

LOS ANGELES POLICE COMMISSION

BOARD OF
POLICE COMMISSIONERS

ANDREA SHERIDAN ORDIN
PRESIDENT

JOHN W. MACK
VICE PRESIDENT

RAFAEL BERNARDINO, JR.
RICHARD DROOYAN
ROBERT M. SALTZMAN

MARIA SILVA
COMMISSION EXECUTIVE ASSISTANT I



ANTONIO R. VILLARAIGOSA
MAYOR

RICHARD M. TEFANK
EXECUTIVE DIRECTOR

ALEXANDER A. BUSTAMANTE
INSPECTOR GENERAL

EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

June 25, 2013

BPC #13-0202

The Honorable City Council
City of Los Angeles
c/o City Clerk's Office

Dear Honorable Members:

RE: PUBLIC SAFETY COMMITTEE INQUIRY RELATIVE TO THE USE AND
RETENTION OF RECORDED DIGITAL IN-CAR VIDEO SYSTEM

At the regular meeting of the Board of Police Commissioners held Tuesday, June 25, 2013, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

Maria Silva
MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police
ASB

BUTTERFIELD
CITY CLERK
2013 JUN 28 PM 3:32

INTRADEPARTMENTAL CORRESPONDENCE

BPC # 13-0202
RECEIVED
JUN 12 2013
POLICE COMMISSION

June 14, 2013
1.17

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police


RICHARD M. TEFANK
EXECUTIVE DIRECTOR
6/12/13
DATE

SUBJECT: PUBLIC SAFETY COMMITTEE INQUIRY RELATIVE TO THE USE AND RETENTION OF RECORDED DIGITAL IN-CAR VIDEO SYSTEM

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the Board TRANSMIT the Department's report to the City Council regarding the use and retention of recorded in-car video and the Los Angeles Police Department's (Department) protocol for police officers when the Digital In-Car Video System in their patrol vehicle is not operational.

DISCUSSION

The following is in response to a Public Safety Committee inquiry regarding the use and retention of recorded video, and the requirements for police officers to undertake in the event the digital in-car video camera inside their patrol vehicle is not operating correctly. This report addresses the following:

- The Department's intended use of recorded video and whether it will be made public;
- Policy regarding the use of recorded video content not relevant to a call for service;
- The Department's video storage policy; and,
- Requirements for officers if the digital in-car video camera is not operating correctly.

If you have any questions, please contact Chief Information Officer Maggie Goodrich, Commanding Officer, Information Technology Bureau, at (213) 846-0370.

Respectfully,


CHARLIE BECK
Chief of Police

CONTINUED TO June 25, 2013

**BOARD OF
POLICE COMMISSIONERS**
Approved June 25, 2013
Secretary Maria Silva

USE AND RETENTION OF RECORDED DIGITAL IN-CAR VIDEO

May 29, 2013

Council File No. 12-0757

On December 5, 2012, the Los Angeles City Council adopted a Public Safety Committee Report, requesting a report from the Los Angeles Police Department (LAPD or Department) "relative to the use and retention of recorded [digital in-car] video, and policy instructions for what police officers should do in the event the in-car video camera in their patrol cars is not operating" (CF No. 12-0757). The following report addresses the four specific items raised in the Public Safety Committee Report.

BACKGROUND

In August 2010, the LAPD completed the implementation of Phase I of Digital In-Car Video (DICV) in Operations-South Bureau (OSB). This implementation consisted of the installation of cameras in 300 patrol vehicles, wireless access points and local storage in each OSB Area Station, and archival storage in City Hall East. The system has proven to be reliable and beneficial to the LAPD. The DICV has had a positive impact on complaints and other administrative investigations, leading to quicker and more credible adjudications, and has proven to be invaluable as it pertains to improved credibility with the community.

For example, for years 2011 and 2012 collectively, there were 226 personnel complaints impacted by DICV. Of those 226 complaints, approximately 92% (207) were exonerated or unfounded. The remaining 8% (19) were sustained. Of the 19 sustained complaints, 10 were sustained for failing to activate the DICV.

In August 2011, the LAPD released a Request for Proposals (RFP) to implement Phase II of DICV within Operations-Central Bureau (OCB). On May 15, 2012, as a result of the RFP process, the Board of Police Commissioners approved the Department's selection of the Raytheon Company (Raytheon) and authorized the Chief of Police, or his designee, to enter into contract negotiations with Raytheon. This was subsequently approved by City Council on December 5, 2012 (CF No. 12-0757).

DISCUSSION

Public Safety Committee Report Item 2a:

How the Department intends to use recorded video, and whether it will be private or made available for public use, used for investigations, and/or made available for discovery purposes.

Prior to the implementation of Phase I of DICV in OSB, the LAPD published Special Order No. 45, dated October 20, 2009 (attached). Special Order No. 45 details policy as to the use of DICV, and makes it clear that DICV is to be used for investigations. Specifically, the Special Order states that the DICV system is:

... designed to assist officers in providing accurate depictions of events for courtroom presentations, capturing potentially incriminating statements from suspects, documenting and reviewing statements from victims and witnesses, and obtaining actual time frames of events for reporting purposes.

Imagery retained in the City's possession may generally be subject to disclosure in civil/criminal litigation (by way of subpoena or discovery). The LAPD published Special Order No.7, dated April 20, 2010 (attached), which provides officers with a procedural path for obtaining and disseminating recorded video from the DICV system for the purposes of court hearings, discovery requests, or administrative proceedings.

The LAPD generally does not release DICV recordings to the public. Based upon discussions with the Office of the City Attorney, the LAPD's understanding of this issue is as follows:

The level of confidentiality statutorily afforded to imagery captured via DICV when requested by the general public depends on the circumstances under which the system is deployed. Where the imagery captures enforcement/investigatory activity, the LAPD, as the agency in possession of the imagery, may and typically does assert the exemption over investigatory records (Cal. Govt. Code §6254(f)). Specifically, this subsection allows for non-disclosure of, "Records of complaints to, or investigations conducted by....any state or local police agency, or any investigatory.... files compiled by any....local police agency...."

Public Safety Committee Report Item 2b:

A written draft policy regarding the use of recorded video content, not relevant to a call for service that can be taken out of context and used for disciplinary action against a police officer.

