

Regional Law  
Safety & Justice  
Committee



**REGIONAL LAW SAFETY AND JUSTICE COMMITTEE**

**Thursday, July 28, 2016**

7:30 – 9:00 A.M.

- **2016 Legislative Update Panel** – April Putney, King County; Candace Bock, Government Relations Advocate, Association of Washington Cities; Cody Arledge, Seattle Office of Intergovernmental Relations
- **Surveillance Policies and Public Disclosure Requests** – Mary Perry, Director of Transparency and Privacy, Seattle Police Department

**2016 Legislative Update Panel** – April Putney, King County; Candace Bock, Government Relations Advocate, Association of Washington Cities; Cody Arledge, Seattle Office of Intergovernmental Relations

Representatives from King County, Association of Washington Cities, and Seattle Office of Intergovernmental Relations provided an update on the 2016 legislative session, including items likely to return in 2017. Issues include marijuana regulation, creation of a taskforce to review Deadly Force in Community Policing, a bill that did not pass merging the LEOFF 1 Pension, Certificates of Restoration of Opportunity, which allows convicted felons to restore some eligibility for some professional licenses, and law enforcement academy funding. Detail on all highlighted items is available in the Legislative Update handout.

The panel answered questions relating to the pension merger, clarifying that TRS is the teachers' pension. Even with a perhaps billion dollar surplus, the teachers' pension is underfunded by around 3 billion, so a problem would remain. The teachers' pension is underfunded due to state action, so local jurisdictions would prefer the money to come back to local government to cover LEOFF 1 benefits rather than go towards the state. A participant clarified the body cam bill doesn't protect the public from release of video. There would need to be additional reasons not to release the footage. The panel also discussed use of force as an issue not relevant only in big cities but also for smaller jurisdictions. The sponsors would like to see a change in the law around when deadly force can be used. The term "malice" is a lightning rod. Some advocates believe that's too high a bar to prove. The first meeting of the task force included broad ranging topics.

**Surveillance Policies and Public Disclosure Requests** – Mary Perry, Director of Transparency and Privacy, Seattle Police Department

Mary Perry provided a comprehensive overview of the current issues around law enforcement body cameras. Her perspective is “in the trenches” in terms of dealing with the reality a new document type in regards to public disclosure. Ms. Perry’s PowerPoint includes additional detail and handouts summarize the major issues around Public Records Act Considerations for Body Worn Video and House Bill #2362.

Ms. Perry reviewed several relevant court cases that have outlined the current process for public disclosure, including Fisher Broadcasting v. City of Seattle, which provided a number of lessons for law enforcement agencies. She highlighted the complexity of releasing information, challenges of storage, and the various levels of redaction appropriate for particular circumstances.

Ms. Perry explained the three part test in determining exemptions to disclosure of footage: 1) privacy is exempt, 2) video has to be highly offensive to a reasonable individual (healthcare info, dead body, intimate images, identifiable juvenile, DV, sexual violence), 3) is it of legitimate concern for the public?

Body cameras are here now, despite continuing debates around efficacy, legality, etc. City of Seattle is doing everything they can to be ready. Even without body camera footage, SPD is must retain in-car video due to federal oversight. The enormous amount of data requires the agency to know how to store, access, and search for public records. They must know what data is available and how to redact it appropriately.