

Report to the Los Angeles Police Commission Summarizing Public Feedback on LAPD Video Release Policies

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Executive Summary

The Los Angeles Police Commission (“Commission” or “Police Commission”) serves as the “board of directors” for the Los Angeles Police Department (“LAPD” or “Department”), with the authority to establish policies for the LAPD and oversee its operations.¹ The Commission is reviewing the LAPD’s policy on releasing video footage of “critical incidents,” including any incident in which an officer fires his or her gun or a person dies in police custody. As part of that process, the Commission asked the Policing Project at New York University School of Law (“Policing Project”) to help gather feedback on whether, when, and how, video footage of critical incidents should be made publicly available. This report summarizes the feedback received.

Members of the general public and LAPD personnel were invited to provide feedback in several ways: by completing a brief questionnaire, submitting more detailed written comments, attending community forums, and participating in officer focus groups. The questionnaire, and other materials, including a video release policy FAQ, were available in English and Spanish at www.LAPDVideo.org. The questionnaire and comment period ran for 46 days, from March 23 through May 7.

The questionnaire asked demographic questions including the respondents’ race, age, and income, as well as whether the respondent was a member of law enforcement. There were not sharp divergences among respondents along demographic lines. The one exception—evident both in the questionnaire responses and in other sources of input—was that significant disagreement emerged in general between law enforcement and members of the general public. We note these differences where pertinent.

The Policing Project ultimately received 3,199 questionnaire responses from individuals who lived, worked, or attended school in Los Angeles, including 532 responses from individuals self-identifying as law enforcement officers. The Policing Project also received 20 sets of written comments from individuals and organizations, representing the views of 27 organizations in total. Additional feedback was provided at 5 community forums and 8 officer focus groups. The ACLU of Southern California submitted a petition on the subject with the signatures of 1,773 individuals.

Some key themes emerged from the process, which we elaborate upon briefly below and in great detail in the report that follows. In general, both officers and members of the public agreed that video should be released to the public, for reasons of transparency, accountability, and trust. However, the public favored releasing video within a relatively shorter release time (30–60 days), and generally preferred that release be automatic as opposed to decided on a case-by-case basis. It is not that members of the public failed to appreciate that various factors might mitigate for or against a decision to release video in a particular case. Rather, the public evinced a lack of confidence or trust in existing public institutions to make the correct decision on a case-by-case approach. (In addition, some members of the public expressed the view that many of the factors that were identified as counseling against release could be addressed by speeding up the pace of investigations or taking other ameliorative measures.)

LAPD officers and officials, for their part, tended to have somewhat more faith in public institutions, and to believe that release should not occur until the LA Police Commission reaches a decision as to the propriety of the officer’s conduct (often up to a year at present), or the District Attorney decides whether any criminal charges will be filed (in some instances as long as two years after the incident). Still, LAPD officers joined the public in expressing concern about “politics” affecting the decision whether to release

¹ “Police Commission,” http://www.lapdonline.org/police_commission (last visited: June 19, 2017).

video. (And they too believed it ought to be possible to conduct critical aspects of an investigation more quickly.)

To expand briefly on these summary points:

- **Broad Support for Release:** A substantial majority of all respondents—both members of the general public and officers—agreed that critical incident video should be released to the public at some point in time. Respondents who favored release suggested that making critical incident video available to the public would increase police transparency, improve police accountability, and strengthen the relationship between the LAPD and the community it serves. Respondents also suggested that release of critical incident video would highlight the officer’s point of view and dispel false rumors.
- **Timing of Release:** Nonetheless, there was significant disagreement between the general public and LAPD respondents regarding timing of the release. Most public respondents thought that release should occur sooner rather than later. 49% said this should happen within 30 days, and an additional 16% said video should be released within 60 days. On the other hand, most LAPD respondents preferred to wait to release video until after the District Attorney decides whether to file charges, or at least until the investigation is complete and the LA Police Commission decides whether the officer acted appropriately. At present it can take a year or more for the LAPD to complete its investigation and up to two years for the District Attorney to make a charging decision. Many respondents—both LAPD and the general public—expressed the view that it ought to be possible to conduct the investigation more quickly, eliminating some of the need for delay in release of the video.
- **Video Release: Automatic or Discretionary?** Members of the general public preferred a policy under which critical incident video would be released automatically after a certain time period, as compared to policies under which public officials would decide (at least initially) whether and when to release on a case-by-case basis. There were frequent expressions of concern about the motivations or perceived motivations of public actors. Although no clear consensus emerged among LAPD officers as to whether release should be automatic or case-by-case, many officers also expressed concern with leaving the decision up to officials who might be motivated by political factors. No matter what the actual motives of public officials, a constant theme was how bad it looked for decisions to be made based on political or ad hoc considerations.
- **Exceptions to Automatic Release:** There tended to be an inverse relationship between how quickly one felt the video should be released, and support for any exceptions to automatic release. Members of the public who said video should be released quickly were reluctant to permit any exceptions to delay automatic release. On the other hand, those who preferred to wait until after the Commission or District Attorney had reached a decision on the case tended to support exceptions to automatic release. LAPD officers were supportive of exceptions to automatic release. In particular, officers supported delaying automatic release if the Chief of Police believed release would threaten officer safety or if the District Attorney believed release would bias jurors.
- **Who Should Make the Decision:** To the extent that there is an exception to automatic release, the input process revealed substantial concern about who would make this decision. The only official that even close to 50% of respondents said they would trust to decide on a case-by-case basis was the District Attorney. However, just 14% of respondents agreed with the District Attorney’s view, advanced in submitted written comments, that release should await her charging

decision. LAPD officers were generally more trusting of some public actors, primarily the Chief of Police and the District Attorney, but—again—some shared the public’s concern that “politics” could drive the decision of various actors involved.

- **Low Response Rate:** Despite extensive outreach, and a fair amount of media coverage, the response rate to the questionnaire struck us as low, and attendance at public forums was lower than anticipated. Nonetheless, when *all* the forms of input are considered—the many comments offered by individuals in the questionnaire, organizational comments, the ACLU’s petition, officer focus groups—we received a great deal of input. We speculate below about why the response rate might have been low, but it is nothing other than speculation.
- **Concern About Process:** Finally, it is important to note that during the feedback process we heard from members of some groups—primarily Stop LAPD Spying and some of its coalition partners—expressing concern about the process itself. These individuals (a) generally opposed the use of body cameras at all, fearing they ultimately would prove to be a surveillance device in the hands of the police rather than a mechanism for police accountability; and (b) felt that in adopting its body camera policy, the Police Commission had not adequately assessed or taken account of public concern about cameras generally. It is impossible to assess the number of individuals who hold these views, which were expressed primarily at the public forums. However, echoing these concerns, several local and national organizations offered critiques of the existing LAPD body camera policy, going beyond the question at hand. (We summarize these in the report.) Notably, however, even among those who oppose the use of body cameras altogether, there still is the clear view that if cameras are deployed there should be automatic release of the video.

Introduction

I. The Public Comment Process and Community Outreach

At issue in this public feedback process are instances in which an LAPD officer fires a gun at a member of the public, or when an individual dies in LAPD custody. Sometimes there is video in LAPD hands of such a “critical incident.” At present, as a matter of policy, the LAPD generally does not release such video to the public.

Following two fatal officer-involved shootings in the fall of 2016, and in response to mounting public concern regarding the use of force by police, the Commission decided to review the LAPD’s policies for the release of video footage of critical incidents. This includes police dashboard camera footage, video recorded by officers equipped with body-worn cameras (“BWCs”), and video recorded by third-parties that is in LAPD custody. (Video footage obviously can be and often is captured by individual members of the public on their personal devices and uploaded directly onto social media or given to the media. This report does not speak to that practice.) As part of its review, the Commission sought feedback from members of the general public and police officers alike on whether, when, and how video of critical incidents should be made publicly available. The goal of the public comment process was to give the public a meaningful opportunity to have a say in the treatment of video of critical incidents, and to ensure that any future LAPD video release policy is, to the extent practicable, consistent with the interests and preferences of the communities it serves.

