
Critical Incident Video Footage Release

348.1 PURPOSE

This policy establishes guidelines regarding the release of video footage depicting "Critical Incidents" involving Department members.

348.2 DEFINITIONS

- (a) **Critical Incident:** Incidents involving Department members that result in the following:
 - 1. An officer's discharge of a firearm, at a person, regardless of whether the person was struck by gunfire
 - 2. Use of force resulting in death or great bodily injury (as defined in the Personnel Records policy)
 - 3. In-custody deaths unless there is no evidence of any of the following: alleged misconduct, any use of force, or an act committed by the arrestee/detainee intended to cause their own injury or death
 - 4. The Chief of Police has the authority to release video footage deemed to be in the public's interest
- (b) **Video Evidence:** Audio/video footage that may be released pursuant to this policy includes, but is not limited to, the following:
 - 1. Body Worn Camera (BWC) footage
 - 2. Police facility surveillance footage
 - 3. Footage captured by third parties that is in the Department's possession

348.3 VIDEO RELEASE GUIDELINES

The Department will release Critical Incident Videos within the 45 calendar day timeline as set forth Government Code § 6254, unless a lawful exception and/or exemption precludes release. (Government Code § 6254 et seq)

348.3.1 CRITICAL INCIDENT VIDEO PRODUCTION

Critical Incident Videos will be produced by the Critical Incident Video Production Team (CIVPT). The CIVPT personnel will, at a minimum, be comprised of:

- (a) Training Division Commander
- (b) Department Video Technician
- (c) Department Training Coordinator or Training Sergeant

Additional personnel may be assigned to the CIVPT for a specific incident to provide details and context on a case by case basis. The CIVPT should conduct an initial incident briefing with the assigned investigative units within seven (7) days of becoming aware of the critical incident.

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348.3.2 CRITICAL INCIDENT VIDEO CONTENT

Critical Incident Videos shall include the following:

- (a) Command Staff introduction to the incident with pre-scripted disclaimers
- (b) Video imagery depicting actions and events leading up to the Critical Incident
- (c) BWC footage, including available audio, of the use of force
- (d) Available surveillance footage of the incident
- (e) Third party video footage in the Department's possession
- (f) Summary of incident disposition (arrest, charges, injuries sustained,...)
- (g) Any other information deemed relevant or of public interest as determined by the Chief of Police

348.3.3 PRIVACY PROTECTIONS

Video footage shall not be released when prohibited by law or court order. Additionally, consistent with protections afforded to juveniles and victims of certain crimes, video footage shall be blurred or edited as necessary to protect the identity of such individual(s). In the event the video cannot be sufficiently blurred or edited, it shall be withheld. Video may also be blurred or edited to protect the privacy interests of other individuals. In each instance, such redaction may include removing sound or blurring faces and other images that would identify involved individuals, sensitive locations or reveal legally protected information. When possible, such blurring or editing shall not compromise the depiction of what occurred during the incident.

348.3.4 NOTIFICATIONS

Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities 48 hours prior to the release of video footage:

- (a) Officers depicted in the video footage and/or involved in the actual use of force
- (b) The subject upon whom the force was used
 1. If the subject is deceased, the next of kin shall be notified
 2. If the subject is a juvenile, the subject's parents or legal guardian will be notified
 3. If the subject is known by the Department to be represented by legal counsel, that representative will be notified
- (c) The District Attorney's Office and the City Attorney's Office
- (d) The Santa Ana Police Officers Association
- (e) Other individuals or entities connected to the incident as necessary as determined by the Chief of Police

348.3.5 VIDEO POSTING

Prior to posting, all Critical Incident Videos shall be reviewed and approved for release by the Chief of Police or his/her designee. Upon approval, the Public Information Officer shall ensure the video is posted to the Department's website. The video will remain on the website for a minimum

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of twelve (12) months, from the date of posting, and subsequently retained pursuant to the City's records retention schedule.

348.3.6 RELEASE - LIMITED WAIVER

The release of any specific video footage does not waive the Department's right to withhold other video footage or investigative materials in the same case or any other case, as permitted by law. This policy is not intended to displace or supersede any legal right or remedy available, and is not intended to prevent or hinder compliance by the Department disclosure requirements pursuant to the California Public Records Act. (Government Code § 6250 et seq)