



# San Diego County Police Chiefs' & Sheriff's Association

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### ADDENDUM TO MEMORANDUM OF UNDERSTANDING

## PROTOCOL FOR DISCLOSURE OF OFFICER INVOLVED SHOOTING VIDEO EVIDENCE

The parties to this agreement recognize that releasing video evidence of officer involved shooting (OIS) incidents can aid the public in understanding how and why these incidents occur, increase transparency and build public trust in law enforcement.

Law enforcement leadership in San Diego County agrees it should be the practice in most situations to release video in officer-involved shooting cases whenever possible, as soon as it's appropriate to do so. Law enforcement is also committed to prioritizing and expediting the investigations and District Attorney reviews of officer involved shootings.

At the same time, other considerations such as due process requirements, the integrity of law enforcement's investigation and review, privacy of those involved and public safety concerns must also be considered in determining how and when to release such video evidence. The legal rights of all parties involved must be protected, but balanced with the public's desire to view this kind of video.

The default position will be to release OIS-related video evidence.

However video evidence will not be released:

- (1) Until the District Attorney's independent review of the incident has been completed and the findings have been provided to the law enforcement agency involved.
- (2) If a criminal proceedings related to the officer involved shooting incident are pending. Such criminal proceedings could include any criminal charges filed against a person involved in an officer involved shooting or a case where a peace officer was charged. (When criminal cases are filed, video would likely become public when it's entered into evidence.)

Once the District Attorney's Office has issued its written findings and completed any review related to criminal prosecutions, the release of law enforcement video evidence will be made by the District Attorney's Office.

Prior to the release of any law enforcement video evidence, involved law enforcement agencies and officers will be notified.

Recognizing that the release of these often graphic videos is sensitive for all affected parties, the videos may be edited in the following ways:

- 1) For privacy and safety concerns, the faces of the officers, witnesses, and the person shot will be blurred out. Other distinctive identifying features may also be rendered unidentifiable.
- 2) The segments of the video relevant to the review, legal analysis and decision of the District Attorney will be identified. Only those portions of the video related to the DA's decision of whether or not a crime has been committed will be released.

In order to provide a consistent manner of release countywide, the District Attorney's Office will manage the release of OIS related law enforcement video to the media. To provide appropriate and important context related to an officer involved shooting, the District Attorney's Office will make a public statement and release the results of the DA's review at the same time the video is released.

The video evidence released is exempt under the California Public Records Act and law enforcement's decision to release certain portions of the video evidence does not otherwise waive that privilege.

While this policy will generally result in the release of the relevant portions of law enforcement video, there may be instances where the video is not released. The District Attorney has a legal and ethical duty not to do anything that would jeopardize the integrity of an investigation or prejudice a potential criminal case.

Exceptions may be made to this policy in the interests of justice and public safety.

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ADDENDUM TO MEMORANDUM OF UNDERSTANDING

**PROTOCOL FOR DISCLOSURE OF OFFICER INVOLVED SHOOTING VIDEO EVIDENCE**

**TERM OF AGREEMENT**

The parties, evidenced by their signatures hereto, agree that this addendum shall be effective upon approval and shall remain in full force and effect until any party withdraws from participation or a revised version is established.

Agreed hereto by all parties whose signatures appear below:

Agency

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