



ALNAACP ACLU Alabama



February 20, 2019

Chief Nicolas C. Derzis
Hoover Police Department
100 Municipal Lane
Hoover, Alabama 35216

Steve Marshall
Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36104

The shooting death of E.J. Bradford, the highly unusual decision of the Alabama Attorney General to assert jurisdiction over the shooting investigation, and the Alabama Attorney General's decision not to present criminal charges to a grand jury, have all raised serious questions of law enforcement accountability in Alabama. There is a strong public interest in release of the records that documented the shooting of Mr. Bradford, the records relating to the Attorney General's decision to assert jurisdiction, and the Attorney General's charging decision. Meanwhile, particularly because there is no longer a pending criminal investigation of this shooting, there is no countervailing privacy interest held by the officers involved--each of whom was on duty, in uniform, and acting under color of law at the time of the shooting. Law enforcement should provide appropriate data and comprehensive data on its practices and performance, and agencies should not shield officers from scrutiny for violations of law, policy, and community trust.

Pursuant to Alabama Open Records Law, ALA. CODE § 36-12-40 to § 36-12-41, we request that you release the following information by March 1, 2019.

1. All Body-Worn Camera footage recorded by Hoover Police Department inside the Riverchase Galleria Mall on November 22, 2018.
2. All metadata for the footage produced in response to Request 1, including but not limited to date, BWC identifier, assigned officer, categorization and tagging information.
3. All audit and event logs dated November 22, 2018 for the BWC equipment that recorded footage produced in response to Request 1.¹
4. For any BWC data that could have been responsive to Requests 1, 2, or 3 but has been deleted, all records regarding the deletion and/or the reasons for such deletion.

¹ Depending on the make and model of the BWC equipment, audit and/or event logs may be directly accessible on the cloud storage system that stores the original BWC data. If the audit and event logs are not accessible on the cloud storage system, they are stored on the BWC equipment itself, typically in the form of a machine-readable engineering log.

5. All written documentation of failures to record, interruptions of recording, or terminations of BWC recording pursuant to Hoover Police Department SOP 100.18(B)(5) on November 22, 2018 for officers who were present in the Riverchase Galleria Mall on that date.
6. All other videos in your custody or control that relate to the shooting death of Emantic (E.J.) Bradford. This includes any videos (including cell phone video, mall surveillance video, and any other video) that depict Mr. Bradford, Erron Brown, Brian Wilson, the officers involved in the shooting, or the vicinity of the shooting preceding, during, and after the shooting of Mr. Bradford until his body was removed from the scene.
7. Documents that identify the names of the officers described as Officer 1, Officer 2, Officer 3, and Officer 4 in the Attorney General's report.
8. All records and files that were considered, reviewed or utilized by the Attorney General and his staff in issuing his report.
9. All records, files and correspondence relied upon by the Attorney General in his decision to take over the investigation from the Jefferson County District Attorney.

The ACLU and the NAACP request a waiver of all fees because such a waiver is in the public interest. We are non-profit, tax-exempt organizations dedicated to the protection of civil liberties and constitutional rights. We also serve an important public education function, regularly disseminating information of interest to the public through newsletter, news briefings, know-your-rights trainings and brochures, and other public education materials. If you deny a waiver of fees, and the documents cannot be produced in electronic format, please contact us before charges are incurred if they will exceed \$100. Otherwise, please proceed without further approval and send the ACLU an invoice with the records.

If this request is denied in whole or in part, we ask that you justify all denials or deletions by reference to specific exemptions in the Open Record Act. We expect you to release all segregable portions or redacted versions of otherwise exempted materials. We reserve the right to appeal a decision to withhold any requested information.

Finally, we request that these public records be provided within **10** days to:

Dillon Nettles
P.O. Box 6179
Montgomery, AL 36106-0179

If you intend to provide these records but cannot do so within 10 days, we request that you state which records you will provide and the time necessary to provide the materials. Similarly, if you are not going to provide these records, please state so and the reason why they will not be provided.

The ACLU will forward a copy of any materials provided by your department to the Alabama NAACP and the Bradford family.

Thank you for your time and attention to this request.

Sincerely,



Dillon Nettles
Policy Analyst
ACLU of Alabama



Benard Simelton
President
Alabama NAACP



Ben Crump
Attorney
Ben Crump Law, PLLC