



ANCHORAGE POLICE DEPARTMENT



MAYOR
Dave Bronson

Headquarters
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CHIEF
Bianca Cross

May 24th, 2024

Vice-Chair Zaletel,

Regarding the request asking for justification for my decision not to release body cam footage pending completion of an investigation, my decision is based upon the need to protect the integrity of the investigation. My decision is consistent with State of Alaska Department of Law protocol and APD's long-standing procedures regarding release of evidence in criminal investigations.

I recognize the public's desire to understand what occurred in the officer-involved incident last week. APD recognizes its obligation to all people involved and to the process that must be completed impartially and with integrity. I take this obligation to our community, to my officers, and to the family very seriously.

You asked how long a criminal investigation might take. I want to be sure that everyone is aware of the many things that must happen after an Officer Involved Shooting (OIS) occurs. APD Operational Procedure 3.05.030 outlines in detail the steps to be taken after an OIS. <https://www.anchoragepolice.com/policies>. First, a thorough criminal investigation is conducted by APD. The Homicide Unit is tasked with gathering all the evidence through interviews, crime scene processing, and evidence collection. All videos, including body-worn camera footage, is considered evidence. Some items may need to be submitted to outside labs for forensic examination and this can take several weeks to even months.

Once the evidence is gathered it is sent to the State of Alaska Department of Law's Office of Special Prosecutions (OSP). OSP determines independently whether an officer's conduct was justified under the circumstances or whether OSP intends to file criminal charges against an APD officer in connection with an incident.

The OSP process is separate from the investigation conducted by APD's Internal Affairs Unit. The APD internal investigation determines whether an officer's actions violated any APD policy or procedure. The Internal Affairs investigation takes place after the OSP issues their decision.

APD recognizes its obligation to conduct investigations thoroughly. Investigations are conducted as quickly as possible under the circumstances, considering what resources are available to them while also preserving the integrity and impartiality of any investigation.

With very few exceptions, evidence that is part of an ongoing criminal investigation will not be released to the public. This is because records or information compiled for law enforcement



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purposes is exempt from the Alaska Public Records Act. It is exempt because release of the evidence may deprive a person of a right to a fair trial - if charges are eventually brought - or because release of evidence may constitute an unwarranted invasion of personal privacy of a suspect, defendant, victim or witness. AS 40.25.120; See also, AMC 3.90.040C.

I have heard the call for the release of the body-worn camera footage, but that footage is evidence. Although I acknowledge that I have the discretion under APD policy to release footage before the conclusion of this investigation I must preserve the integrity of the investigation by refraining to do so at this time.

The State of Alaska Department of Law has consistently advised it is their long-standing practice that evidence in a criminal investigation should not be released prior to the completion of the prosecutor's review of the incident. This investigation includes one conducted by the OSP following an OIS. If OSP decides not to file criminal charges, the Department of Law may not oppose release of the evidence for purposes of transparency, pursuant to APD's policies and Alaska law. My decision is consistent with the long-standing position of OSP. The Municipal Attorney's office has stated this is a decision within my discretion and legally defensible under Alaska Statutes, Anchorage Municipal Code and Alaska case law.

The public is calling for transparency, which I fully support. My position requires me to balance transparency with the responsibility to preserve the integrity of the investigation and comply with the Alaska Public Records Act and Alaska case law. APD's obligation regarding release of evidence is not changed even if civilians have already publicized other video footage of the same incident.

Respectfully,

Bianca Cross

Chief of Police

Anchorage Police Department