

P.O. 1504 Critical Incident Briefing Video Release

Effective From:	11-18-2022	Effective To:	Current
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D. *P.O. 1504 – Critical Incident Briefing Video Release Policy*

1. PURPOSE

- i) The Critical Incident Briefing Video Release policy is promulgated to provide best practice guidelines on the definitions of “critical incident” and “critical incident briefing video” (“CIBV”), what qualifies as a CIBV, what information is eligible to be included in the CIBV, the timeline for the release of CIBV, the procedures for the release of CIBV, and the protocols related to delayed or partial release of CIBV, as well as procedures when considering and processing late discoveries.
- ii) This policy is intended to balance the needs of the Department with the privacy concerns and safety of the public.

2. POLICY

- i) The Department policy is to release video evidence or CIBVs containing video-recorded imagery of critical incidents involving Department personnel who are being investigated by the Bureau of Investigations no later than twenty-one (21) days after an incident occurs.
 - a) The Superintendent or designee may release the video evidence or CIBV prior to twenty-one (21) days after a determination is made that such release is in the Department’s or the public’s best interest. Such a decision to release video evidence or CIBV will be made in coordination with involved law enforcement agencies and the appropriate prosecuting authority.
 - b) The release of video evidence or CIBVs shall consist of video-recorded imagery that depicts the actions of Department personnel and others preceding and including the critical incident.
 - c) At the direction of the Superintendent or designee, CIBVs may be produced for a critical incident involving an outside law enforcement agency being investigated by the Bureau of Investigations.

3. DEFINITIONS

- i) “Critical incident” shall be defined as any of the following:
 - a) Any officer-involved shootings by Department personnel or officer-involved shootings by other agency personnel when such incidents are investigated by the Bureau of Investigations;
 - 1) A critical incident shall be considered as such regardless of whether a person was physically injured during the officer-involved shooting.
 - 2) The following shall not be considered critical incidents pursuant to this policy:
 - (i) Unintentional or accidental firearm discharges occurring during authorized training or recreation that do not involve an injury; and,
 - (ii) Occurrences when an officer kills an animal as a humane measure.
 - b) A use of force incident by an employee resulting in death or serious bodily injury;
 - c) Any other police encounter where the Superintendent or designee determines the release of video recorded imagery serves the public’s interest; or,
 - d) All deaths which occur when an arrestee/detainee is in the custodial care of the Department or another agency if investigated by the Bureau of Investigations. Such in-custody deaths shall not be considered critical incidents if all of the following conditions exist:
 - 1) The designated Coroner for the parish or city where the critical incident occurred makes a preliminary determination that the death was caused by natural, accidental or undetermined means;

- 2) The incident did not involve a use of force or reveal evidence of suspected foul play;
 - 3) There is no misconduct which would rise to the level of negligence, including the commission of a criminal offense or neglect of duty;
 - 4) The toxicology report supports the Coroner's preliminary determination; and,
 - 5) The investigation reveals no problematic evidence or substantially conflicting witness statements regarding the incident.
 - ii) "Critical Incident Briefing Video" ("CIBV") is any video recorded imagery and accompanying audio footage that is typically considered by the Superintendent or designee and the District Attorney or criminal prosecutor to determine the propriety of an officer's conduct during a critical incident. This video-recorded imagery includes, but is not limited to, any and all video recordings, audio recordings, digital imaging, still video images, and/or photographs.
 - a) All CIBVs shall be accompanied by any additional information determined as necessary to provide context based on the evidence available at the time of release.
4. CIBV DIGITAL CONTENT SOURCES
 - i) Any and all video recordings, audio recordings, digital imaging, still video images, and/or photographs released pursuant to this policy may originate from any of the following sources:
 - a) Body-worn camera (BWC) video/audio;
 - b) In-car camera video/audio;
 - c) Police facility surveillance video/audio;
 - d) Department small Unmanned Aircraft System video/audio;
 - e) Law Enforcement aircraft (helicopter and/or fixed wing);
 - f) Third party video/audio which is in the Department's possession;
 - g) Crime scene photographs or video/audio; and,
 - h) Any other photograph, image, or video/audio taken by investigative personnel for official use.
5. PRIVACY AND PROTECTED MATERIAL & CONTENT
 - i) No CIBV shall be released when prohibited by law or court order;
 - ii) All CIBVs shall be redacted or edited to the extent necessary to be consistent with the protections afforded all juveniles and the witnesses or victims of certain crimes.
 - a) No CIBV shall be released if it cannot be redacted sufficiently to protect the identity of juveniles or certain crime victims.
 - b) CIBVs may be redacted and/or edited as necessary so as to protect the privacy interests of other individuals who appear in the video.
 - c) Edits may include the removing of audio or the obscuring of faces and/or other video-recorded images that would identify individuals, sensitive locations, or reveal otherwise legally protected information.
 - d) In no event shall any redaction or editing compromise the depiction of the critical incident.
6. DELAYED RELEASE OF CIBV
 - i) There may exist circumstances under which the full or partial release of a CIBV must be delayed for one or more of the following reasons:
 - a) Ensuring the safety of the involved individuals, including Troopers, Officers, witnesses, bystanders, or other third parties;
 - b) Safeguarding the integrity of an active criminal or administrative investigation;
 - c) Safeguarding confidential sources or investigative techniques;
 - d) Protecting the constitutional rights of the accused;
 - e) Ensuring that all witness statements have been completed to prevent corruption of testimony or negative influence of CIBV content; and/or,
 - f) An existing court-issued protective order or GAG order.
 - ii) A delayed release shall only be made pursuant to the review and approval of the

