

# TRANSMITTAL

To:

**THE COUNCIL**

Date: 8/15/2017

From:

**THE MAYOR**

**TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.**



(Ana Guerrero)

**ERIC GARCETTI**  
Mayor

# LOS ANGELES POLICE COMMISSION

BOARD OF  
POLICE COMMISSIONERS

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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

August 8, 2017

BPC #17-0298

The Honorable Eric Garcetti  
Mayor, City of Los Angeles  
City Hall, Room 303  
Los Angeles, California 90012

Attention Mandy Morales

Dear Honorable Mayor:

RE: MONETARY DONATION IN THE AMOUNT OF \$31,750.00, FROM THE LOS ANGELES POLICE FOUNDATION, TO BE USED TO FUND THE NEW YORK UNIVERSITY SCHOOL OF LAW POLICING PROJECT

At the regular meeting of the Board of Police Commissioners held Tuesday, August 8, 2017, the Board RECEIVED the Department's report relative to the above matter.

The Board requests, subject to your approval, that this matter be forwarded to City Council for their approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink, appearing to read "Maria Silva".

MARIA SILVA  
Commission Executive Assistant II

Attachment

c: Chief of Police  
ASB

INTRADEPARTMENTAL CORRESPONDENCE

BPC#17-0298

22

August 4, 2017  
1.10

TO: The Honorable Board of Police Commissioners

REVIEWED

FROM: Chief of Police

SUBJECT: APPROVAL OF NON-MONETARY DONATION

*Earl R. Vega Jr*  
TEBANK  
8/1/17  
DATE

RECOMMENDED ACTION

1. That the Board of Police Commissioners APPROVE the Department's Report and TRANSMIT to the Mayor and City Council for ACCEPTANCE the donation of \$31,750.00 to fund the New York University (NYU) School of Law Policing Project.

DONOR INFORMATION:

ITEMS:

AMOUNT/VALUE:

Los Angeles Police Foundation (#174-17)  
Ms. Cecilia Glassman, Executive Director  
633 West 5<sup>th</sup> Street, Suite 1210  
Los Angeles, California 90071  
(213) 489-4636

NYU School of Law  
Policing Project

\$31,750.00

DISCUSSION

The donation is for the benefit of the Los Angeles Police Department (Department). If approved, this donation will allow the Policing Project to conduct community meetings, develop an online survey, and prepare a public report relative to adopting a policy regarding the release of body-worn camera video footage of Officer Involved Shootings and other critical incidents. This will assist in the Department's goal to increase transparency and enhance community trust. No expressed or implied commitments or promises were made to the donor or representatives of the donor. The donor will not receive any preferential treatment, endorsement, or recommendation; and the donor is not allowed the use of any Department patents.

Administrative Services Bureau has reviewed the donation and determined that it has been submitted in accordance with Section 5.467 et seq. of the Los Angeles Administrative Code, which provides for the receipt and acceptance of donations to the Department.

If you have any questions, please contact Sergeant Tonya Juarez-Washington, Commander's Aide, Administrative Services Bureau, at (213) 486-7060.

Respectfully,

CHARLIE BECK  
Chief of Police

BOARD OF  
POLICE COMMISSIONERS  
Approved 8/1/17  
Secretary *[Signature]*



NYU School of Law  
40 Washington Square South  
New York, NY 10012  
info@policingproject.org  
@policingproject  
212 998 6950

**To:** Brian Buchner and Matt Johnson  
**From:** Policing Project  
**Subject:** Proposal Regarding Release of Information and BWC Footage of Critical Incidents  
**Date:** October 21, 2016

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This memorandum responds to your request for a proposal on how best to obtain public input on a policy regarding the release of body-worn camera footage following critical incidents. We have given the matter considerable thought, in light of both the substantive issues and our prior experiences soliciting public comments in Camden, Cleveland, and New York. We believe that the engagement process outlined here will best inform the City of Los Angeles's policy. It also likely can serve as a model for the many other jurisdictions that are struggling with the same set of issues.

