

MEMO

Date: April 2, 2018

To: Members of the Human Relations Commission (HRC)

From: Commissioner Steven D. Lee

Subject: Palo Alto Police Department Body Camera Policy

Dear Colleagues:

As a follow up to the Palo Alto Police Department's (PAPD) presentation to the HRC at its March meeting on the PAPD's draft body camera policy, I have prepared the following questions and recommendations, which I ask the HRC to consider and send to the City Council Policy and Services Committee for its consideration. Given numerous incidents which have occurred nationwide over the past several years and the ensuing public discourse about race, human rights and the role of our police departments, and how they serve and operate within our communities – issues which are now well within the subject matter purview of the HRC -- I think it is important that the City does not rush into adopting any new policies and that we take the time to more fully engage the community in discussing and refining both the current vehicle camera policy and the draft body camera policy in a way that fosters greater trust accountability and which addresses the issues that have been exposed in other communities and the lessons learned in their wake.

HUMAN RELATIONS COMMISSION MEMO

(DRAFT ONLY - FROM COMMISSIONER STEVEN D. LEE FOR HRC CONSIDERATION)

Date: April 5, 2018

To: City Council Policy and Services Committee

From: Human Relations Commission (HRC)
Adopted by the HRC on April 5, 2018 by a vote of ____ - ____ - ____

Subject: Palo Alto Police Department Body Camera Policy

Attachments: Minutes from the March 2018 HRC Meeting
Minutes from the April 2018 HRC Meeting
PAPD Presentation

Dear City Council,

The Palo Alto Police Department (PAPD) presented its draft body camera policy to the HRC at its March 2018 meeting. The HRC appreciates and thanks the PAPD for seeking the HRC's comment. Based on our discussion and consideration, we offer the following recommendations and questions, which we believe merit discussion at the Policy and Services Committee level before the draft policy is considered by the entire City Council.

We believe this topic is important to the Palo Alto community. Various incidents which have occurred in too many of our communities nationwide over the past several years, have spawned calls for greater police accountability, generally, and for the responsible use of body cameras. The HRC believes that we are at an important juncture in the national discourse regarding how our police departments operate. We believe it is vitally important to take this opportunity to carefully reconsider both the existing vehicle camera policy and the proposed draft body camera policy in light of lessons learned in the years since the former was adopted. We believe a more comprehensive evaluation of both the existing vehicle camera policy and the draft body camera policy should include significantly more time and opportunity for members of and experts in the Palo Alto community weigh in. We believe that a greater level of public engagement will help create better understanding of and buy-in from the relevant stakeholders for the policies ultimately adopted, and will ultimately help the PAPD develop better policies, which foster trust and accountability.

Process Recommendations

As the City Council's advisory body on human relations issues, the HRC advises the City to subject the current and draft policies to a more robust process that includes extensive

community outreach and to more actively seek the input and/or endorsement from relevant stakeholders, including, but not limited to, minority groups (e.g. Black Lives Matters), civil liberty advocacy groups (e.g. ACLU), and others. Specifically, the HRC recommends that members of and experts in the Palo Alto community be given more of opportunity to review the existing vehicle camera policy and the draft body camera policy – beyond the limited public comment periods provided at the HRC’s March meeting and the upcoming Policy & Services Committee meeting -- and to provide feedback to the PAPD. At a minimum, we envision a robust process including both public forums and an opportunity for members of the public and experts to review the policies and submit comments online. Once that process has been completed, we recommend that the City Council direct the PAPD to revise both its current and draft policies based on the public and expert feedback received and to submit those revisions to the HRC and City Council for its review and consideration.

Tentative Policy Recommendations

Subject to the results of the process recommended above, the HRC also makes the following tentative policy recommendations:

The HRC recommends that the existing policy and draft policy be revised to make video footage more readily accessible to the subjects of said recordings, both within and outside the context of litigation.

The HRC recommends that the PAPD consider and articulate in its policies the role of the independent police auditor and/or a civilian oversight committee, if any, with respect these policies, including, but not limited to, their role in policy revisions, execution, auditing, or review of public records requests.

Open Questions

The HRC would also request that the Policy and Services Committee request more comprehensive answers to the following questions, and that the answers provided guide the City Council in its consideration of the current and draft policies.

1. In what specific situations are officers required, not required, or have the discretion to initiate and/or end video recordings?
2. What precautions and audit procedures, from a human, not technological perspective, will be in place to ensure that video recordings are consistently initiated in all relevant encounters?
3. Under what circumstances will recordings be made available to the public or to the subjects of said videos, and what will be the process for those requests (e.g. who will review and decide such requests, etc.)? If access is unavailable or otherwise limited, please provide a rationale.
4. What other cities or model policies has the PAPD looked to in formulating its current and draft policies? How are the current and draft policies either similar or dissimilar from model policies or policies adopted by other cities, and why? When presented with multiple policy options, how did the PAPD decide which option to pursue?

5. Who has the PAPD consulted in the community in drafting these policies, and who has endorsed these policies thus far?
6. Other Questions: _____

DRAFT