

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

1 meeting of the Public Safety Committee of the Anchorage Assembly that it was  
2 unable to resolve the issue of officer access to body-worn camera footage through  
3 negotiation with the union and it would have to be resolved through arbitration, a  
4 process requiring six to nine months; and  
5

6 **WHEREAS**, on April 19, 2023, the Alaska Black Caucus filed suit against the  
7 Municipality of Anchorage, requesting the court issue an injunction requiring the  
8 Anchorage Police Department to begin equipping its officers with body-worn  
9 cameras; and  
10

11 **WHEREAS**, on April 20, 2023 the Anchorage Police Department announced that it  
12 would move forward with its purchase of body-worn cameras, despite its ongoing  
13 arbitration with the union; and  
14

15 **WHEREAS**, on May 24, 2023 the Anchorage Police Department announced that  
16 they had reached a resolution with APDEA regarding the draft body-worn camera  
17 policy disagreements that have contributed to delays in equipping officers with the  
18 technology; and  
19

20 **WHEREAS**, the Anchorage Police Department announced it would begin  
21 deployment of body-worn cameras the week of November 13, 2023 with full  
22 implementation expected in March of 2024; and  
23

24 **WHEREAS**, presently the Anchorage Police Department has completed its initial  
25 deployment of Body Worn Cameras, and yet the Anchorage Municipal Code does  
26 not contain any provision mandating or regulating their use, nor any  
27 acknowledgement of their existence; now, therefore,  
28

29 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
30

31 **Section 1.** Anchorage Municipal Code chapter 3.102, Municipal Use of  
32 Surveillance Technologies, is hereby amended to repeal current Section 3.102.030,  
33 Exceptions, attached hereto as Exhibit A, and add a new section to read as follows  
34 (*requiring no legislative formatting*):  
35

36 **3.102.030. Body-worn cameras.**  
37

- 38 A. There shall be a body-worn camera policy governing the employment  
39 and use of body-worn cameras, to include the standards for the  
40 storage, preservation, review, release and disposition of digital  
41 multimedia evidence by the Anchorage Police Department. The policy  
42 shall be reviewed by the Municipal Attorney and approved by the Chief  
43 of Police.  
44
- 45 B. Any use of body-worn cameras or digital multimedia evidence shall be  
46 in accordance with the approved body-worn camera policy. Failure to  
47 adhere to the policy may be considered grounds for corrective action  
48 or discipline under established police department policies and  
49 procedures.  
50

51 (AO No. 2018-5, § 1, 2-13-18)

1  
2 **Section 2.** Anchorage Municipal Code section 3.102.005 is hereby amended to  
3 read as follows (*the remainder of the section is not affected and therefore not set*  
4 *out*):  
5

6 **3.102.005. Definitions**

7  
8 Body-Worn Camera System means a body-worn audio/video recording  
9 system primarily consisting of a camera and an internal battery pack.

10  
11 Digital Multimedia Evidence (DME) means all digital recordings, including but  
12 not limited to audio, video, photographs, and their associated metadata.  
13 Metadata includes any digital identifiers that are captured as part of the actual  
14 recording, such as date/time, GPS coordinates, labeling, etc.

15  
16 \*\*\* \*\*

17  
18 (AO No. 2018-5, § 1, 2-13-18; AO 2023-35(S-1), § 1, 4-18-23)  
19

20 **Section 3.** Anchorage Municipal Code section 3.102.020, is hereby amended to  
21 add back in the language from section 3.102.030, concerning exceptions to the  
22 restriction on the use of facial recognition technology, which is repealed below by  
23 Section 3 of this ordinance, as follows (*the remainder of section 3.102.020 is not*  
24 *affected and therefore not set out*):  
25