## **I. Background**

A number of high-profile officer-involved shootings have led police departments throughout the country to equip officers with body-worn cameras (BWCs). As departments moved ahead with BWC deployment, however, it became clear that there were a number of difficult issues that had not been fully considered. One of the most pressing issues, which has arisen in a number of jurisdictions, is when and how BWC footage should be released following critical incidents that draw substantial attention.

Two recent officer-involved shootings brought this issue to the forefront in Los Angeles. Following Carnell Snell's death, LAPD Police Chief Charlie Beck made the decision to release BWC footage. As made clear in the report from the Inspector General of the Police Commission (OIG Report), the LAPD's general practice had been not to release video footage: the release of video from the Snell shooting was the first time the LAPD had ever released such footage. The LAPD also has generally limited the release of information other than video footage to generic facts about the incident.

The issue regarding the release of BWC footage comes at a time when the LAPD, in conjunction with the LA Police Commission, is in the process of reviewing its use of force policies more broadly. Accordingly, the Inspector General (IG) called on the LAPD to review its policies surrounding the release of BWC footage, as well as other information regarding critical incidents, as part of its broader review of its use of force policy. An integral part of the IG's mandate was for the LAPD to engage the public on these issues when reviewing and developing its policies. The IG urged the LAPD—in partnership with an academic institution—to engage in a comprehensive process to solicit community input, including an

online comment portal and questionnaire, public forums, and officer focus groups. The IG also called on the Department to consider what additional information it can make public following officer-involved shootings, and to present its policy to the Commission within 90 days.

The Policing Project is a not-for-profit entity at New York University School of Law that is dedicated to promoting precisely this sort of policy engagement between police departments and their communities. We work closely with law enforcement agencies across the country to develop a variety of models for effective community engagement. Most germane to this assignment, the Policing Project has worked in three jurisdictions to obtain public input regarding proposed public safety policies. In Camden, New Jersey and in New York City, we collected extensive public feedback and organized public input around BWC policies generally. In Cleveland, we serve as consultants to the federal monitor; we conducted community engagement around a proposed Use of Force policy and are preparing to do the same around community policing proposals. (Our report on the Camden engagement is available on our website; the NYPD report is not yet public.)

Although you asked only about the BWC video release recommendations, as a substantive matter we believe it would be extremely difficult to disaggregate entirely a policy on the release of BWC footage from a policy on the release of other critical incident information. Although ultimately there may be two separate policies, these two policies must work in harmony with one another. We will follow your lead regarding the scope of the assignment, but think it might be most effective to consider engagement around both sets of policies at this time.

## **II. Our Proposal**

We propose a three-phase engagement process around the Department's policy on the release of video and other information following a critical incident. In Phase 1, we will consult the literature and talk to relevant stakeholders in order to identify the key policy alternatives. Then, in Phase 2, we will prepare materials to educate the community about the relevant policies and considerations. Finally, in Phase 3, we will solicit input from community members, stakeholder groups, and officers within the LAPD, and issue a report on the input we receive. As we discuss in greater detail below, for some of these tasks we may want to work with a local academic partner, and with others, who can assist with on-the-ground engagement efforts.

### ***Phase 1: Information Gathering***

To ensure meaningful and informed input from the community, we will begin by identifying the range of policy alternatives and tradeoffs for the public to consider. The issues here are complex. Because the feedback process will focus on a fairly narrow set of policy questions—as opposed to the LAPD's entire body-worn camera program—there is a unique opportunity

to engage the public in an informed discussion about the various options that the Department could adopt. In order to facilitate such a process, however, it is essential that we begin by identifying the full range of policy options and the considerations that stakeholders believe should inform those options.

Thus, the first stage of this process will be developing a set of policy options that we can bring to the public for evaluation. We will gather information from where we can around the country regarding video release policies and the factors that influence such policies. We also will learn about the concerns that are unique to Los Angeles by conducting a series of structured interviews with key players, including representatives from the LAPD, the LA Police Commission, the district attorney's office, defense attorneys, and activist groups. We will use these conversations both to identify a range of policy options to bring to the public, and to learn about these various groups' views regarding the tradeoffs involved.