With respect to disciplinary action, the LAPD accepts all complaints against its members and fully investigates all such complaints to the appropriate disposition. In accordance with LAPD Department Manual, Volume 3/810.05 COMPLAINTS-CONDITIONS OF ACCEPTANCE, "complaints shall be accepted by the Department from any source whether the source is written, verbal, in person, telephonic, electronic, by mail, by facsimile transmission, or anonymous."

Special Order No.45, however, makes it clear that DICV is not to be taken out of context to be used for disciplinary action against a police officer. Specifically, Special Order No. 45 indicates that DICV, "is being deployed in order to provide Department employees with a tool for crime documentation and prosecution, and **not** to monitor private conversations between Department employees."

Public Safety Committee Report Item 2c:

The Department's video storage policy and draft recommendations for defining video retention period for training, code three, use of force, and other uses.

The LAPD retains video imagery consistent with Los Angeles Administrative Code (LAAC) Section 12.3(b)(5). This Section provides that "records" that fall under certain broadly worded classifications, "... shall be retained for a minimum of five (5) years"

The LAPD's DICV system complies with this requirement. All video is retained for a minimum of five years, and video pertaining to an investigation, litigation, or a claim filed against the City is retained indefinitely, or until the investigation has concluded.

The LAPD does not distinguish between video pertaining to training, versus a call for service, use of force, etc., as video imagery pertaining to all of the above categories constitutes a "record" that must be retained for five years. Further, the LAPD recommends a unified retention policy for the following reasons:

1. All video captured, even if initially captured for training purposes, could potentially serve an investigatory need in the future (e.g., a complaint could be filed well after the fact).
2. The implementation of varying retention periods for different types of events would create administrative overhead that the LAPD cannot support at this time. Without human interaction, the DICV system cannot determine whether a video pertains to training, rather than an investigation. As such, LAPD supervisory personnel would be required to review and "tag" every video in the system with an "event type" on a daily basis.

That said, the LAPD does understand that a retention period of less than five years may be acceptable, should a change to the LAAC be affected.

California Government Code §34090 generally establishes a two-year retention period for city records. However, in 1997, the Legislature crafted an exception to this two-year period for certain types of recordings. Specifically, Section 34090.6 of the Code provides:

- (a) Notwithstanding the provision of Section 34090, the head of the department of a city..., **after one year**, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.
- (b) ...
- (c) For the purposes of this section, "routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems...
- (d) ...

Therefore, the City Council could seek to modify the LAAC to reflect this one-year exception for "routine video monitoring." However, in a report submitted to City Council in 2008 (attached), the City Attorney opined that:

... video imagery should be retained for two years, in order to (1) meet the one year statutory minimum; (2) provide a retention period commensurate with that of the statute of limitations for personal injury

actions as well as the vast majority of administrative actions and criminal prosecutions; and (3) provide a workable and potentially more economically feasible retention period than the five-year period presently set forth in the Administrative Code.

If the City were to amend the LAAC to reduce the retention period for video imagery to two years, the LAPD would certainly comply with the reduced retention period and be able to realize cost savings to the City. For example, for Phase II of DICV in OCB alone, the City could realize a \$37,000 cost savings if the retention period were reduced from five years to two years.

Public Safety Committee Report Item 2d:

Draft policy recommendations for what police officers are required to do if an in-car video camera is not operative.

In addition to Special Orders No.7 and 45, OSB published Operations-South Bureau Order No.1, dated January 29, 2012 (attached). This order established the protocol for officers when the DICVS system is not operational. The Order specifies that officers shall:

- Inspect the DICV equipment at the beginning and end of each shift.
- Complete LAPD Form 11.03.00, Motor Vehicle Trouble Ticket (B/O Slip) for each malfunction associated with the DICV.
- Document each malfunction on a rolling DICV Damage Log and immediately notify a supervisor of the condition of the equipment.
- Concerned officers are to notify the Kit Room Officer of the status of any vehicle(s) not ready for field deployment, as a result of a DICV malfunction.

The LAPD Motor Transport Division (MTD) personnel have been trained in the diagnostic and installation aspects of DICV equipment by the equipment manufacturer so that any work performed by MTD will not void warranties or maintenance agreements. Upon receipt of a vehicle with malfunctioning DICV equipment, MTD follows the manufacturer's recommended diagnostic protocol. Components in need of warrantied repair are sent to the manufacturer for appropriate repair/replacement. The removal/installation of DICV components is completed by MTD.

With respect to DICV repairs, MTD reported that over a two-year period, from July 1, 2010 to August 31, 2012, on average, each DICV equipped vehicle was brought in for a DICV-related repair once every 13 months. Thus, the DICV components appear reliable, stable and need repair very infrequently.

Attachments



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. ~~R 0 8 - 0 0 1 4~~
FEB 1 2 2008

REPORT RE:

**REDUCING THE CITY'S RECORD RETENTION PERIOD FROM FIVE TO TWO
YEARS FOR VIDEO IMAGERY**

The Honorable Public Safety Committee
of the City Council
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

The matter of amending the Los Angeles Administrative Code to reduce the record retention period for video imagery from five years to two years has been heard by this Honorable Committee on two separate occasions. During the discussions on this item, Council members have raised questions concerning the legal effect of reducing the retention period in the manner urged by the Los Angeles Police Department (LAPD), whether such a reduced retention period should apply Citywide or only to video imagery captured by cameras under the control of the LAPD,¹ and what imagery would be subject to the chosen retention period.

As discussed at the hearing, there are two separate laws which govern retention of city records, including video imagery. The first is California Government Code §§ 34090, *et seq.*, and the second is Los Angeles Administrative Code §§ 12.0, *et seq.* While a municipality may not enact ordinances which conflict with State law (under the "preemption" doctrine), local ordinances may provide for longer retention periods than that prescribed by the State.² In order to better understand what is required by

¹ On November 22, 2005, the Office of the City Attorney provided written advice to the LAPD in response to its request for an opinion on the legal consequences of reducing the existing retention period below five years. The advice contained references to the various statutes and ordinances implicated, and the relevant statutes of limitation periods that should be examined in conjunction with the existing "scheme."

² Currently, the City's retention schedule requires a five-year minimum retention of records which fall within certain broadly enumerated classifications. (See LAAC § 12.3(b)(5).)

