

Submitted by: Assembly Vice Chair Zaletel
Assembly Member Rivera
Assembly Member Volland
Prepared by: Assembly Counsel's Office
For reading: July 16, 2024

ANCHORAGE, ALASKA
AO No. 2024-69

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 3.102, *MUNICIPAL USE OF***
3 ***SURVEILLANCE TECHNOLOGIES*, TO ADD A REQUIREMENT FOR A BODY-**
4 **WORN CAMERA POLICY AND TO REORGANIZE THE CHAPTER.**
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6
7 **WHEREAS**, in 2020 the Assembly approved AO 2020-116(S) submitting to the
8 voters of the Municipality, a ballot proposition levying a special tax dedicated to fund
9 the Anchorage Police Department's acquisition of computer aided dispatch, record
10 management systems, in-car and body-worn cameras and related technologies;
11 and

12
13 **WHEREAS**, at the regular election held April 6, 2021, voters approved the special
14 levy put forth in AO 2020-116(S) to provide funds sufficient to the Anchorage Police
15 Department to acquire body-worn cameras as well as other technologies; and

16
17 **WHEREAS**, on March 1, 2022, the Anchorage Assembly approved AR 2022-070
18 appropriating the sum of Eight Hundred Ninety Thousand Dollars (\$890,000)
19 granted from the U.S. Department of Justice, Office of Justice Programs, Bureau of
20 Justice Assistance to the Federal Grants Fund (241900), Anchorage Police
21 Department for the establishment of a lease agreement to implement a body-worn
22 camera program; and

23
24 **WHEREAS**, at the end of March 2022, the Anchorage Police Department had
25 completed an initial draft policy for the use and implementation of body-worn
26 cameras; and

27
28 **WHEREAS**, in late May 2022, it was reported that the Municipality still had not
29 begun negotiations with Anchorage Police Department Employees Association
30 (APDEA), the union representing Anchorage police officers, regarding the drafted
31 policies and procedures applicable to officers; and

32
33 **WHEREAS**, on October 5, 2022 more than nine months after the Assembly had
34 appropriated money for the procurement of body-worn cameras, the Purchasing
35 Department released a Request for Proposal, seeking bids to provide body-worn
36 cameras for the Anchorage Police Department; and

37
38 **WHEREAS**, on November 2, 2022 the Anchorage Police Department reported at a
39 meeting of the Public Safety Committee of the Anchorage Assembly that it was
40 unable to resolve the issue of officer access to body-worn camera footage through

1 negotiation with the union and it would have to be resolved through arbitration, a
2 process requiring six to nine months; and

3
4 **WHEREAS**, on April 19, 2023, the Alaska Black Caucus filed suit against the
5 Municipality of Anchorage, requesting the court issue an injunction requiring the
6 Anchorage Police Department to begin equipping its officers with body-worn
7 cameras; and

8
9 **WHEREAS**, on April 20, 2023 the Anchorage Police Department announced that it
10 would move forward with its purchase of body-worn cameras, despite its ongoing
11 arbitration with the union; and

12
13 **WHEREAS**, on May 24, 2023 the Anchorage Police Department announced that
14 they had reached a resolution with APDEA regarding the draft body-worn camera
15 policy disagreements that have contributed to delays in equipping officers with the
16 technology; and

17
18 **WHEREAS**, the Anchorage Police Department announced it would begin
19 deployment of body-worn cameras the week of November 13, 2023 with full
20 implementation expected in March of 2024; and

21
22 **WHEREAS**, presently the Anchorage Police Department has completed its initial
23 deployment of Body Worn Cameras, and yet the Anchorage Municipal Code does
24 not contain any provision mandating or regulating their use, nor any
25 acknowledgement of their existence; now, therefore,

26
27 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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29 **Section 1.** Anchorage Municipal Code chapter 3.102, Municipal Use of
30 Surveillance Technologies, is hereby amended to repeal current Section 3.102.030,
31 Exceptions, attached hereto as Exhibit A, and add a new section to read as follows
32 (*requiring no legislative formatting*):

33
34 **3.102.030. Body-worn cameras.**

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36 A. There shall be a body-worn camera policy governing the employment
37 and use of body-worn cameras, to include the standards for the
38 storage, preservation, review, release and disposition of digital
39 multimedia evidence by the Anchorage Police Department. The policy
40 shall be reviewed by the Municipal Attorney and approved by the Chief
41 of Police.

42
43 B. Any use of body-worn cameras or digital multimedia evidence shall be
44 in accordance with the approved body-worn camera policy. Failure to
45 adhere to the policy may be considered grounds for corrective action
46 or discipline under established police department policies and

procedures.

(AO No. 2018-5, § 1, 2-13-18)

Section 2. Anchorage Municipal Code section 3.102.005 is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

3.102.005. Definitions

Body-Worn Camera System means a body-worn audio/video recording system primarily consisting of a camera and an internal battery pack.