### *Phase 2: Preparation of Materials*

Based on the information we assemble in Phase 1, we then will prepare a range of materials both to educate the community about the policy options, and to facilitate community input. The public education component is critical to this effort. Recent debates over the release of footage following critical incidents have drawn considerable public attention, but these debates have often taken place at high levels of generality, and have been quite polarized as a result. This is, in truth, a difficult issue, but the relevant considerations sometimes have been lost in the understandable intensity of the moment. The goal is to develop a policy that enjoys broad public acceptance, and that takes into account and rationalizes the various relevant considerations. Moreover, the hope is to have that policy in place before it needs to be utilized, so that everyone knows what to expect. Education thus is essential to engage the public with the issues in a more rigorous and effective way.

We will prepare a variety of materials to help inform community members about the various policy options and considerations. As we did in Cleveland and New York City, we will prepare brief "plain English" summaries of the LAPD's existing policy and the proposals that are on the table. We also can prepare a PowerPoint presentation that can be used at community forums to frame the discussion. In addition, we believe it would be incredibly valuable to prepare a 2-3 minute video for people to watch online to get up to speed on the issues. We can prepare the substance for the video, but we would need a partner to prepare the video itself. (Given that this is Los Angeles, we are hoping such a partner might be readily available.)

In anticipation of the engagement phase, we also will prepare a questionnaire that will be used to gather public input on the policy alternatives. Consistent with our approach generally, the questionnaire will serve two functions: it will help to educate community members about the

complexity of these issues, and it will solicit concrete input on specific policy aspects for the Department to consider.

Prior to employing them, we will want to vet all of the materials—particularly the questionnaire—with some of the key stakeholders that we spoke with in Phase 1, in order to ensure that the materials capture what they see as the proper policy choices and tradeoffs.

### ***Phase 3: Engagement***

In Phase 3, we will engage the community in four ways.

First, we will post an FAQ about the LAPD's draft video and information release policy online, and create a portal where individuals and organizations can submit written comments of any length they desire. In our experience, this is where advocacy groups, larger organizations, and some individuals will offer their input.

Second, we will utilize the questionnaire to get input from the community more broadly. This questionnaire process has proven quite effective in other jurisdictions. Most people do not want to provide detailed written feedback on a policy—and may not be familiar with the range of policy alternatives to assess. We will post online materials like the FAQ document to bring people up to speed on the key policy choices, invite people to consult these materials, and then allow people to fill out the questionnaire that will enable community members to provide feedback in a more structured way.

There are several key points to consider with regard to this questionnaire procedure.

- The questionnaire will largely consist of multiple-choice questions. However, we have found it advisable to add comment boxes after each question to enable people to make additional comments in order to clarify or explain their response. Still, it is important to be clear on the function of these comment boxes, and how we will evaluate the responses. The comment boxes serve two purposes. First, they alert us to any difficulties that people might have had in understanding the question, despite our best efforts at vetting. And second, they provide insight into the sorts of considerations that matter to respondents. However, in a city the size of Los Angeles, it simply is not possible for us to commit to reading and summarizing every single comment. (In New York, we received upwards of 30,000 responses.) Thus, as we did in New York, we will employ a sampling procedure to make sure that we get the thrust of what most respondents are saying.
- The questionnaire and our basic educational materials will need to be translated into several languages. We will leave it to you to determine which are the relevant languages, and we will assume that there are city translation services available to us. (In New York City, although we translated our materials into seven different languages, we found that only those in English and Spanish generated significant numbers of responses. But in

addition to legal translation requirements, advocates expressed concerns about particular languages being available, and the same may occur in Los Angeles.)

- As we discuss below, considerable outreach efforts are required to obtain substantial numbers of questionnaires.
- The greatest difficulty surrounds the issue of paper questionnaires. Many in the New York City activist community felt that an online questionnaire would limit the pool of respondents. Ultimately, we made a small number of paper questionnaires available. The difficulty is that there are limited means of collating these responses electronically. If paper questionnaires are used, we will need a means to distribute them, to collect them, and possibly to input the responses. We should discuss this issue, which can involve serious cost repercussions.