PUBLIC SAFETY

**INFORMATION TECHNOLOGY &
GENERAL SERVICES**

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER
200 NORTH MAIN STREET • LOS ANGELES, CA 90012-4131 • 213.978.8100 • 213.978.8310 TDD



FEB 1 9 2008

State/local law, as opposed to what is a public policy decision for this legislative body, this report begins with the Government Code.

GOVERNMENT CODE

A. LENGTH OF RETENTION PERIOD

Pursuant to Section 34090 of the California Government Code, the head of a city may destroy city records that do not fall into specified categories.³ One of those categories consists of records that are less than two years old. Therefore, Section 34090 indirectly provides for a two-year retention period for city records. However, as with most statutes, there are exceptions to this general rule. Those exceptions are set forth in the statutes following Section 34090. Of particular relevance to the issues before this Committee is Section 34090.6, which provides:

- (a) Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring...maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.
- (b)
- (c) For purposes of this section, "routine video monitoring" means videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems.
- (d) For the purposes of this section, "department" includes a public safety communications center operated by the city or city and county.

(Cal. Govt. Code § 34090.6 (emphasis added).) Thus, the Legislature has carved out an exception to the general two-year retention period for recordings of routine video monitoring.

In 2003, the Legislature amended provisions of the Government Code relating to retention of video imagery. (See Assembly Bill No. 839.) Specifically, it added three identically worded provisions to the Code, one for cities, one for counties and one for special districts, establishing modified retention requirements for each entity's transit

³ Section 34090 applies to a city's records. The Legislature has included identical statutory schemes for counties and special districts in separate parts of the Code. (See Cal. Govt. Code §§ 26202, *et seq.* and 53160, *et seq.*)

agency. (Cal. Govt. Code §§ 26206.8 (counties); 34090.8 (cities); 53162 (special districts).) Discussion of the legislative history surrounding the introduction and ultimate passage of the Bill is included in this report because it provides a greater understanding of the storage, cost, and public safety-related issues contemplated by the Legislature in carving out this limited retention exception for transit agencies. All three added provisions provide:

- (a) When installing new security systems, a transit agency operated by a (city)(county)(special district) shall only purchase and install equipment capable of storing recorded images for at least one year, unless all of the following conditions apply:
 - (1) The transit agency has made a diligent effort to identify a security system that is capable of storing recorded data for one year.
 - (2) The transit agency determines that the technology to store recorded data in an economically and technologically feasible manner for one year is not available.
 - (3) The transit agency purchases and installs the best available technology with respect to storage capacity that is both economically and technologically feasible at that time.
- (b) Notwithstanding any other provision of law, videotapes or recordings made by security systems operated as part of a public transit system shall be retained for one year, unless one of the following conditions applies:
 - (1) The videotapes or recordings are evidence in any claim filed or any pending litigation, in which case the videotapes or recordings shall be preserved until the claim or the pending litigation is resolved.
 - (2) The videotapes or recordings recorded an event that was or is the subject of an incident report, in which case the videotapes or recordings shall be preserved until the incident is resolved.
 - (3) The transit agency utilizes a security system that was purchased or installed prior to January 1, 2004, or that meets the requirements of subdivision (a), in which case the videotapes or recordings shall be preserved for as long as the installed technology allows.

As originally introduced, the Bill provided that transit agencies would be totally exempt from any statutory retention requirement for recordings of routine video monitoring maintained by cities, counties, and special districts. (See Assembly Bill No. 839, as introduced by Assembly Member Salinas on February 20, 2003.) In a Bill Analysis prepared by the Assembly Committee on Local Government, hearing date April 2, 2003, the Committee noted that "[C]ounties and cities typically install video and recording systems to monitor jail operations or record police car activity. It is the option of transit agencies to employ videotaping monitoring systems in buses, rail cars, and stations to deter crimes and vandalism." (p. 1.) While some of the agencies impacted by this retention requirement were small (fleets of 10 or fewer vehicles), others such as

the Los Angeles County Metropolitan Transportation Authority had fleets exceeding 2,300 vehicles.

The Senate Judiciary Committee acknowledged that even requiring transit agencies to retain these video records for four days (a proposal which appeared in an amended version of the Bill prior to its passage), would result in the destruction of the record unless an incident report was made immediately following its occurrence. This led the Committee to address another important aspect of no retention or an overly-abbreviated retention period – the unavailability of the record if a claim brought under the Government Tort Claims Act was filed. According to the Committee, permitting a retention period shorter than one year might result in the purging of imagery which is relevant to a claim for damages. Under the Tort Claims Act, a claim may be filed within 180 days of the alleged injury, and may take up to an additional six months to bring to suit. Thus, a one-year retention period seemed compatible with the Tort Claims Act. However, the Committee recognized that even a one-year retention may no longer be sufficient in this context. Specifically, it stated:

“The current requirement of video recordings retention for one year seems logical and reasonable, since it was generally known, when the one-year retention statute was enacted, that a person had one year to file a personal injury claim. However, last year the statute of limitations for personal injury claims was extended to two years, and so even as to the current statute of limitations the one year retention period may already be too short.”

(p. 6.)

B. SCOPE OF RETAINED IMAGERY

The Bill Analysis also described existing video monitoring systems of public transit agencies as those that “record on a ‘72-hour loop,” with all imagery recorded over on the seventh day, unless a notable incident occurred. Interestingly, the Analysis mentioned that in 2002, then-Governor Gray Davis vetoed identical legislation to AB 839, stating that “The fact that a monitoring video contains useful information may not be known in time to preserve a particular tape. The law requiring transit agencies to hold tapes for at least a short period of time could prevent the loss of useful evidence.” (p. 2.) However, faced with retaining imagery, transit agencies were either postponing or canceling contracts for the installation of security cameras as they could not afford storage costs, and in some cases, even dismantling existing systems. The dilemma, as identified and articulated in the Bill Analysis, was the same as that currently faced in the City of Los Angeles: “While the possibility of losing crucial evidence is a great concern, even more worrisome is the thought of no security cameras at all.”

