

6-18 REQUESTS FOR DIGITAL MEDIA



HOMICIDE BUREAU DETECTIVE DIVISION BUREAU ORDERS

Bureau Order Number: 6-18

Subject: REQUESTS FOR DIGITAL MEDIA

Effective Date:	02/22/2018	Last Date Revised:	02/22/2018
Last Date Reviewed:	04/28/2021	Next Review Date:	04/28/2022

I. CONCEPT AND ISSUES

A. Purpose

The purpose of this bureau order is to establish procedures for the preservation and/or seizure of media outlets' digital (photographic, audio, or video) product.

B. Background

During the course of investigating deaths and/or deputy and officer involved shootings, it has become increasingly common for news and media outlets to capture photographic, audio, or video evidence pertinent to the case. Because most media outlets typically purge their databases every 3 to 4 days, it is imperative investigators take steps to preserve raw footage in the very early stages of any investigation wherein it is known the footage exists.

C. Scope of Policy

This policy is directed to all Homicide Bureau investigators and any other Detective Division investigator working in conjunction with Homicide Bureau.

D. Training

Homicide Bureau sergeants and lieutenants shall ensure that all personnel under their supervision have been appropriately briefed on the contents of this policy.

E. Accountability

The Operations Lieutenant.

F. Conclusion

The intent of this policy is to establish standardized procedure for the purpose of the preserving and/or seizing of news outlets' digital (photographic, audio, or video) media in a manner that is lawful, within policy, and maintains a positive working relationship with the media.

II. POLICY

Any deviation in these practices will require the notification and approval of the Homicide Bureau Captain.

In all cases, should investigators become aware of the presence of photographs, audio or video, investigators should ask for unedited copies (raw footage) when it exists. If a news organization is not willing to provide the digital media voluntarily, efforts should be made to determine if grounds exist that support attempting to secure the photographs, audio, or video through the preparation and service of a search warrant.

County Counsel should be consulted in cases involving the service of search warrants or court orders for the purpose of obtaining photographs, audio, or video from media outlets. A preservation letter should immediately be sent to the media organization to ensure the sought digital media is maintained throughout the process.

In balancing our relationship with the media, this should not be a confrontational process and SIB should be utilized as our conduit. Knowing that our cases are not just reviewed by the District Attorney's Office, but administratively by the Department and by the civil courts, our efforts must be as detailed and comprehensive as possible.

All such efforts to obtain such media should be accomplished as expeditiously as possible as most media outlets purge their data within 3-4 days of the incident.

This Bureau Order in no way supersedes processes and prohibitions set forth in the Manual of Policy and Procedures.

For further, refer to the following MPP sections:

3-01/080.16 PHOTOGRAPHY, AUDIO, AND VIDEOTAPING BY THE PUBLIC AND THE PRESS

5-04/020.30 SEIZURE OF PHOTOGRAPHIC, VIDEO, OR AUDIO EVIDENCE FROM A PRIVATE CITIZEN OR MEMBER OF THE PRESS