Third, we will arrange a set of in-person conversations among the community through a variety of forums. There are a number of ways that we could structure these forums—from traditional town halls, to small-group meetings, to roundtable discussions. We already have experimented with a variety of approaches in different jurisdictions—such as hosting traditional town halls in Camden and facilitating roundtables in Cleveland—and we will work in consultation with the LA Police Commission and community stakeholders to identify which approach(es) are likely to work best in Los Angeles.

Fourth, we will facilitate officer focus groups—as we did in Camden—by which we will obtain feedback and listen to concerns from members of the LAPD themselves. The OIG Report specifically recommended that we hold officer focus groups, in addition to other methods of community engagement, and it is generally our practice to do so.

At the conclusion of Phase 3's public input process, we will aggregate all of the feedback received and produce a report for the LA Police Commission and the LAPD. That report will describe the choices presented to the public, will indicate where the weight of public sentiment rests, and will summarize the various policy preferences and concerns that were expressed by stakeholders and the broader community.

### III. Partners

A project of this size requires partners. Specifically, we can see the need for these partnerships in the three areas discussed below.

First, we would prefer to identify a partner at a local school (e.g., UCLA) in order to execute all aspects of this proposal efficiently. Local partners can be useful in providing local knowledge and supporting on-the-ground efforts; it is our usual practice to work with them. A local partner (or partners) would be useful in assisting with facilitating forums, note-taking at those forums, and—as we have said—conducting outreach.

Second, if we proceed with developing a short video for public education, we would need a partner to help with the graphics and video production. Ideally, we would find a production company willing to do this pro bono. It will not be a large project, and—as indicated—we will write the script. Our sense is that this can be animated in some fashion.

Finally, a resource-intensive aspect of this project is outreach. To give you a sense of what this entails, we will provide you with a list of the sort of outreach we conducted in New York City. This outreach involved coordinating with numerous elected officials, city agencies, and civil rights and community-based organizations in order to get their help in spreading the word. We also consulted with other city offices including the five borough presidents' offices and the Mayor's Office of Criminal Justice.

As a result of our various prior projects, we have developed a number of outreach strategies, and will work with local stakeholder groups in putting these into play. The strategies that we have experience with run from traditional media (e.g., issuing press releases, securing coverage in print and online newspapers, and running public service announcements on the radio); to social media (e.g., utilizing Twitter, Reddit, and various organizations' websites to publicize our efforts); to a lot of work on the phone mobilizing elected officials, community organizations, and social service agencies to get the word out; to putting up flyers near public libraries and other community organization spaces with computer access.

Ultimately, though, this project will require local outreach coordination and local partners. This could be done by the law school partner, but we should also discuss other ways to make it happen. Effective outreach is critical to obtaining community responses. In addition, if done well, these outreach pathways can then be utilized in future efforts to obtain public input.

#### **IV. Timeline**

We have given some thought to a proposed timeline—though want to underscore that we are flexible and can adjust as needed. Although we recommend waiting until the LAPD develops its proposed information release policy to begin the public engagement, as we indicate below, we will use that time to develop many of the engagement materials, and would be ready to begin not long after. We propose the following timeline:

- During the 90 days that the LAPD has to prepare a draft information release policy, we will complete Phase 1 and will create preliminary drafts of engagement materials as described in Phase 2, subject to revision once we know what the LAPD's proposed policy will be. We also will take this time to lay the groundwork for the public outreach portion of Phase 3.

- Once the LAPD prepares a draft policy, we will need an additional 30 days to finalize materials in light of the Department's proposed policy, and launch the engagement process.

We want to be clear that in the 120 days described in this bullet point, and the one above, we will be having numerous conversations with stakeholders in Los Angeles, as well as planning all the public outreach (which will occur during a relatively compressed time).