The legislative history of this Bill contains passages supporting the notion that the existing requirement to retain “recordings of routine video monitoring” encompasses retention of everything captured by the system, whether active or passive, and whether

it pertains to an "event" or nothing at all.⁴ In the Bill Analysis prepared by the Senate Judiciary Committee, hearing date July 8, 2003, the Committee reflected on a concern expressed by the California Transit Association (CTA) that "[F]orcing transit agencies to maintain recordings, even when no violation or incident is captured, would cost agencies millions of dollars annually in a time when fiscal resources are becoming increasingly difficult to maintain." (p. 4 (emphasis added).) Further, the Analysis noted that the transit agencies "... insist that since the security camera recordings record nothing significant for the most part, it would be too expensive to comply with the one-year retention rule." (Id.)

However, notwithstanding the above, an equally persuasive argument exists that because technology has advanced in ways which now allow imagery to be captured and "held" in a more "virtual" or transitional manner,⁵ the Government Code's one-year minimum retention for recordings of routine video monitoring is intended to apply only to that imagery which is identified by the agency for retention through the use of "triggers" or "bookmarks" – thereby affirmatively "recording" events and preserving the same. Therefore, because the language of the Government Code is not more specific regarding its use of the term "recording(s)," one reasonable interpretation might be to exclude imagery captured and held for a minimum period of time in what could be classified as a "virtual drive."

CONCLUSIONS REGARDING APPLICATION OF GOVERNMENT CODE PROVISIONS

- State law requires that recordings of routine video monitoring, which clearly include imagery captured from mobile in-car video, jail observation and monitoring, and building security systems, be retained for a minimum of one year.
- In the City of Los Angeles, the above requirement impacts the in-car video system currently contemplated for deployment in LAPD patrol vehicles, all video cameras installed at geographic police stations and jail facilities for jail observation/monitoring or general building security purposes, and all video security systems installed in City owned/operated buildings.
- The requirement to retain "recordings of routine video monitoring" may apply to all imagery which is captured by an electronic imaging or other system, including

⁴ Although the 2003 amendments are only four years old, technological advancement and capabilities have jumped light years. As mentioned earlier in this report, cameras can now receive imagery and retain the same in a relatively compact fashion. However, notwithstanding the ease on storage that such advanced systems provide, the costs associated with purchasing enough "memory" space for this imagery is high, and issues arise concerning retention requirements for imagery which once was impossible to retain, absent an affirmative "click" of the 'record' button.

⁵ Imagery held in this manner is similar to documents in a "temp" or "backup" drive, which automatically purges or records over itself where the user makes no affirmative action to identify, extract, name and save that document.

those systems that may presently be operating on a limited preservation or "loop" system, and that imagery which may not have been "bookmarked," but which remains available for extraction and downloading for a fixed period of time. Due to the lack of additional clarification in the Government Code respecting the nature of "recordings" subject to the retention period, however, it is possible that only that imagery identified and affirmatively bookmarked is subject to the statutory retention minimum.

- While this Office previously explained that cameras located in "fixed-post" positions throughout the City could collect imagery which constitutes "recordings of routine video monitoring," in light of our expanded review of the legislative materials for AB 839, we now believe that although arguments for and against inclusion still exist, it is more likely that such camera systems would fall outside the Statute's language, and therefore the imagery would not be subject to the one-year minimum retention period.

LOS ANGELES ADMINISTRATIVE CODE – RECORD RETENTION

As previously discussed during the last hearing on this matter, the Los Angeles Administrative Code (LAAC) provides for varying retention periods for City records, depending on the nature of the record, its use, and whether the record falls within more than one category for retention purposes. (LAAC § 12.3(b).) Pursuant to LAAC § 12.3(b)(5):

(5) The following records shall be retained for a minimum of five (5) years unless a shorter or longer retention period is required by law or unless the record must be retained for a longer period of time to protect the City in the event of litigation:

(A) Records exempt from public disclosure pursuant to provisions of the California Public Records Act, as amended.

(B) Records related to any complaint of misconduct by the City or by any City officer or employee.

(C) Records of a complaint to, or investigation conducted by, any City office or department for correctional, law enforcement, or licensing purposes.

(D) Records used or customarily used in civil or criminal litigation, including any appellate review thereof.

(E) Records prepared in connection with any claim filed against the City.

(LAAC § 12.3(b)(5).) While some of the above provisions contemplate retention only where certain events have occurred (such as the filing of a complaint of misconduct, or investigations being conducted by City departments, such as the LAPD), other verbiage is more prospective in nature, requiring retention where the record is one "customarily used" in civil or criminal litigation. Recordings of routine video monitoring may fall within subsections (A), (B), and (D), and under certain circumstances, may also be a record of an investigation conducted by a City department pursuant to subsection (C). Subsection (E) appears to pertain to those records prepared "because of" or "as a result

of" a claim filed against the City. In light of the above, this Office previously opined that unless amended, video imagery would need to be retained for a minimum of five years under this ordinance provision.

By way of background, the City's Record Retention and Disposition program (Los Angeles Administrative Code §§ 12.0, *et seq.*) was enacted in August 1981 in the wake of a highly publicized incident involving the destruction of certain police complaint files. The probe of this incident evolved into a comprehensive review of the guidelines, policies and procedures surrounding destruction of City records, including retention periods of those records. The Council File for Section 12.0, *et seq.* repeatedly cites the governing State law used in the City's examination to be Government Code § 34090, as it existed at that time. Specifically, in a letter from the City Clerk to the Governmental Efficiency Committee of the City Council, dated February 8, 1977, the Clerk acknowledged that the City's Administrative Code provided for a five-year minimum retention schedule for duplicate city records when State law permitted original records to be destroyed after only a two-year minimum period. After five years of debate and deliberation, the City enacted a comprehensive records management program, which at the time of its enactment, provided a ten (10) year minimum retention period for the categories of records identified in Section 12.3(b)(5).

In late 1991, the Mayor's Interdepartmental Task Force (estab. 1987) was asked to examine ways of alleviating overcrowded records storage conditions at the City Records Center. The Center had reached full capacity as the result of the high volume of records produced by departments, coupled with a records transfer moratorium which had been imposed to slow the influx of records to the Center. Consequently, a draft amendment to Section 12.0, *et seq.* was advanced which included a reduction to the minimum retention period for the categories of records identified in Section 12.3(b)(5) from 10 years to five years.^{6/7} The amendments to Section 12.0, *et seq.*, including the reduced retention period, were adopted by the Council on June 12, 1992.

