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Mayor Sam Liccardo
City Hall
200 E. Santa Clara St.
San Jose, CA 95112

City Attorney
City Hall
200 E. Santa Clara St.
San Jose, CA 95112

City Manager
City Hall
200 E. Santa Clara St.
San Jose, CA 95112

Police Chief SJP
201 W. Mission
San Jose, CA 95110

RE: PUBLIC RECORD ACT REQUEST – GOV CODE 6250 et seq.
SJP case #20-150-0495
Seeking body worn camera footage and a copy of the actual incident report.

Dear Elected and Appointed Officials:

I am sending an identical PRA request to each of you. It is my intention in sending this request to receive copies of the Body Worn Camera footage of my client David Baca.

Your attention is directed to the photograph on page two of the attached article from the San Jose Mercury News this morning. The photo that appears here in the “on line” version of the article was actually printed on the front page of the local section of the “print edition” of the paper.

The person who has “his face obscured” is in fact my client, Mr. Baca. The caption that states “the man attempted and failed to disarm an officer ...” is an incorrect statement of the facts of this case.

Therefore, I am specifically seeking the Body Worn Camera footage of the beginning of this interaction (SJPd case #20-150-0495). Please see the attached photos from TV channel 7’s helicopter and the up-close photo taken of the moment Mr. Baca was attacked by the San Jose Police. This last photo was, by the way, shown on national TV as an example of the excessive force used by the SJPd.

I am willing to pay a reasonable fee for this Body Worn Camera footage and for a copy of the actual police report in this case. I do not believe that this request involves excessive time or expense on your part. Some of this material has, as you know, already been released as part of the 250 page (self-serving) report prepared by the SJPd for the city council. What has never been released (in my mind because it is in fact damning to the police) are the two items I am asking for:

1. The actual written report on the arrest of Mr. Baca
2. The actual BWC videos of the very beginning of the interaction.

Please respond to this request in ten (10) days.

Very Truly Yours,

Daniel M. Mayfield

SAN JOSE POLICE

Officers required to fast-track its body camera footage for big cases

Videos subject to the new policy will be of incidents that face intense public scrutiny

By Maggie Angst and Robert Salonga

Staff writers

In an effort to be more transparent, the San Jose Police Department now will be required to fast-track the public release of officer body camera footage for incidents deemed of "extraordinary public interest" when requested by city leadership, according to a new policy.

Under the new rules approved Tuesday, the San Jose City Council has the authority to direct the city manager - to whom the police chief reports - to publicly disclose video footage from high-profile police incidents like the confrontations between officers and demonstrators during the George Floyd protests earlier this year.

"I think it's important for us to get a policy in place so we can rapidly respond when there is a public inquiry for the video footage," Mayor Sam Liccardo said at a council meeting Tuesday. "Hopefully, this will be another step in our effort to continue to build trust in our community." The move comes after a concerted push by Liccardo for the release of body camera footage taken during protests sparked by the police killing of Floyd last summer in Minneapolis and his calls for the Police Department to expedite the release of police disciplinary records following a lawsuit filed by the Bay Area News Group after the city failed to comply with a landmark police transparency law.

The policy, and recent updates to the Police Department's duty manual, define "incidents of extraordinary public interest" as those in which "interactions between the police and the public result in significant and sustained public outcry," including large protests and controversial uses of force.

The Police Department will be required to release at least 10 minutes of footage before an incident to provide greater context of an encounter.

There is some latitude built into the new policy, like when an incident yields a

large array of footage where the processing "would unduly consume the time and labor of staff." In those cases, the city can meet its obligation by releasing the three videos it deems "most clearly and fully capture the event," the policy states.

Senate Bill 1421, the state law passed in 2018, compels the release of previously confidential records of officers' serious use of force - including shootings - and misconduct cases where on-duty dishonesty and sexual assault were sustained by their department. Relevant records include officers' body camera footage.

A parallel law, AB748, compels the public disclosure of officers' body-worn camera footage within 45 days of a critical incident, with exceptions carved out for ongoing investigations, a classification that exists almost entirely at a police department's discretion. The council's actions Tuesday appear to be aimed at narrowing when that exemption would be valid.

David Snyder, executive director of the Bay Area-based First Amendment Coalition, said "the new city policy is a reflection of a deep need for police agencies to be more transparent than they're currently being." "The law changed substantially almost two years ago to

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In a frame from a San Jose police officer's bodycam video, officers arrest a man, whose face is obscured in the video, during a San Jose protest May 29. Police allege the man attempted and failed to disarm an officer following the declaration that the protest was an unlawful assembly.

SAN JOSE POLICE DEPARTMENT