26 **3.102.020 Restrictions on the use of facial recognition technology.**

27 \*\*\* \*\*

28 **E. Exceptions.**

- 29  
30 1. Nothing in this chapter shall prevent the Municipality from:  
31  
32 a. Acquiring, obtaining, retaining, or accessing facial  
33 recognition technology on an electronic device intended  
34 for a single user, such as a mobile communication  
35 device, cellular phone or tablet, when the facial  
36 recognition technology is used solely for the purpose of  
37 the user;  
38  
39 b. Acquiring, obtaining, retaining, or accessing social  
40 media or communications software or applications  
41 intended for communication with the general public that  
42 include facial recognition technology, as long as the  
43 municipality does not intentionally use the facial  
44 recognition technology;  
45  
46 c. Having custody or control of electronic devices that  
47 include facial recognition technology when such  
48 electronic devices are held by the municipality solely for  
49 evidentiary purposes;

1  
2 d. Acquiring, obtaining, retaining, or accessing facial  
3 recognition technology solely for the purpose of using  
4 automated or semiautomated redaction software;

5  
6 e. Complying with the National Child Search Assistance  
7 Act, 34 U.S.C. §§ 41307-413087, or other federal  
8 statutes requiring cooperation in the search for missing  
9 or exploited children; or 6. Participate in, coordinate with,  
10 or otherwise be involved with multi-agency law  
11 enforcement investigations, working groups or task  
12 forces. Specifically, municipal law enforcement may  
13 intentionally work with third party agencies using Facial  
14 Recognition Technology to identify:

15  
16 i. Human remains or suspected missing persons;

17  
18 ii. Suspected victims of human trafficking; or

19  
20 iii. Suspected victims of child abuse or exploitation.

21  
22 2. It shall not be a violation of this chapter for the municipality to  
23 acquire, obtain, or retain facial recognition technology when all  
24 the following conditions exist:

25  
26 a. The facial recognition technology is an integrated, off the  
27 shelf capability, bundled with software or stored on a  
28 product or device;

29  
30 b. Other functions of the software, product, or device are  
31 necessary or beneficial to the performance of municipal  
32 functions;

33  
34 c. The software, product, or device is not acquired for the  
35 purpose of performing facial recognition;

36  
37 d. The facial recognition technology cannot be deleted  
38 from the software, product, or device;

39  
40 e. The municipality does not use the facial recognition  
41 technology; and

42  
43 f. The municipal department, agency or official seeking to  
44 acquire the software, product, or device discloses the  
45 integrated, off the shelf facial recognition technology that  
46 cannot be deleted to the Assembly when seeking to  
47 acquire the software, product, or device.

1  
2 F. Recognizing that changes in technology and circumstances may  
3 require additional exceptions to the requirements of this section, the  
4 assembly may approve such additional exceptions by resolution,  
5 under the following conditions:  
6

7 1. Any municipal department that requests an exception to the  
8 restrictions of section 3.102.020 shall include in its request to  
9 the assembly an explanation of the need for an exception, a  
10 description of how the technology or information will be used,  
11 and a plan for monitoring the technology or information to  
12 ensure that its use remains within the approved parameters.  
13

14 2. The assembly may approve the proposed exception by  
15 resolution pursuant to a public hearing, with or without revisions  
16 and conditions, for a period of no longer than 90 days, if it finds  
17 that the exception is consistent with the stated goals of  
18 preventing discrimination and promoting privacy, transparency,  
19 and the public trust.  
20

21 3. Upon conclusion of the period of temporary exception, the  
22 department shall submit a report of its uses of the technology  
23 or information to the assembly. The department may at that  
24 time or subsequently request the assembly make the exception  
25 permanent by ordinance adding it under section 3.102.030D.  
26

27 4. A department that has obtained a permanent exception shall  
28 submit an annual summary of its uses of the technology or  
29 information as part of the Annual Surveillance Report under  
30 Section 3.102.040 to the assembly. This summary shall not  
31 include personally identifiable information.  
32

33 G. Additional permanent exceptions.  
34

35 1. Reserved.  
36

37 (AO No. 2018-5, § 1, 2-13-18; AO 2023-35(S-1), § 1, 4-18-23)  
38  
39

40 **Section 4.** This ordinance shall be effective immediately upon passage and  
41 approval by the Assembly.  
42

43 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
44 \_\_\_\_\_, 2024.  
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\_\_\_\_\_  
Chair

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8

ATTEST:

\_\_\_\_\_  
Municipal Clerk