CONCLUSIONS REGARDING APPLICATION OF ADMINISTRATIVE CODE PROVISIONS

- The City's record retention schedule appears to require the retention of a broad range of "records," which this Office believes includes recordings of routine video monitoring, for a minimum of five years.
- An exception to the five-year retention period for video imagery, based on a cost-benefit analysis, will require amendments to the Administrative Code.

⁶ A Chief Administrative Office ("CAO") report, dated November 21, 1991, documenting the activities and recommendations of the Task Force noted that the amended retention period of five years was prudent, although State law required only a two-year minimum retention period for such records.

⁷ The Task Force looked at alternatives to changing the minimum retention period, and concluded that all such alternatives appeared less desirable or more costly.

- Shortening the retention period for that video imagery which is not otherwise identified and saved as part of a known criminal, civil or administrative investigation to two years will preserve imagery relating to most incidents which could expose the City to liability or have evidentiary value.

SUMMARY and RECOMMENDATIONS

In 2003, the California Legislature amended those Government Code provisions dealing with retention of routine video monitoring, based on its conclusion that the costs associated with a one-year storage requirement for video imagery captured by public transit agencies made utilizing such systems prohibitive. The Legislature did not carve out a similar exception to the one-year retention requirement for cities or counties' use of systems which record routine video monitoring of their respective departments. It is not clear from a review of the legislative materials accompanying the Bill whether the Legislature did not offer the same exception to cities and counties because it was not urged to by those entities feeling the greatest impact from doing so, or because there was a belief that unlike transit agencies, cities and counties could "find" the funds to support a one-year retention as part of a greater "public safety" initiative.

The discussion of how long to retain video imagery is complex, to say the least. While most agree that technology has advanced to allow the retention of a greater amount of "records" in a smaller space by use of servers (as opposed to storage of VHS tapes), the cost associated with this more advanced type of storage is greater. What was once a *logistically* cumbersome task has now become a *fiscally* cumbersome one. It is in this vein that LAPD requested the City Attorney's Office to examine whether a shorter City retention period was feasible for video imagery, and this Office suggested that a two-year retention period would more than likely cover the vast majority of incidents which could give rise to civil and/or criminal litigation, or be used in the investigation of a personnel complaint made against a City employee.⁸

The City Council faces the same balancing task as the Legislature did when determining whether to carve out an exception for public transit agencies' video monitoring systems: measuring the significant benefits of using video monitoring (here, throughout the City) against the costs of retaining the captured imagery for a lengthy period of time (here, a minimum of five years). The Council may elect to reduce the retention period for video imagery in order to receive the numerous benefits these systems afford, or, maintain the City retention period and limit the number of cameras utilized within the City and the attendant server capacity required to retain the incoming video imagery.

⁸ This office has opined that video imagery should be retained for two years, in order to (1) meet the one-year statutory minimum; (2) provide a retention period commensurate with that of the statute of limitations for personal injury actions as well as the vast majority of administrative actions and criminal prosecutions; and (3) provide a workable and potentially more economically feasible retention period than the five-year period presently set forth in the Administrative Code.

The Honorable Public Safety Committee
of the City Council
February 12, 2008
Page 9

When this matter is addressed for your consideration, I will be available to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By 
JULIE RAFFISH
Deputy City Attorney

OPERATIONS-SOUTH BUREAU

ORDER NO. 1

January 29, 2012

TO: All Concerned Personnel, Operations-South Bureau

FROM: Commanding Officer, Operations-South Bureau

SUBJECT: **DEPLOYMENT AND USE OF THE DIGITAL IN CAR VIDEO SYSTEM (DICVS)**

EFFECTIVE: **IMMEDIATELY**

PURPOSE

The purpose of this Order is to establish the bureau protocol for the Coban Digital In-Car Video System (DICVS) inside police vehicles. This protocol is a pilot program and may or may not be incorporated into Department -wide protocol. DICVS will play a significant role in increasing officer safety as well as facilitate more thorough reporting, foster a positive relationship with the community, resolving biased policing complaints, conducting more accurate personnel complaint investigations, and finally, providing evidence for criminal prosecutions.

The Digital In-Car Video System is being deployed in order to provide Department employees with a tool to help them be more effective and not to monitor private conversations between Department employees.

The DICVS is not meant to be used as a negative critical response to officer tactics, but as a means of educating an officer to better respond to tactical situations.

The necessity for written comments pertaining to tactics, both to affirm and/or adjust, shall be evaluated on a case by case basis and may be used as means to educate officers to better respond to tactical situations. Adjusting comment cards will only be written in extreme situations.

BACKGROUND

As of August 11, 2010, all Areas within Operations-South Bureau (OSB) have implemented DICVS as part of its progressive policing efforts. It is important that each employee becomes familiar with the DICVS. It will be the responsibility of every supervisor to ensure that their subordinates effectively utilize the DICVS.

PROCEDURES

Special Order No. 45, 2009 introduced the Department's Digital In-Car Video System and outlined the requirements for its activation. The system continues to provide critical feedback to Department employees on how we perform our jobs. This feedback will improve our tactics,

investigative techniques and continue to improve the manner in which we care for our community.

Digital In-Car Video System footage has documented critical interactions between officers and citizens. It has been strategically used by many officers to document witness, suspect, and victim statements, use of force incidents and other daily activities. This video system has been especially important to the investigation of personnel complaints. The DICVS has disproved allegations of racially biased policing, discourtesy and other accusations that could have otherwise reflected negatively on an officer's TEAMS II Report. DICVS data has also been vital evidence following officer involved shootings by documenting officer's commands, suspect actions and the critical time frame that these incidents occur. These efforts are designed to convey your viewpoint; therefore, the system should be used strategically and be embraced.

DICV shall be activated on all pedestrian stops. However, at no time shall officers jeopardize their tactics to capture a DICVS recording. **Always think officer safety first in every situation.** In the event officer safety precludes an officer from immediately activating the DICV, it shall be activated as soon as tactically sound. The spirit of this order is that the DICVS recording shall be activated to capture as much of a contact as possible. Just as training and tactics serve as the first line of defense in the field, DICVS activation is an additional tool which works to your advantage. Any deviations will require the articulation of specific facts that prevented the officer from activating the DICV, and should be documented on their DFAR.

