

BATON ROUGE POLICE DEPARTMENT

General Order
No. 147

Effective Date
04-12-2018

Revised Date
04-12-2018

Subject: Public Release of Critical Incident Recordings

POLICY

The Baton Rouge Police Department recognizes transparency facilitates increased trust between the Police Department and the community it services. Consistent with this recognition, it is the policy of the Police Department to facilitate the prompt release of audio and video recordings of critical incidents involving the Police Department, so long as the release is consistent with the legitimate needs of ongoing law enforcement operations. All releases of such recordings shall be made in accordance with the provisions of federal, state, and local laws.

DEFINITIONS

For purposes of this policy, these terms have the following meanings.

Recording

A recording included audio and/or video recordings related to a critical incident in the possession of BRPD.

Critical Incident

A critical incident is an event in which an officer uses force resulting in hospitalization or death, an officer intentionally shoots his or her gun at a person(s), an officer strikes someone in the head with an impact weapon (whether intentional or not), a police vehicle pursuit results in death or an injury of a person(s) requiring hospitalization, or an arrested or detained subject dies while in the custody of the Police Department.

Interested Parties

Interested parties are the Parish District Attorney's Office where the incident occurred, BRPD Legal Representative, the Public Affairs Section, other Law Enforcement Agencies involved in the incident, or the Federal Bureau of Investigations (if appropriate).

PROCEDURES

I. Ownership and Custody of Recordings

All recordings made by the Baton Rouge Police Department are the property of and in the custody of the Police Department.

II. Recommendation

A. Within 48 hours of a critical incident, the Police Department Internal Affairs Commander or the Homicide Command Inspector shall provide the interested parties access to the recording.

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- B. As soon as practicable thereafter, the Police Department Internal Affairs Commander and/or the Homicide Commander shall confer with the interested parties for the purpose of obtaining their input regarding the public release of a critical incident recording.
- C. No longer than seven (7) days after a critical incident, the Internal Affairs Commander and/or the Homicide Commander shall make a written recommendation to the Chief of Police, with a copy to the interested parties, setting forth a recommendation regarding release of the recording.
- D. The Internal Affairs Commander and/or the Homicide Commander shall include in the recommendation reasons the recording should or should not be released to the public. If he/she recommends release of the recording, he/she shall identify the recording(s) or portions of the recording(s) which he/she believes should be released to accurately and sufficiently display the critical incident and identify any recommended redactions or blurring.

III. Considerations for Disclosure

The Internal Affairs Commander and/or the Homicide Commander and the interested parties shall consider the following non-exclusive factors when conferring regarding release of a recording.

- A. The nature of the incident/crime.
- B. The location of the incident/crime, in a public or private place.
- C. The safety or contamination of witnesses to the critical incident, including officers.
- D. The public interest in protecting juveniles, the privacy rights of victims, witnesses, officers and other individuals with a reasonable expectation of privacy, to the extent blurring or redactions will not provide adequate protection.
- E. The privacy protections afforded pursuant to Louisiana Revised Statute 40:2532 and whether redaction/blurring of identity adequately addresses any privacy concerns.
- F. The contribution release will make to building public trust by facilitating transparency.
- G. The needs of law enforcement officials in the course of an ongoing investigation and whether release of the recording would interfere with an ongoing investigation of where it could adversely affect the prosecution of an ongoing criminal matter or reasonably anticipated criminal litigation.
- H. The input of the recipient of force at issue in the critical incident, witness, or of warranted, the family members of the recipient of force at issue in the critical incident.

IV. Determination

Within 48 hours of receiving a written recommendation regarding the release of the recording(s), the Chief of Police shall determine whether the recording(s) shall be released to the public under this directive or withheld.

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V. Domestic Violence or Sexual Assault

No recording, whether from public or private locations, will be released to the public in cases of domestic violence or sexual assault.

VI. Confidential Sources

No recording, whether from public or private locations, that may impact the identity of any confidential source will be released to the public.

VII. Release and Redactions or Blurring

- A. Recordings of critical incidents to be released shall be made available to the public as soon as practicable following the determination of release.
- B. The department may redact or blurr portions of a released recording as necessary to protect juveniles, protect the reasonable expectations of privacy of victims, witnesses, or suspects if applicable, and ensure the safety and security of all involved in the critical incident. The department shall ensure that the released recording adequately and sufficiently reveals the critical incident. The department shall identify redacted or blurred portions of a released recording.

VII. No Third Party Rights Created

This policy established no new rights in any third party with respect to the release of a recording. Public requests for the release of a recording are governed by the Louisiana Public Records Act. Nothing in this policy shall be construed to affect the rights of the state under LRS 44:3.