- We then recommend keeping the public comment portal open for 45 days. (In New York we had initially planned to solicit comments for just 30 days but got considerable pressure from the activist community to extend the deadline, which we ultimately did. In addition, all of the community forums will occur in this period. We can conduct the officer focus groups either in the first 120 days or in this period.)
- At the close of the engagement period, we will need 45 days to prepare a report. The LAPD will then have an additional 75 days to review our report and prepare its response.

In sum, we think a reasonable period to complete the entire process from start to finish is just over 9 months. This includes 90 days for the LAPD to prepare a draft policy; 120 days for us to finalize materials, conduct the engagement process, and prepare our report; and an additional 75 days for the LAPD to respond.

## V. Cost

Given our prior experiences, we have a relatively good sense of what is required to perform this sort of public education and public outreach. We are attaching a budget in the amount of \$31,750 for our work. This includes over \$5,000 for travel. We can obviously reduce that latter figure considerably, depending on how much we are on the ground. (We are excited by this project and would like to be on the ground when possible.) As the budget makes clear, we are including a considerable amount of our time pro bono. We are glad to be able to do this, made possible in part by our reliance on student externs. We have not included in this budget any amounts for partners, as we do not know what those amounts would be, although our hope is that a considerable part of the work would be done pro bono as well.

## LAPD Video Release Community Engagement Project: Budget Narrative

The Los Angeles Police Commission has asked the Policing Project at NYU Law to assist it in soliciting community input on what the LAPD's policy should be regarding the release of body-worn camera footage after critical incidents. The Policing Project has proposed to conduct a comprehensive community engagement process that will take place in four steps, each of which is reflected in the attached budget:

- *Phase 1: Information Gathering:* The Policing Project will begin by identifying the range of policy alternatives and tradeoffs for the public to consider. We will gather information from where we can around the country regarding video release policies and the factors that influence such policies. We then will learn about the concerns that are unique to Los Angeles by conducting a series of structured interviews with key players, including representatives from the LAPD, the LA Police Commission, the district attorney's office, defense attorneys, and activist groups. We will use these conversations both to identify a range of policy options to bring to the public, and to learn about these various groups' views regarding the tradeoffs involved.
- *Phase 2: Preparation of Materials:* Based on the information we assemble in Phase 1, we then will prepare a range of materials both to educate the community about the policy options, and to facilitate community input. Materials will include a brief "plain English" summaries of the LAPD's existing policy and the proposals that are on the table, as well as a PowerPoint presentation that can be used at community forums to frame the discussion. We also will prepare a questionnaire that will be used to gather public input on the policy alternatives. Consistent with our approach generally, the questionnaire will serve two functions: it will help to educate community members about the complexity of these issues, and it will solicit concrete input on specific policy aspects for the Department to consider.
- *Phase 3: Engagement:* In Phase 3, we will engage the community in four ways: (1) an online comment portal; (2) an online questionnaire; (3) community forums; (4) and officer focus groups. We also will develop a paper version of the questionnaire and distribute the questionnaire at various community gatherings.
- *Preparation of Report:* At the conclusion of the public input process, we will aggregate all of the feedback received and produce a report for the LA Police Commission and the LAPD. That report will describe the choices presented to the public, will indicate where the weight of public sentiment rests, and will summarize the various policy preferences and concerns that were expressed by stakeholders and the broader community.

### Budget Items:

#### A. Personnel:

Barry Friedman will supervise the overall project as well as the production of all project deliverables. He will spend 80 billable hours on the project, at \$225/hour, and donate the rest of his time pro bono.

Maria Ponomarenko will be responsible for preparing and drafting all of the project materials and deliverables. She also will supervise the Policing Project externs who will assist in preparing materials. She will work a total of 205 hours at \$55/hour.

As indicated in the attached budget, both Barry Friedman and the Policing Project externs will donate considerable time pro bono on this project.

#### B. UCLA Consultants

The Policing Project is partnering in this project with faculty members at the University of California Los Angeles School of Law who will assist in the on-the-ground components of the project. UCLA members will participate in the structured interviews, assist with outreach efforts to ensure broad-based engagement, and help facilitate the community forums.