The Commission asked the Policing Project at New York University School of Law to assist it in soliciting feedback. The Policing Project is a not-for-profit that works to bring the public’s voice to policing. It has conducted similar public opinion reviews on policing issues in Camden, New Jersey, New York City, and Cleveland. In designing the public comment and outreach process employed here, the Policing Project worked closely with the Commission, as well as professors and students from UCLA Law and UC Irvine Law (collectively, the “Academic Partners”).²

The Commission’s decision to solicit feedback on potential video release policies is not in and of itself a marked departure from past practice. The Commission—which is comprised of five civilian members—sets the overall policy for the LAPD, and typically holds public hearings before adopting new policies. Given the importance that it accords to this issue, the Commission has pursued public feedback in this instance through the public comment process and community outreach described below.

The Comment Process

Pre-Process Structured Interviews: In preparation for the public engagement process, the Policing Project and the Academic Partners conducted structured interviews with key stakeholders, including police officers, city officials, and community groups, to ensure that the questionnaire and other materials utilized during the public comment period accurately captured the range of available considerations and policy options. The purpose of these initial interviews was *not* to gather public input on the question of whether, when and how to release video footage, but rather to inform the preparation of materials for the public input process by assessing the broad universe of issues and perspectives among key stakeholders. The input from the structured interviews was not considered in preparing this report, and—

² In conducting this public input process and preparing the report, the Policing Project received considerable assistance from the law firm of Cleary Gottlieb Steen & Hamilton LLP. CGSH donated its time and resources to this project pro bono. The Policing Project extends its deep gratitude to CGSH for its valuable service.

indeed—those with whom structured interviews were conducted were informed that they would need to submit comments through the public process if they wanted those comments considered in the preparation of this report. (Many of them did so.)³

Public Input Process: The public input process itself commenced on March 23, and remained open through May 7, a period of 46 days. Individuals and organizations were invited to visit www.LAPDVideo.org where they could complete a brief questionnaire, or submit more detailed written comments. That same website contained background information on the considerations bearing upon the release of video footage, including a short video on the subject produced by the Policing Project. All of the written materials, including the questionnaire, were available in English and Spanish. (Some of the materials are included as Appendixes B and C to this report.)

During the comment period, the Policing Project also hosted community forums and police officer focus groups.

Public Outreach

Los Angeles is a very large city, and the time available for public input was relatively short. In order to solicit broad-based participation, the Policing Project, the Commission, and the Academic Partners held several meetings to discuss outreach strategy. In addition, the Policing Project reached out (both prior to the comment process, and during it) to numerous elected officials, city agencies, the LAPD, and civil rights and community-based organizations, in order to request their assistance in getting the word out.

A variety of outreach strategies were employed, including traditional and social media, flyers, and direct outreach. Here we summarize briefly those extensive efforts:

- **Traditional Media:** Press releases were sent to news outlets to announce the public comment period. In addition, there was a press conference attended by Chief Charlie Beck from the LAPD, Matt Johnson, the Commission President, and Policing Project Director Barry Friedman. Articles describing the process and inviting community members to participate appeared in a range of news outlets, including the *Los Angeles Times*, the *Los Angeles Sentinel*, the *Daily News*, *Wave Publications*, and *LA Focus*. The local radio station 89.3 KPCC also discussed the process.
- **Social Media:** The Commission, the Policing Project, and the Academic Partners announced the feedback process on their social media channels. So did many other Los Angeles organizations.
- **Direct Outreach:** In addition to the groups and individuals consulted in developing the outreach plan, Policing Project staff members and interns worked with the offices of the Mayor, all 15 City Council members, and the County Supervisors. The Policing Project also emailed or called over 200 community organizations, student associations, neighborhood councils, and bar associations to ask for their help in getting the word out, and to invite them to submit written comments. The Academic Partners conducted extensive outreach as well.

³ As we came to the close of the structured interview process, Stop LAPD Spying and some coalition members expressed concern that they had not been consulted during that part of the process. Although it was indeed late, we offered to conduct a structured interview with them; we also explained that in summarizing public views for this report we only would consider information we received during the official public input process. They declined to participate in a structured interview, but did participate in public forums, and we have included their views here.

