

LEGAL AFFAIRS DIVISION

NOTICE 14.4

September 15, 2020

TO: All Commanding Officers

FROM: Commanding Officer, Legal Affairs Division

SUBJECT: PRESERVATION OF EVIDENCE – IMMEDIATE ACTION REQUESTED

The purpose of this Notice is to request all Commanding Officers to take immediate action to preserve all evidence pertaining to the recent protests and civil unrest that possibly occurred within your geographic Area/Division primarily during the period from May 30 to June 3, 2020.

The Department has an obligation to preserve all relevant evidence in anticipation of upcoming civil litigation [see *In re Napster, Inc. Copyright Litig.*, 462F. Supp 2d 1060, 1067 (N.D. Cal.2006) and *Apple, Inc. v. Samsung Electronics Co., Ltd.*, 881 F.Supp.2d 1132, 1136 (N.D. Cal .2012)].

Legal Affairs Division (LAD) has received numerous Preservation of Evidence (POE) request letters from various law offices representing individuals who claim injuries or the use of excessive force by police officers. LAD does not have the information to ascertain which LAPD geographic Areas or specialized divisions were involved with the claimants. Therefore, it is essential that each command follows the POE procedure as stated below.

WHAT MUST BE PRESERVED?

The Department is required to preserve all relevant documents, evidentiary records, and electronically stored information such as: body-worn video (BWV), other videos, audio recordings, photos, radio transmissions, dispatch logs, incident reports, witness reports, statements, witness contact information, and all other items related to an incident.

In addition, all evidence seized and booked in conjunction with a related criminal case should have a hold placed on it via Property Disposition/Update Request, form 10.06.00. Special hold consideration should be given to the preservation of electronically stored information such as emails, P-drive storage files, etc.

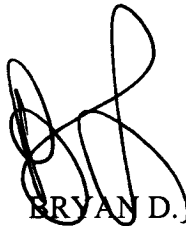
PROCEDURE

Geographic Areas / Specialized Divisions' Responsibilities:

- Upon receipt of a POE letter by a Department geographic Area or specialized division, personnel must notify LAD within five working days.

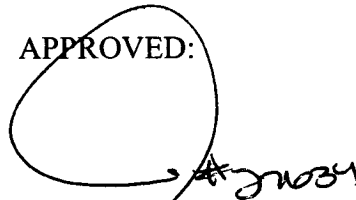
- A 15.2 correspondence documenting receipt of the POE, including a copy of the original POE itself, must be completed and forwarded to LAD as soon as possible. The 15.2 should indicate the date when the POE was received and name a contact person responsible for processing it. A copy of the 15.2 and the original POE should also be maintained at the geographic Area or specialized division.
- A designated POE Coordinator or a Property Disposition Coordinator in each geographic Area or specialized division should immediately process the POE and maintain the evidentiary records at the Area/division or book them into Property Division accordingly.

Should you have any questions or need immediate attention regarding this Notice, please contact Sergeant II Stephen Bell, Serial No. 35248, or Detective I Young Pak, Serial No. 34426, Legal/Training Unit, LAD, at (213) 978-8305 or (213) 978-6511.



BRYAN D. LIUM, Captain
Commanding Officer
Legal Affairs Division

APPROVED:



for: DOMINIC H. CHOI, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "B"