The Policing Project is still in the process of assembling the UCLA team so the attached budget reflects a maximum estimate of UCLA's costs. Actual expenses may be quite a bit lower.

#### C. Travel

The budget includes travel expenses for up to 3 trips for Policing Project personnel. This includes round trip airfare from New York to Los Angeles, accommodations, local travel in both New York and Los Angeles, and a per diem.

#### D. Website and Miscellaneous

The budget includes costs associated with hiring a freelance website designer to create a project website. The website will host the questionnaire and comment portal, as well as all of the educational materials.

The budget also includes the cost of processing up to 2,500 paper questionnaires. We have learned from other projects that paper questionnaires are essential to ensuring the participation of individuals who lack internet access.

633 West 5<sup>th</sup> St., Suite 1210, Los Angeles, CA 90071  
Phone: (213) 489-4636  
Fax: (213) 489-4697  
tracy@lapolicefoundation.org

**Los Angeles Police  
Foundation**

# Fax

<b>To:</b> ASB	<b>From:</b> Tracy Szepeinski
<b>Fax:</b> 213-485-8125	<b>Pages:</b> 12 (includes Cover)
<b>Phone:</b> 213-485-3277	<b>Date:</b> July 7, 2017
<b>Re:</b> Grant Request #2017-033	<b>CC:</b>

Attached is the latest grant request.

**Grant Application received:** July 6, 2017  
**Grant Received from:** Police Commission  
**Contact:** Richard M. Tefank  
**Phone #:** (213) 236-1400  
**Grant Name:** Body-Worn Camera Public Engagement  
**Grant Amount:** \$31,750

Please e-mail this information to Administrative Services Bureau  
or if you have any questions, please contact us at 213-486-7060.  
Thank you.

#174-17  
RECEIVED  
JUL 07 2017  
ASB - Personnel



DIVISION RESTRICTED ACCOUNT APPLICATION

Area/Division Restricted Account Number 2017 033 (LAPF use only)

Date: 10/23/17 Amount Requested \$ 31,750.00

Contact Name: RICHARD M. TEANE

Department/Unit: BOULE COMMISSION

Mailing Address: 180 WEST 1<sup>ST</sup> STREET, SUITE 138, LOS ANGELES, CA 90012

Phone Number: (213) 276-4400 Fax Number: (213) 276-1410

E-mail Address: richard.teane@lapd.org

Provide a brief description of the request for expenditure from this Division Restricted Account:

Funding will support NYU, policing project community outreach regarding the release of video in Officer Involved Shooting

Has your Commanding Officer approved this request?  YES  NO

Name of Commanding Officer: Matthew M. Johnson Serial No. NF163

Signature of Commanding Officer: [Handwritten Signature] N3025

For questions, please contact Tracy Sprengle, LAPF at (213) 439-4636 or email

**INTRADEPARTMENTAL CORRESPONDENCE**

May 4, 2017  
1.0

**TO:** Chief of Police

**FROM:** President, Board of Police Commissioners

**SUBJECT:** LOS ANGELES POLICE FOUNDATION GRANT REQUEST –  
RESTRICTED ACCOUNT

**NAME OF GRANT:** NYU School of Law, Policing Project Release of Information and  
Video Footage of Officer Involved Shootings and other Critical  
Incidents

It is requested that Board of Police Commissioners be approved for NYU School of Law,  
Policing Project Release of Information and Video Footage of Officer Involved Shootings and  
other Critical Incidents grant. Approval of this grant benefits the Department as follows:

This grant will provide the funding for the Policing Project to conduct community meetings,  
develop an online survey instrument and prepare a public report to the Board of Police  
Commissioners relative to assisting in the decision-making process relative to adopting a policy  
whether to release video footage of Officer Involved Shootings and other critical incidents. This  
will increase transparency and enhance community trust. Should you have any questions please  
contact Richard M. Tefank, Executive Director, Board of Police Commissioners at  
(213) 236-1400.

  
MATTHEW M. JOHNSON, President  
Board of Police Commissioners

Attachment