- **LAPD Area Captains:** The Policing Project worked closely with all 22 LAPD area captains to coordinate outreach. Captains both conducted their own outreach efforts and connected us with additional community groups that could help.
- **Flyers:** Flyers were distributed throughout the city with help from the Mayor’s Office as well as the LAPD.
- **Community Forums:** The Policing Project, with help from the Academic Partners, also held five community forums throughout Los Angeles to give members of the community a chance to discuss the issue and provide feedback. At the invitation of Suits in Solidarity, a coalition of African American community and business leaders working on various social justice issues, the Policing Project also attended one of the group’s regular meetings to give a brief presentation and hear from the attendees.
- **Officer Focus Groups:** The Policing Project also held eight focus groups with patrol officers, sergeants and lieutenants, and senior command staff to gather their views as well.
- **Paper Questionnaires:** Although the primary feedback mechanism was the online questionnaire and comment portal, the Policing Project also prepared paper questionnaires. These were made available at the community forums and officer focus groups, and to any community organizations or other groups that expressed an interest in distributing them.

Responses Received

4,900 individuals filled out the questionnaire. Of those respondents, just under 3,200 indicated that they lived, worked, or attended school in Los Angeles. (Those who did not self-identify as living, working, or studying in Los Angeles were excluded from the analysis below, although for most of the questions, including them would not have appreciably affected the conclusions.) In addition, 10 individuals and 10 organizations submitted written comments. The organization comments included input from 27 organizations and stakeholder groups, themselves likely representing the views of countless other individuals:

- American Civil Liberties Union of Southern California (“ACLU SoCal”)
- Bend the Arc: A Jewish Partnership for Justice
- Beverly Hills Bar Association
- District Attorney Jackie Lackey
- First Amendment Coalition
- Korean American Federation of Los Angeles
- Los Angeles Times Communications LLC (“LA Times”) and the California Newspaper Publishers Association
- The Leadership Conference on Civil and Human Rights (“Leadership Conference”), joined by Upturn, 18MillionRising.org, Color of Change, The Constitution Project, National Hispanic Media Coalition, and New America’s Open Technology Institute
- National Action Network Los Angeles
- The Reporters Committee for Freedom of the Press, joined by American Society of News Editors, Association of Alternative Newsmedia, Californians Aware, The E.W. Scripps Company, Gannett Co., Inc., The National Press Club, National Press Photographers Association, Online News Association, Society of Professional Journalists, and TEGNA, Inc. (collectively, “News Media Coalition”)

The ACLU SoCal also submitted a petition on behalf of 1,773 individuals. (Although the ACLU SoCal also encouraged respondents to take the questionnaire, based on website data there were just 53 referrals from the ACLU SoCal page.)

As indicated in the Executive Summary, individual public participation in this process was lower than one might have expected, given the salience of the issue nationally and in Los Angeles at prior periods of time. Attendance at the community forums was notably sparse, ranging from four to twenty people. Given the extent of outreach and publicity, and the size of Los Angeles, we expected more questionnaire responses. To give just one example, on the eve of the 25th anniversary of the riots that followed the verdict in the Rodney King case, the *Los Angeles Times* published an extensive editorial on the subject. That editorial discussed this process and provided a link. Yet, it appears that just 15 people clicked on the link.

Speculation as to why the response rate was what it was is just that—speculation. However, it may be informative to consider why. Several possibilities present themselves. First, although this issue had enormous national salience as late as (or later than) the summer of 2016, other issues have taken on significance and received great media attention since the November 2017 election. Second, the issue on which the public was asked to opine was both narrow and difficult. It was narrow in that it did not cover the LAPD’s entire BWC policy, but only the issue of releasing video, and it was difficult in the sense that—as we detailed in the educational materials and discuss further below—there are many factors that bear upon it, often in cross-cutting ways. Indeed, on one of the first questions, which asked whether various considerations should matter in deciding whether to release video, nearly half of respondents (49%) said they were “unsure” with regard to at least one of the factors mentioned. Finally, a few of the organizations that might have been expected to mobilize respondents objected to the public comment process or to the body-worn camera program more broadly.

Nonetheless, there was in the aggregate a great amount of feedback. First, although the number of respondents to the survey was low, many of those who filled out the questionnaire took the time to submit additional comments in the space provided, making us privy to their reasoning for the choices they made. Second, many organizations submitted comments, and many of those organizations who submitted comments themselves represent the views of broad memberships in Los Angeles. Finally, despite low attendance at the scheduled community forums, there was good attendance at a forum held by Suits in Solidarity, at which we were invited to present. There was a wide variety of views expressed, and their many expressions allow us to provide a great deal of insight into the video release issue.

