

**OFFICE OF THE CHIEF OF POLICE**

**ADMINISTRATIVE ORDER NO. 17**

October 8, 2020

**SUBJECT: PRESERVATION OF EVIDENCE REQUEST PROCEDURES – ESTABLISHED**

**PURPOSE:** Legal Affairs Division (LAD), as well as geographic Areas and specialized divisions, regularly receive Preservation of Evidence Requests (PERs) from various entities for City involved litigation and third-party non-City involved litigation. The purpose of this Order is to establish procedures following a PER to ensure that they are processed correctly and expeditiously.

**PROCEDURE:** Department Manual Section 3/782.70, *Preservation of Evidence Request Procedures*, has been established and is attached with the revisions indicated in italics.

**AMENDMENT:** This Order adds Section 3/782.70 to the Department Manual.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE  
Chief of Police

Attachment

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**VOLUME III**  
Revised by Administrative Order No. 17,2020

**782.70 PRESERVATION OF EVIDENCE REQUEST PROCEDURES.** *A Preservation of Evidence Request (PER), also known as a litigation hold, is a written correspondence, usually from a plaintiff's attorney, advising the Department to preserve or hold certain records or evidence in anticipation of future litigation. The requested records or evidence would then be preserved and held from destruction pursuant to regular Department records retention/destruction schedules, to prevent potential Department exposure to costly discovery sanctions.*

*In most cases, the PER will list the items to be preserved. If it does not specify, the Department is required to preserve all relevant evidentiary records such as:*

- *Body-Worn Video (BWV);*
- *Digital In Car Video (DICV);*
- *Surveillance videos;*
- *All other videos;*
- *Audio recordings;*
- *Radio transmissions;*
- *911 calls;*
- *Physical evidence;*
- *Dispatch logs;*
- *Daily Field Activity Reports;*
- *Incident reports;*
- *All written reports;*
- *Witness statements;*
- *Witness contact information;*
- *Suspect interviews; and,*
- *All other items related to the referenced incident.*

*In addition, all evidence seized and booked in conjunction with a related criminal case shall have a hold placed on it by completing a Property Disposition/Update Request, Form 10.06.00. Special hold consideration shall be given for the preservation of electronically stored information such as emails, Department storage files, etc. This can be accomplished by transferring electronic data to a Department hard drive.*

**Geographic Areas/Specialized Division's Responsibilities.**

- *Upon receipt of a PER at a geographic Area or specialized division, personnel shall notify Legal Affairs Division (LAD) within five working days via an Intradepartmental Correspondence, Form 15.02.00;*
- *The Intradepartmental Correspondence shall document receipt of the PER, include a copy of the original PER, indicate the date the PER was received and the name of the contact person responsible for processing it;*
- *A copy of the Intradepartmental Correspondence and the original PER shall also be maintained at the geographic Area or specialized division; and,*

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- *A designated PER Coordinator or a Property Disposition Coordinator in each geographic Area or specialized division shall immediately process the PER and maintain the evidentiary records at the geographic Area or specialized division, or, book them into Evidence and Property Management Division accordingly.*

***Legal Affairs Division's Responsibilities.***

- *When the evidentiary records are needed for litigation, LAD shall submit a discovery request to the corresponding geographic Area or specialized division, and the respective commanding officer (CO) shall ensure that it is fulfilled within five working days upon receipt, or as otherwise specified, according to Department Manual Section 3/782.60;*
- *If the PER is received at LAD, LAD will send an Intradepartmental Correspondence and a copy of the original PER to the corresponding geographic Area or specialized division, notifying the CO of the request and directing that all relevant and referenced evidentiary records be preserved. Legal Affairs Division will also maintain a copy of the Intradepartmental Correspondence and original PER in its files.*
- *The obligation to preserve all evidentiary records shall continue to remain in effect until the geographical Area or specialized division receives a subsequent written notice from LAD that the litigation hold has been updated, modified, or released.*