- Superintendent or designee;
 - iii) Any decision to delay the release of CIBV shall be re-assessed every twenty-one (21) days through consultation with CID/FIU, Public Affairs, the prosecuting authority, and the Superintendent or designee; and,
 - iv) The video imagery/audio in question shall be released as soon as the justification for delayed release has been resolved.
7. LATE DISCOVERY OF CRITICAL INCIDENTS
- i) In circumstances when the Department was not made immediately aware of a “Critical Incident,” the CIBV will be released within twenty-one (21) days from the initiation of an investigation or discovery of the critical incident and subject to the procedures, policies, and limitations as provided herein.
8. STANDARDIZATION OF CIBV FORMAT
- i) The Department shall produce all CIBVs in the same general manner to promote consistency in all critical incident investigations and to foster a high level of public transparency.
 - a) CIBVs shall include the following:
 - 1) A brief overview of the incident, including the date, time, location, and agency involved;
 - 2) A warning to the viewer regarding the disturbing nature of the video footage;
 - 3) An explanation of known facts, not to include speculation or opinions;
 - 4) An evidence-based overview of what is known at the time the CIBV is released (this can be done as a voiceover while the CIBV footage is shown);
 - 5) An explanation of in-car camera or BWC placement and operation of the cameras in relation to vehicle emergency lights;
 - 6) Evidence recovered at the scene;
 - 7) Closing review of the process moving forward including the investigation, analysis of remaining evidence, proper unbiased reporting, and submittal to the appropriate prosecuting authority.
 - ii) The Public Affairs Digital Content Team and CID/FIU personnel investigating the critical incident will be responsible for all content, filming, and editing of the CIBVs.
9. APPROVAL TO RELEASE CIBVs
- i) Prior to the release of any CIBV, each of the following persons or agencies must approve the release of any CIBV or video recorded evidence:
 - a) The Public Affairs Commander,
 - b) The CID/FIU Command Inspector,
 - c) The appropriate prosecuting authority, and
 - d) The Superintendent or designee.
10. NOTIFICATIONS
- i) Absent exigent circumstances, reasonable attempts shall be made to notify the following individuals or entities forty-eight (48) hours prior to the release of the CIBV:
 - a) Any employee depicted in the CIBV and/or significantly involved in the incident;
 - b) The subject upon whom force was used;
 - 1) If the subject is deceased, the next of kin will 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, the legal counsel will be notified.
 - c) Any other agency involved in the incident;
 - d) Legal Affairs;
 - e) The appropriate prosecuting authority; and
 - f) Any other individual or agency connected to the incident as deemed appropriate.
 - ii) All CIBV notifications shall be made by Public Affairs, CID/FIU, or the Superintendent or designee.

11. POSTING

- i) All released CIBVs shall remain posted on the Department's designated website and/or social media platform until 12 months after the incident has been adjudicated.
- ii) Public Affairs staff shall coordinate with CID/FIU and the respective appropriate prosecuting authority to determine case status.

12. RELEASE – LIMITED WAIVER

- i) The release of any CIBVs or specific video-recorded imagery does not waive the Department's right to withhold other video-recorded imagery, evidence, or investigative materials in the same case or any other case, as permitted by law.
 - 1) This policy is not intended to displace or supersede any legal right or remedy available to any person or entity, and it is also not intended to prevent or hinder compliance by the Department with respect to any legal disclosure requirements, including but not limited to any court order or disclosure provisions of the Louisiana Public Records Law. See R.S. 44:1 et seq.