

FDCC CIVIL “WRITES”

A monthly newsletter from the Civil Rights and Public Entity Committee

July, 2025 - Editor of the Month Ann Trivett

First and foremost, we all extend our sincere gratitude and appreciation to outgoing Section Chair Nat Jordan. Nat’s outstanding leadership and hard work have strengthened our section, and we are so fortunate to have benefited from his time, dedication, and endlessly positive personality. Thank you, Nat! It has been a fun two years with you at our helm.

Second, I am equally excited to introduce you all to our new Section Chair, Andrew Rutens. As a Vice Chair for our section, he hit the ground running, volunteering his time and contributing valuable content. We are all excited to work Andy and see what the next two years will bring to our growing Section.

Andrew J. Rutens of Galloway Wettermark Rutens, LLP



Background: Graduated from Florida State University with BS in Economics and Political Science and from Samford University, Cumberland School of Law. Licensed in Alabama and Florida.

Practice Areas: Employment and labor law, government entity liability, law enforcement excessive force defense, and general litigation defense. City Attorney for Saraland, Alabama and Co-Chair of the Alabama State Bar Litigation Committee

Special Interests: Served on Board of Directors for YMCA of South Alabama and Playhouse in the Park; choir member and soloist at St. Ignatius Catholic Church.

Questions from Andy

I asked Andy what he is thinking about for our Section as we move into Fall, and what we can do to support him. See his response below.

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Questions and Thoughts from Andy to the Group:

- With the developments in artificial intelligence, what ways are you monitoring its use by your government entity clients, and how do you determine whether to recommend its use in a given situation?
- When allowed, what efforts are made to maintain compliance with chain of custody and open records requirements?
- Now that deep fakes are almost high-definition quality, the opportunity to make subtle, yet significant changes to body camera videos as well as other government media designed for public consumption is significant. Our section members would benefit from hearing what other entities are doing so that our clients can be protected from events which could wreak havoc on government operations and ultimately trial evidence.

Police Body-Worn-Video and AI in the Media

To get you thinking more about these emerging topics, here are a few articles addressing the relationship between AI and police body worn video:

<https://statescoop.com/ai-powered-police-body-cameras-raise-privacy-bias-concerns/>

<https://www.npr.org/2024/09/23/nx-s1-5096298/human-reviewers-cant-keep-up-with-all-the-police-body-cam-videos-now-theyre-giving-the-job-to-ai>

<https://www.sciencedirect.com/science/article/pii/S0047235225000224>

Ninth Circuit Published Opinion re Use of Blast Balls for Crowd Control

Finally, a shout out to fellow Section-Member Tom Miller for securing a published opinion in the Ninth Circuit affirming summary judgment dismissal of an excessive force claim brought against the City of Seattle in the case of *Cheairs v. City of Seattle*. The plaintiff alleged that an officer used excessive force and retaliated against him when the officer through a blast ball diversionary device toward a crowd during a protest dispersal. The device injured the plaintiff, who was filming the

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protect. The Court concluded that (1) while there was an issue of fact on the issue of a seizure, the force used was not excessive, because the plaintiff was standing in front of a crowd that objectively posed an immediate threat to the safety of officers, citizens, and property; (2) there was no evidence of retaliation; and (3) there could be no municipal liability without a constitutional violation. This is a great result in the Ninth Circuit, and it will hopefully set the standard for future protest cases throughout the country.

You can find that opinion here: <https://www.ca9.uscourts.gov/opinions/>

ENJOY THE REST OF YOUR SUMMER AND SEE YOU ALL SOON!