

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 6

April 13, 2018

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON MARCH 20, 2018

SUBJECT: CRITICAL INCIDENT VIDEO RELEASE POLICY – ESTABLISHED

PURPOSE: It is the intent of the Los Angeles Board of Police Commissioners (Commission), through the adoption of this policy, to increase transparency with respect to the operations of the Los Angeles Police Department (LAPD); and in doing so, foster greater public trust. The people of Los Angeles have an undeniable interest in being informed, in a timely fashion and based on the most accurate information available, about how their police department conducts its business, especially where officers use lethal force or where the use of force by the police result in the death or serious injury of a civilian.

This policy sets the standards and criteria for the public release of video recordings that capture critical incidents involving LAPD officers. This policy is intended to balance two important interests: the public's interest in transparency and police accountability, and the privacy interests of the individuals depicted in such videos. The public has a strong interest in obtaining timely access to information, including video footage, regarding incidents where officers use lethal force and/or where a person has died or suffered a serious injury as a result of a police encounter or while in police custody. At the same time, the individuals who appear in these videos have a privacy interest which must be considered. These individuals include not only the involved individuals and the police officers, but also witnesses, bystanders, and the subject upon whom force is used.

There are considerations, such as preserving the integrity of related investigations, that may justify a delay or deviation from the standard procedure, and these considerations are also detailed in this policy. In recognizing that a video may not tell the whole story, the LAPD will also provide the necessary context when releasing video so the public has the most accurate picture of what occurred based on the information known at the time of release.

This policy takes effect on April 19, 2018. This policy does not apply retroactively to any incidents occurring prior to this date.

PROCEDURE: Department Manual Section 1/420.55, *Critical Incident Video Release Policy*, has been established and is attached.

AMENDMENT: This Order adds Section 1/420.55 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.

A handwritten signature in black ink, appearing to read 'C. Beck', is written over a faint, circular stamp or watermark.

CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

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420.55 CRITICAL INCIDENT VIDEO RELEASE POLICY.

It is the policy of the Los Angeles Police Department (LAPD) that video evidence in the Department's possession of "Critical Incidents" involving LAPD officers be released to the public within 45 days of the incident. The Board of Police Commissioners (Commission) or the Chief of Police (COP) may determine that earlier release is in the public interest. This release shall consist of relevant video imagery that depicts the actions and events leading up to and including the "Critical Incident." Relevant video imagery is video and accompanying audio footage that is typically considered by the COP, Commission, and criminal prosecutors to determine the propriety of an officer's conduct during such "Critical Incidents." The release of video shall be accompanied by additional information to provide context based on the evidence available at the time of release.

Critical Incidents. This policy applies to video imagery concerning the following types of incidents:

- *Officer-involved shootings, regardless of whether a person was hit by gunfire (this does not include unintentional discharges or officer-involved animal shootings);*
- *A use of force resulting in death or serious bodily injury requiring hospitalization;*
- *All deaths while an arrestee/detainee is in the custodial care of the Department unless there is no preliminary evidence of any of the following: misconduct, a use of force, or an act committed by an arrestee/detainee that appears intended to cause injury or death; or,*
- *Any other police encounter where the Commission or the COP determines release of video is in the public's interest.*

Video Sources. The sources of video that may be released pursuant to this policy includes, but are not limited to, body-worn camera video, digital in-car video, police facility surveillance video, video captured by the Department's use of a small Unmanned Aerial System, and video captured by third parties that is in the Department's possession.

Privacy Protections. Video shall not be released where prohibited by law or court order. Further, consistent with the protections afforded juveniles and the victims of certain crimes, video imagery shall be redacted or edited to the extent necessary to ensure that the identity of such individual(s) is protected. Where the video cannot be sufficiently redacted or edited to protect the person's identity, it shall be withheld. In addition, video may also be redacted or edited to protect the privacy interests of other individuals who appear in the video. In each instance, such redaction may include removing sound or blurring of faces and other images that would specifically identify involved individuals, sensitive locations, or reveal legally protected information. Further, where possible, such redaction or editing shall not compromise the depiction of what occurred during the incident.

Delayed Release. There may be circumstances under which the release of such video must be delayed to protect one or more of the following:

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- *Safety of the involved individuals, including officers, witnesses, bystanders, or other third parties;*
- *Integrity of an active investigation (including criminal or administrative);*
- *Confidential sources or investigative techniques; or,*
- *Constitutional rights of an accused.*

These reasons may not be general; they must have a factual basis and be specific to the individual case. For example, investigators have identified but not yet been able to interview a key witness to the incident. The delay of the release of video, in accordance with this policy, shall be made pursuant only to the unanimous decision of the COP and the Commission's two designated liaisons for video release. In the absence of an unanimous decision supporting a delay, the video imagery shall be released. Any decision to permit a delay shall be re-assessed every 14 days. If the delay in the release continues for more than 28 days, the matter shall be placed on the next regularly-scheduled Commission meeting for consideration of the continued justification for delay, as well as the anticipated time frame for release. The Commission shall make the decision to release or continue the delay. The video imagery in question shall be released as soon as the reason for delay has been resolved.

Notifications. Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities 48 hours prior to the release of video imagery:

- *Officers depicted in the video and/or significantly involved in the use of force;*
- *The subject upon whom force was used;*
 - *If the subject is deceased, the next of kin will be notified.*
 - *If the subject is a juvenile, the subject's parents or legal guardian will be notified.*
 - *If the subject is known by the Department to be represented by legal counsel, that representative will be notified.*
- *The District Attorney's Office and City Attorney's Office;*
- *The Los Angeles Police Protective League; and,*
- *Other individuals or entities connected to the incident as deemed appropriate.*

Posting. All released video shall remain posted on the Department's designated website until 12 months after the Commission adjudicates the incident.

Release – Limited Waiver. The release of any specific video imagery does not waive the Department's right to withhold other video imagery or investigative materials in the same case or any other case, as permitted by law. This policy is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the Department with respect to any legal disclosure requirements, including but not limited to, any court order or disclosure provisions of the California Public Records Act.