II. Demographics

Questionnaire respondents were asked to indicate their race, gender, income, and age. They also were asked to indicate whether they have ever worked in law enforcement, or have a close friend or family member who has.

These demographic questions were included both to assist in tracking the success of the outreach efforts over the course of the comment period, and to provide some indication of whether public views on key policy questions generally were uniform throughout the city, or whether there were certain issues on which different communities had varying perspectives.

Approximately 88% of respondents answered the demographics questions. The table below details the racial breakdown of the respondents. Additional demographic breakdowns are included in Appendix A.

Table 1: Respondents by Race

	Public (%)	Officers (%)	Total (%)
White (non-Hispanic/Latino)	55%	40%	53%
Black	14%	11%	13%
Hispanic or Latino	14%	33%	18%
Asian/Pacific Islander	5%	7%	6%
American Indian/Alaskan Native	<1%	1%	<1%
Middle Eastern/Southwest Asian	2%	1%	2%
Other	9%	8%	9%

The biggest difference in opinion on the issue of video release was between law enforcement officers (“LEOs”) and members of the general public.

In the analysis that follows we make clear this divergence at each juncture it presented itself. In order to facilitate clarity on this point we refer to police officers or other LAPD officials as “officers” or “LEOs” and other members of the public as “members of the public,” “the general public,” or “respondents.” We recognize that officers also are members of the public and were respondents; that is why their participation was invited. We use this terminology only to distinguish what often were importantly different positions taken by the officers. (The 31% of respondents who indicated that they have a close friend or family member in law enforcement are included along with “public” respondents; there were only minor differences between their views and the views of respondents who did not have any ties to law enforcement.)

Table 2: Have you or a close friend or relative ever worked in law enforcement?

	Total (%)
I have worked or currently work in law enforcement.	17%
I have never worked in law enforcement, but I have a close friend or relative who has.	31%
I have never worked in law enforcement, and I do not have a close friend or relative who has.	52%

On the other hand, there generally was little disagreement among members of the public based on other demographic factors, including respondents’ race, gender, age, and income. We have reported the very few differences that seemed notable throughout. Often these differences were a matter of degree—not outcome. For example, 81% of Black respondents said video should “definitely” be made public, compared with 65% of White respondents and 62% of Hispanics. So a strong majority of all respondents felt that video should be made public, but a larger proportion of Black respondents felt that it should. When differences such as these presented themselves sharply, they are indicated as well.

Public Comments and Recommendations

We turn now to the results themselves.

We were asked to gather the public's views on what the LAPD's policy should be for the release of video after an officer-involved shooting or in-custody death. In addition to asking whether video generally should be made public, we solicited the public's views on each of the key questions that the Commission would need to address in crafting a policy. For example, if video is to be released, when should that be? Should the decision to release video be made on a case-by-case basis, or should the video be released automatically? If release is case-by-case, what are the germane factors? And who should be responsible for making the decision about release?

What follows addresses those questions.

I. Which Perspectives and Factors Should Be Considered?

The substantive part of the questionnaire began with two “primer” questions. The first asked “whose views” should be considered with regard to release of the video, including the family of the person shot, the officer involved, and various public officials. The second question asked respondents about the importance of various “considerations” that should be taken into account in making a video release decision, including concerns about juror bias or officer safety.

The goal in asking these questions was primarily to get people thinking about these factors before turning to the core questions of whether and when video should be made public. The issue of whether to release video of a police shooting or police death in custody is not an easy one. It involves a variety of possible factors, which cut both for and against release. Respondents were not asked yes or no questions, nor were they asked to choose among the various factors. Instead, they simply were asked to indicate the importance of various perspectives or considerations. We hoped to inform people of the relevant factors and give them a chance to think about them prior to tackling the actual questions the Commission will have to answer.

Because respondents could choose to acknowledge the importance of a particular consideration even in a minimal way, our expectation generally was that the respondents would give many of these factors at least *some* weight.

