



Office of the Mayor

## SUPPLEMENTAL AGENDA MATERIAL

**Meeting Date:** September 25, 2018

**Item Number:** D

**Item Description:** City of Berkeley Policy Limiting the Publishing of Arrest Photos (doxing) of people arrested by the Berkeley Police Department

**Submitted by:** Mayor Jesse Arreguin

I am proposing that the City Council approve a revised recommendation limiting the scope of this policy to prohibiting the release of arrest photos and identifying information of individuals arrested by BPD in First Amendment events, unless required by state and federal law, and excluding individuals who pose a serious threat to public safety.

This revised recommendation also does not propose that the City resist PRA requests, as the City currently has the power to withhold this information if there is a concern that its release will endanger a person.

### RECOMMENDATION

**That the Council adopt the following as a City of Berkeley policy to limit the broadcasting of arrest photos and identifying information of people arrested by the Berkeley Police Department in First Amendment events:**

***Except as required by state and federal law, no employee of the Berkeley Police Department (BPD) or any other City of Berkeley department shall broadcast (actively promoting through social media, web posting, Nixle alerts, emails, and other proactive communication) the addresses, legal names, arrest photos or other identifying information of people arrested by BPD in First Amendment events, unless the arrestee poses a serious threat to the public safety of the Berkeley community (e.g. persons arrested and released or wanted for serious and violent crimes such as rape, homicide, or felony assault).***

***Under the California Government Code Section 6254(f) local law enforcement agencies already have the power to withhold identifying information regarding arrestees if they believe it would endanger the safety of the person. The law states: "state and local law enforcement agencies shall make public the following***

***information, except to the extent that disclosure of a particular item of information would endanger the safety of the person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.”***