Digital Multimedia Evidence (DME) means all digital recordings, including but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

*** *** ***

(AO No. 2018-5, § 1, 2-13-18; AO 2023-35(S-1), § 1, 4-18-23)

Section 3. Anchorage Municipal Code section 3.102.020, is hereby amended to add back in the language from section 3.102.030, concerning exceptions to the restriction on the use of facial recognition technology, which is repealed below by Section 3 of this ordinance, as follows *(the remainder of section 3.102.020 is not affected and therefore not set out)*:

3.102.020 Restrictions on the use of facial recognition technology.

*** *** ***

E. Exceptions.

1. Nothing in this chapter shall prevent the Municipality from:

a. Acquiring, obtaining, retaining, or accessing facial recognition technology on an electronic device intended for a single user, such as a mobile communication device, cellular phone or tablet, when the facial recognition technology is used solely for the purpose of the user;

b. Acquiring, obtaining, retaining, or accessing social media or communications software or applications intended for communication with the general public that include facial recognition technology, as long as the

1 municipality does not intentionally use the facial
2 recognition technology;

3
4 c. Having custody or control of electronic devices that
5 include facial recognition technology when such
6 electronic devices are held by the municipality solely for
7 evidentiary purposes;

8
9 d. Acquiring, obtaining, retaining, or accessing facial
10 recognition technology solely for the purpose of using
11 automated or semiautomated redaction software;

12
13 e. Complying with the National Child Search Assistance
14 Act, 34 U.S.C. §§ 41307-413087, or other federal
15 statutes requiring cooperation in the search for missing
16 or exploited children; or 6. Participate in, coordinate with,
17 or otherwise be involved with multi-agency law
18 enforcement investigations, working groups or task
19 forces. Specifically, municipal law enforcement may
20 intentionally work with third party agencies using Facial
21 Recognition Technology to identify:

22
23 i. Human remains or suspected missing persons;

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25 ii. Suspected victims of human trafficking; or

26
27 iii. Suspected victims of child abuse or exploitation.

28
29 2. It shall not be a violation of this chapter for the municipality to
30 acquire, obtain, or retain facial recognition technology when all
31 the following conditions exist:

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33 a. The facial recognition technology is an integrated, off the
34 shelf capability, bundled with software or stored on a
35 product or device;

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37 b. Other functions of the software, product, or device are
38 necessary or beneficial to the performance of municipal
39 functions;

40
41 c. The software, product, or device is not acquired for the
42 purpose of performing facial recognition;
43

1 d. The facial recognition technology cannot be deleted
2 from the software, product, or device;

3
4 e. The municipality does not use the facial recognition
5 technology; and

6
7 f. The municipal department, agency or official seeking to
8 acquire the software, product, or device discloses the
9 integrated, off the shelf facial recognition technology that
10 cannot be deleted to the Assembly when seeking to
11 acquire the software, product, or device.

12
13 F. Recognizing that changes in technology and circumstances may
14 require additional exceptions to the requirements of this section, the
15 assembly may approve such additional exceptions by resolution,
16 under the following conditions:

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18 1. Any municipal department that requests an exception to the
19 restrictions of section 3.102.020 shall include in its request to
20 the assembly an explanation of the need for an exception, a
21 description of how the technology or information will be used,
22 and a plan for monitoring the technology or information to
23 ensure that its use remains within the approved parameters.

24
25 2. The assembly may approve the proposed exception by
26 resolution pursuant to a public hearing, with or without revisions
27 and conditions, for a period of no longer than 90 days, if it finds
28 that the exception is consistent with the stated goals of
29 preventing discrimination and promoting privacy, transparency,
30 and the public trust.

31
32 3. Upon conclusion of the period of temporary exception, the
33 department shall submit a report of its uses of the technology
34 or information to the assembly. The department may at that
35 time or subsequently request the assembly make the exception
36 permanent by ordinance adding it under section 3.102.030D.

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38 4. A department that has obtained a permanent exception shall
39 submit an annual summary of its uses of the technology or
40 information as part of the Annual Surveillance Report under
41 Section 3.102.040 to the assembly. This summary shall not
42 include personally identifiable information.

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44 G. Additional permanent exceptions.

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1. Reserved.

(AO No. 2018-5, § 1, 2-13-18; AO 2023-35(S-1), § 1, 4-18-23)

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair

ATTEST:

Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 578-2024

Meeting Date: July 16, 2024

1 **From: Assembly Vice Chair Zaletel, Assembly Members Rivera and**
2 **Volland**

3
4 **Subject: AO 2024-69 – AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
5 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE**
6 **CHAPTER 3.102, MUNICIPAL USE OF SURVEILLANCE**
7 **TEHCNOLOGIES, TO ADD A REQUIREMENT FOR A BODY-**
8 **WORN CAMERA POLICY AND TO REORGANIZE THE CHAPTER.**

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10 The proposed ordinance accomplishes two things:

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12 First, it adds new provisions to Chapter 3.102, Municipal Use of Surveillance
13 Technology, to both define “Body-Worn Cameras” and “Digital Multimedia
14 Evidence.” Additionally, Section 1, inserts new language which mandates the Police
15 Department establish, implement, and adhere to a policy governing the use of body-
16 worn cameras and preservation of records created thereby. By codifying this
17 requirement in code, the AO gives the policy the force of law.

18
19 Second, the proposed ordinance corrects an error in code by placing the exceptions
20 to the previously codified restrictions on facial recognition technology under the
21 section of code which actually governs that technology. Previously, these
22 exceptions constituted their own section of code under AMC 3.102.030, creating
23 ambiguity as to whether they applied to all surveillance technologies within Chapter
24 3.102, or exclusively to facial recognition technology as intended by AO 2023-35(S-
25 1). As such, Section 3 of the AO merely moves language already existing in code to
26 a new subsection 3.102.020E.

27
28 There are no anticipated economic effects by amending these provisions of code,
29 so a summary of economic effects is not provided.

30
31 **We request your support for the ordinance.**

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33 Prepared by: Assembly Counsel's Office

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35 Respectfully submitted: Meg Zaletel, Assembly Vice Chair
36 District 4 - Midtown

37
38 Felix Rivera, Assembly Member
39 District 4 – Midtown

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41 Daniel Volland, Assembly Member
42 District 1 – North Anchorage