While Special Order No. 45, 2009 includes the exception "Exigent circumstances may preclude officers from activating the DICVS," it also clearly states that "each exception will be evaluated on a case-by-case basis." This means that the reason for overriding a Department directive to activate the system must be based on significant justification.

Our success as a Department is based on community support which is developed through trust. It is of paramount importance that the LAPD demonstrates transparency to the community to build that trust. The DICVS provides one of the mechanisms via which this is accomplished.

I. OFFICERS RESPONSIBILITIES:

Officers assigned to field duties, driving Department vehicles, equipped with DICVS shall:

- Be fully trained on the DICVS, or be assigned to **NON** field duties until fully trained. *(This order precludes officers loaned to an Area for a single shift from being held to the same standards as officers assigned to an Area. i.e. Holiday Party, Area Picnic.)*
- Inspect the DICVS equipment at the beginning and end of each shift.
- Log on to the system and ensure it is operating properly.
- Activate each microphone separately before starting their shift and verify the condition of the microphone.

- Document the condition of the DICVS on the first line of their Daily Field Activities Report (DFAR) and document that the DICVS video recordings were uploaded at the end of watch on the last line of the DFAR.
- Complete LAPD Form 11.03.00, Motor Vehicle Trouble Ticket (B/O Slip) for each malfunction associated with the DICVS.
- Document each malfunction on a rolling DICVS Damage Log and **immediately** notify a supervisor of the condition of the equipment.
- Notify the Kit Room Officer of the status of any vehicle(s) not ready for field deployment.
- Once the DICVS is activated, the front camera shall remain activated until the entire incident or field contact has stabilized or the contact has ended. The rear camera shall remain activated until officers have parked the vehicle at a Department Facility or a broadcast Code 6 location.
- Any employee who does not record a pedestrian stop shall document the reason on his or her DFAR.
- Officers shall activate the DICVS prior to placing the suspect into the rear seat of the vehicle and Officers shall not de-activate the DICVS system until they have parked the vehicle at a Department Facility or a broadcast Code 6 location.
- Under the heading "Court Information" of both the Investigative Report (IR) and Arrest Report, officers shall document whether or not any portion of the incident was captured on the DICVS.
- Officers shall make a notation on their Daily Field Activity Report (DFAR) each time they are required to "Re-Log On" to the system.
- Officers assigned to South Traffic Division (STD) shall respond to a neighboring Area with download capabilities to ensure timely transfer and storage of the captured video recordings.

NOTE: STD is affixed to a private property which prohibits Coban Technologies Incorporated from installing the DICVS' "Home Station" which is required to transfer all recorded videos for storage.

II. AREA DICVS COORDINATORS RESPONSIBILITIES:

- Assess employee compliance with DICV policy a minimum of four days per week for a total of 16 days each Deployment Period.
- Complete the matrixes provided for tracking progress and submit the matrixes to Operations-South Bureau no later than Wednesday of the following week.
- Failures of DICV policy requiring investigation beyond the scope of coordinators ability shall be forwarded to the Watch Commander or Officer In Charge (OIC) of the involved unit or watch and tracked as a project. Equipment failures shall not be projected out for further investigation.

- In the event officers tamper with equipment, create a project and forward it to the OIC or concerned Watch Commander for investigation.
- Provide verbal and written feedback to those officers who both pass or fail an inspection of DICV policy.
- Ensure that all documentation related to the DICVS is properly filed for future reference (adhere to Records Retention protocol).

III. WATCH COMMANDERS RESPONSIBILITIES:

- Discuss the status of the DICVS weekly during Roll Call.
- Identify and discuss any positive situations captured during the use of the DICVS.
- Review any failures of the DICVS policy with the involved officers, and forward a project to the proper den supervisor for completion.
- Ensure all investigations have been completed and returned to the DICVS Coordinator within 14 calendar days for review by their Commanding Officer.

IV. TRAINING COORDINATORS RESPONSIBILITIES:

- Maintain a file for all employees within their Area who have received training on the DICVS.
- Ensure ALL employees transferring into their Area receive proper instruction and training on the DICVS prior to being assigned a field duty assignment.
- Document all training provided on the DICVS in the Learning Management System (LMS).
- Ensure all Reserve Officers eligible for field duty receive proper training on the DICVS.

V. FIELD SUPERVISORS SHALL:

- Complete and return all assigned projects to the DICVS Coordinator within 14 calendar days.
- Ensure officers are given positive feedback related to the DICVS frequently.
- At the scene of a Categorical Use of Force (CUOF), when the scene is stable and prior to any public safety statement or administrative interview related to the CUOF, ensure the DICVS is turned off and microphones removed from all significantly involved employees.

VI. AREA GARAGE SUPERVISORS RESPONSIBILITIES:

- Maintain a file of all vehicles equipped with the DICVS for reference.
- Immediately remove the DICVS from vehicles that have been removed from field operations and install the DICVS to a vehicle not equipped, but fit for field operations.

All Concerned Personnel, Operations-South Bureau


Page 5

1.5

COMMANDING OFFICER'S RESPONSIBILITIES:

- Ensure that all personnel under their command understand and adhere to the established protocols composed in this Order.

Should you have any questions regarding this Order, please contact Sergeant I Hendley Hawkins, Serial No. 34094, Operations-South Bureau Administrative Support at (323) 565-3631, or me at (213) 485-4251.

A handwritten signature in black ink, appearing to read "Patrick M. Gannon". The signature is fluid and cursive, with a large initial "P" and "G".

PATRICK M. GANNON, Deputy Chief
Commanding Officer
Operations-South Bureau

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 7

April 20, 2010

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON APRIL 20, 2010

SUBJECT: PROCEDURES FOR OBTAINING RECORDED VIDEO FILES FROM THE DIGITAL IN-CAR VIDEO SYSTEM FOR THE PURPOSES OF COURT HEARINGS, DISCOVERY REQUESTS, OR ADMINISTRATIVE PROCEEDINGS; AND DIGITAL IN-CAR VIDEO EVIDENCE CONTROL LOG, FORM 10.11.05 - ACTIVATED

EFFECTIVE: IMMEDIATELY

PURPOSE: This Order establishes the procedures for ordering, obtaining, disseminating, and destroying recorded video disc(s) from the Digital In-Car Video System (DICVS), for the purposes of court hearings, discovery requests, or administrative proceedings, and activates the Digital In-Car Video Evidence Control Log, Form 10.11.05.

