convincing evidence.

(c) Return to Council with an ordinance or Council Policy requiring release of body-worn camera footage under similar conditions similar to those described in Paragraph (b) for all incidents that the Council deems to be “police incidents of extraordinary public interest,” unless Staff recommends different conditions based on public input and Staff’s experience.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Mayor)

[Rules Committee referral 08/26/2020- Item G.4]

TO BE HEARD CONCURRENTLY WITH ITEMS 4.3 AND 4.4