

26-001 Video Review and Advise ment

Los Angeles County Sheriff's Department CUSTODY OPERATIONS DIRECTIVE Custody Support Services



Custody Directive: 26-001

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Issued for: Custody Operations

VIDEO REVIEW AND ADVISEMENT

PURPOSE

The purpose of this Custody Operations Directive is to codify the force-related video review procedures established in Rosas provisions 15.5 and 15.6.

ORDER

The accuracy of reports, Department member statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. This includes amendments and supplemental reports when additional information or clarification is available due to the existence of video recordings. Any review of a recording by a Department member shall be documented in their reports.

SEPARATION OF INVOLVED OR WITNESSING PERSONNEL

Any review of a recording by a Department member should not be undertaken in the presence of another Department member, excluding supervisors. To the extent practical, Department members should be separated until they have completed their use of force reports.

BODY WORN CAMERAS (BWC)

Department members are permitted to view their own recordings of Non-Categorized, Category 1, or Category 2 use of force incidents prior to submitting a written report, in accordance with the procedures delineated in Custody Division Manual (CDM) section 3-06/055.15, "Body Worn Cameras." In accordance with that section, Department members shall not view BWC recordings of Category 3 force incidents without the proper authorization, as specified in that section. Department members shall document in their written report whether or not they viewed their own recordings.

VIEWING OF OTHER DEPARTMENT MEMBERS' BWC RECORDINGS OR FIXED VIDEO SURVEILLANCE/CLOSED CIRCUIT TELEVISION (CCTV) RECORDINGS

Prior to viewing other Department members' BWC recordings or any CCTV recording of a force incident, Department members shall prepare and submit all necessary written reports to the handling sergeant. After the sergeant has reviewed the first reports and any separate supplemental reports of the force incident and concluded that there is no such evidence of apparent misconduct or a failure to make proper notifications, the sergeant shall provide involved Department members the opportunity to review the recorded incident for the purposes of refreshing their memory. The sergeant shall allow the Department member to read the video advisement below prior to the Department member's viewing of the additional recordings. Once the additional BWC or CCTV recordings have been reviewed, personnel will have the opportunity to prepare a supplemental report stating that they observed the video and that it either refreshed their memory, adding any corrective language, or that the original written statements were accurate.

Should the review enable a Department member to provide greater clarity to any incident based upon additional recollection or perception of specific actions, the member shall prepare a separate supplemental report. Any additional information should be added with transitional language such as, "After reviewing video of the incident, additional details are noted as follows..."

Because Department personnel are required to provide a written account of their actions prior to viewing other BWC or CCTV recordings, the Department will not assume an adverse inference when personnel amend or supplement their reports if additional BWC recordings or CCTV video review prompts further recollection of incident details. Whether an adverse inference should be drawn from an amendment or supplement will depend upon the facts and circumstances in each case.

VIDEO ADVISEMENT

Prior to reviewing other Department members' BWC recordings or any CCTV video recording, Department members shall read the following advisement, as established in Manual of Policies and Procedures section 3-10/115.00, "Video Review and Advisement":

You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.

The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person's 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.

This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.

ADDITIONAL ADVISEMENT TO PERSONNEL INVOLVED IN RECORDED INCIDENT:

If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.

Questions regarding this directive should be directed to the Custody Support Services Bureau [REDACTED TEXT].