PROCEDURE:

- I. **OFFICER'S RESPONSIBILITY.** Involved Department employees will have access to review the recorded video files on the DICVS via the Department's Local Area Network (LAN). Not all court appearances or Department administrative hearings will require a physical copy of the recorded video file.

Note: For the purposes of Department administrative hearings, board members are encouraged to review the recorded video file on the Department's LAN.

Department employees requiring a copy of a DICVS recorded video file for court purposes or Department administrative hearings shall inform a Department supervisor within the concerned officer's command.

Upon completion of the court appearance or Department administrative hearing, the requesting employee shall ensure that one of the following dispositions occurs with the DICVS disc:

- * Return the recorded video disc to the Area/division and destroy the disc in the presence of a supervisor;
- * Provide an Automated Property Inventory Management System court receipt or a Property Receipt, Form 10.03.00, to a sworn supervisor if it is accepted into evidence by the court; or,

- * Provide the name and contact phone number of the City Attorney, District Attorney, or Hearing Officer requesting to retain the recorded video disc in their case package to a supervisor.

In each case, the supervisor shall log the appropriate disposition on the Digital In-Car Video Evidence Control Log, which shall be maintained in the analyzed evidence locker at the concerned Area. Department employees are reminded that copies of the DICVS recorded video disc(s) **shall** be for official Department use only. Employees **shall not** retain a copy of the disc for their case file without the expressed permission of the commanding officer of the entity that is assigned the investigative responsibility for the incident. Employees may be subject to disciplinary action for the unauthorized duplication or retention of the discs.

Note: Access to video recordings by an officer who is the subject of an administrative investigation shall be handled in accordance with existing laws and Department policy, including Department Manual Section 3/579.13, titled *Digital In-Car Video System (DICVS) Use and Deployment*.

- II. **SUPERVISOR'S RESPONSIBILITY.** It shall be the responsibility of the supervisor to determine the justification for the employee's request. Supervisors can access DICVS recorded video file(s) by logging into the LAN and clicking on the COBAN link to process the request.
- III. **PROPERTY DIVISION'S RESPONSIBILITY.** The Property Division (PD) Courier Unit will be responsible for generating a Digital In-Car Video Evidence Control Log for each Area or division which has initiated a DICVS recorded video file request and delivering the recorded video file to the appropriate Area/division.
- IV. **WATCH COMMANDER'S RESPONSIBILITY.** The watch commander at the requesting Area/division or their designee of a supervisory rank shall acknowledge receipt of the DICVS recorded video disc(s) from the PD courier by signing the Digital In-Car Video Evidence Control Log.

When time constraints do not allow for the normal ordering process and a required DICVS recorded file is needed before the next scheduled courier delivery, the requesting Department employee shall ensure that the DICVS recorded file is retrieved from PD's Central Property Section's evidence counter. In such cases, the approving supervisor

April 20, 2010

shall follow the same procedures to request the disc through the COBAN link on the Department's LAN. Additionally, a telephonic request shall be made to PD's Central Property Section's watch commander to advise of the need to expedite the request.

Note: Department supervisors from non-geographic bureaus and divisions shall ensure that the DICVS recorded file is retrieved from PD's Central Property Section's evidence counter after completing the established procedures.

V. AREA PROPERTY DISPOSITION COORDINATOR'S RESPONSIBILITY.

The Area Property Disposition Coordinator shall monitor the DICVS recorded video disc(s) and the Digital In-Car Video Evidence Control Log, located in the analyzed evidence locker, to ensure the timely and proper disposition of the videos.

VI. DIGITAL IN-CAR VIDEO EVIDENCE CONTROL LOG, FORM 10.11.05 - ACTIVATED. The Digital In-Car Video Evidence Control Log is activated.

A. Use of Form. This form shall be used whenever a request is made for a DICVS recorded file.

B. Completion. The supervisor releasing the DICVS recorded file(s) shall ensure that the Digital In-Car Evidence Control Log is properly completed.

C. Distribution.

1 - Original, shall be retained by the Property Disposition Coordinator of the Area requesting the DICVS recorded file.

1 - TOTAL

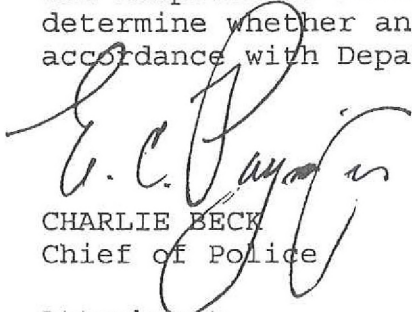
FORM AVAILABILITY: The Digital In-Car Video Evidence Control Log is available in the E-Forms on the Department's LAN. A copy of this form is attached for immediate use and duplication.

AMENDMENTS: This Order amends Section 3/579.13 of the Department Manual. The "Form Use Link" applicable to the Digital In-Car Video Evidence Control Log is accessible in Volume V of the Department Manual.

MONITORING RESPONSIBILITY: All commanding officers shall have monitoring responsibility for this directive.

April 20, 2010

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



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

Area _____

DIGITAL IN-CAR VIDEO EVIDENCE CONTROL LOG

Page _____ of _____

Date _____

COURIER / TRANSPORTAION		OFFICER CHECKOUT		DISC RETURN / DESTRUCTION / DISPO	
# of Discs	<input type="checkbox"/> DR # <input type="checkbox"/> Bkg # <input type="checkbox"/> Cite # <input type="checkbox"/> CF # <input type="checkbox"/> Other #	Requesting Officer	Serial No.	Watch / Unit	
Courier / Transporting Officer	Serial No.	Supervisor Issuing to Officer	Serial No.	Supervisor Witnessing Destruction / Court Rcpt.	Serial No.
Watch Commander Receiving / Verifying	Serial No.	Officer Receiving / Checking Out	Serial No.	Date / Time Disc(s) Destroyed	
Date / Time Transferred		Date / Time Checked Out		If Provided to D.A. / C.A. / Hearing Officer. Name and Contact No.	
# of Discs	<input type="checkbox"/> DR # <input type="checkbox"/> Bkg # <input type="checkbox"/> Cite # <input type="checkbox"/> CF # <input type="checkbox"/> Other #	Requesting Officer	Serial No.	Watch / Unit	
Courier / Transporting Officer	Serial No.	Supervisor Issuing to Officer	Serial No.	Supervisor Witnessing Destruction / Court Rcpt.	Serial No.
Watch Commander Receiving / Verifying	Serial No.	Officer Receiving / Checking Out	Serial No.	Date / Time Disc(s) Destroyed	
Date / Time Transferred		Date / Time Checked Out		If Provided to D.A. / C.A. / Hearing Officer. Name and Contact No.	
# of Discs	<input type="checkbox"/> DR # <input type="checkbox"/> Bkg # <input type="checkbox"/> Cite # <input type="checkbox"/> CF # <input type="checkbox"/> Other #	Requesting Officer	Serial No.	Watch / Unit	
Courier / Transporting Officer	Serial No.	Supervisor Issuing to Officer	Serial No.	Supervisor Witnessing Destruction / Court Rcpt.	Serial No.
Watch Commander Receiving / Verifying	Serial No.	Officer Receiving / Checking Out	Serial No.	Date / Time Disc(s) Destroyed	
Date / Time Transferred		Date / Time Checked Out		If Provided to D.A. / C.A. / Hearing Officer. Name and Contact No.	
# of Discs	<input type="checkbox"/> DR # <input type="checkbox"/> Bkg # <input type="checkbox"/> Cite # <input type="checkbox"/> CF # <input type="checkbox"/> Other #	Requesting Officer	Serial No.	Watch / Unit	
Courier / Transporting Officer	Serial No.	Supervisor Issuing to Officer	Serial No.	Supervisor Witnessing Destruction / Court Rcpt.	Serial No.
Watch Commander Receiving / Verifying	Serial No.	Officer Receiving / Checking Out	Serial No.	Date / Time Disc(s) Destroyed	
Date / Time Transferred		Date / Time Checked Out		If Provided to D.A. / C.A. / Hearing Officer. Name and Contact No.	

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 45

October 20, 2009

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON OCTOBER 20, 2009

SUBJECT: DIGITAL IN-CAR VIDEO SYSTEM USE AND DEPLOYMENT -
PILOT PROGRAM

EFFECTIVE: IMMEDIATELY

PURPOSE: The Los Angeles Police Department is deploying the Digital In-Car Video System (DICVS) inside patrol vehicles. The Digital In-Car Video System is a powerful law enforcement tool that contributes significantly to officer safety, provides evidence for criminal prosecutions, resolves biased policing complaints, and fosters positive relations with the community.

PROCEDURE: The Digital In-Car Video System is designed to assist officers in providing accurate depictions of events for courtroom presentations, capturing potentially incriminating statements from suspects, documenting and reviewing statements from victims and witnesses, and obtaining actual time frames of events for reporting purposes. The Digital In-Car Video System is being deployed in order to provide Department employees with a tool for crime documentation and prosecution, and not to monitor private conversations between Department employees.

I. RECORDING LAW ENFORCEMENT ACTIVITIES

A. Required Activation of the Digital In-Car Video System. Officers shall activate the DICVS during the initiation of the following activities:

- * All vehicle stops;
- * All Code 3 responses and pursuits;
- * All suspect transports;
- * All pedestrian stops (when practicable); and,
- * Any other occasion when, in the officer's judgment, it would be beneficial to do so. This may include, but is not limited to, stops and detentions, crimes in progress when recording is reasonably feasible, Mobile Field Force situations, or any situation, condition, or event presenting the potential for injury, loss of life, damage to property, or any potential risk-management issue.

Exception: Exigent circumstances may preclude officers from activating the DICVS. Each exception will be evaluated on a case-by-case basis.

B. Deactivation of the Digital In-Car Video System.

Once the DICVS is activated, the front camera shall remain activated until the entire incident or field contact has stabilized or the contact has ended. The rear camera shall remain activated until the suspect (rear passenger) has exited the vehicle.

Note: The Digital In-Car Video System can only be deactivated from the inside of the vehicle.

II. REVIEW OF MATERIAL RECORDED BY THE DIGITAL IN-CAR VIDEO SYSTEM. The recorded video file can be viewed on the Mobile Data Computer. Once the video file is transferred to the Area's station, it can also be viewed on the Department's Local Area Network.

Note: Officers shall not alter, delete, or download any video footage recorded by the DICVS.

A. Documentation. When preparing crime and/or arrest reports, the reporting employees shall, when practicable, review any incident captured on video to refresh their recollection.

B. Situations Involving the Use of Force. Prior to being interviewed regarding a use of force (UOF), officers shall, when practicable, review video footage captured during the incident and/or other relevant footage.

In accordance with Department Manual Section 3/794.37, employees involved in a Categorical Use of Force (CUOF) shall be separated and monitored in order to maintain the independence of their recollection of the incident. To support this standard, employees involved in a known CUOF shall review video footage captured during the incident and/or other relevant footage prior to being interviewed. During the review of the video footage, the employee shall be accompanied by his/her employee representative, or the assigned investigator, should the employee elect not to have a representative present during the interview.

The separating and monitoring of the involved employees shall be maintained during the review of the video footage (i.e., the review shall never occur jointly among the involved employees).

In accordance with Department Manual Section 4/245.02, officers are required to provide a Public Safety Statement (PSS) subsequent to their involvement in officer-involved-shootings. The timely urgency associated with the PSS will, in most cases, preclude an officer the opportunity to review related captured video footage prior to providing the PSS. The Department supervisor obtaining the PSS shall comply with the Office of the Chief of Police Notice, titled *Obtaining a Public Safety Statement Following an Officer-Involved Shooting Incident*, dated February 15, 2007.

III. MISUSE OR ABUSE OF DIGITAL IN-CAR VIDEO SYSTEM RECORDINGS.

All data and imagery captured by the DICVS are the sole property of the Los Angeles Police Department. Employees are reminded that any misuse or abuse of DICVS audio and/or video recordings may result in disciplinary action. Department Manual Section 3/405 outlines the Department's policy regarding confidential files, documents, records and reports. The unauthorized use of recordings in the custody of Department personnel is prohibited and could subject the employee to disciplinary action and/or criminal prosecution.

AMENDMENTS: This Order adds Section 3/579.13 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"