As expected, respondents agreed that a variety of viewpoints and considerations mattered. Most agreed, for example, that the views of the family members of the person shot should be considered. Similarly, both officers and members of the public agreed that it is important to consider whether releasing video can help correct misperceptions about what occurred. Both officers and members of the public also expressed a fair bit of uncertainty about the factors: 49% of public respondents and 34% of officers marked “unsure” for at least one of the circumstances listed.

Still, notable points of agreement and disagreement emerged from the responses to the answers to these two questions. We highlight some of those here before turning to respondents' views about each of the core policy questions regarding video release. All of the numbers reported in this section—as well as the rest of the report—are drawn exclusively from the questionnaire. We also have incorporated feedback received through community forums, officer focus groups, and written comments into the body of the text. (A full summary of multiple choice responses to these questions is included in Appendix A of this report.)

Divergence between the General Public and LEOs

As was true throughout this process, there were stark differences between LEOs and the general public. For example, 71% of public respondents said that public protests and calls for the release of video should definitely or probably be considered as a basis for releasing video, as compared with just 29% of LEOs. In contrast, LEOs overwhelmingly said that the risk of biasing jurors should definitely (67%) or probably (12%) be taken into account, whereas members of the public assigned this factor less weight (24% definitely, 22% probably).

Importance of Transparency and Accountability

The most notable theme in the comments offered to both questions was the public's view that release of video is essential to assure transparency and accountability. This is particularly notable because neither "transparency" nor "accountability" were offered to respondents as considerations in the multiple-choice questions. They brought these terms up on their own. Respondents stressed that officers perform a public function with public dollars, and that the public has a "right" to see what happened. Although respondents agreed that various factors may deserve consideration, still they emphasized that transparency is paramount. As one respondent put it: "All of these things should be 'considered' depending on the circumstances. But none should be considered as an excuse to obfuscate transparency and full disclosure."

To be sure, there were those who disagreed. Some, both in the public and among officers, indicated that police officers must make difficult, split-second decisions, and that members of the public might not be able to understand what actually happened just from looking at the video. But this was a minority view.

Correcting Public Misperceptions and Getting Clear on What Happened

A related theme—reflected both in the comments and multiple-choice questions—is that releasing video is important to help correct misperceptions about what occurred. Members of the public overwhelmingly agreed that this is an important factor to consider in deciding whether to release video: fully 86% of respondents said it definitely (62%) or probably (24%) should be taken into account. Officers, too, agreed that this definitely (38%) or probably (27%) should be considered.

In the additional comments, respondents likewise stressed that releasing video can help set the record straight. As one person wrote, "I am particularly concerned about the importance of video in providing context and hopefully preventing disputes over what happened."

Where officers and members of the public appeared to disagree, is on the ability of video to achieve this goal of correcting misimpressions or setting the record straight. Officers indicated that in releasing video, it also is important to consider whether the video captures only a partial record of the event: 56% said this definitely should be considered (and 17% said it probably should). This concern came up repeatedly in focus groups. One officer explained that "[t]he public isn't going to get the full story from one arbitrary video." Another participant commented that "[t]he BWC is designed to show what the eye sees. What it does not show is the officer's mindset." At a focus group of some of the LAPD's top officials, a member pointed out that "[w]hen you release a video, people assume that's exactly what happened. But [you] can have multiple videos and different views, and [release of just one video] can taint perspective of what actually happened."

Members of the public were less persuaded that this should weigh on the decision of whether to release, with only 27% indicating that this definitely should be a factor. In the additional comments, some stressed

that video provides the most “objective” account whereas others suggested that the LAPD can always provide additional context to explain what happened.

Skepticism about Public Institutions

Another theme that recurred in the responses to the primer questions was a lack of confidence in the decisionmaking of various public actors and institutions. Respondents were asked whether the views of various public and non-public actors ought to matter to the release of the video, and here the answers were telling.

Among the general public, support was highest for considering the views of the family of the person shot, as well as the views of the broader Los Angeles community. 82% said the family’s views were important or very important, and 72% said the same about the views of the community. Notably—and consistent with the overall emphasis on transparency—respondents were more likely to say that the family’s views should be taken into account when the family wants the video to be made public (76%), than if the family objects to release (54%).

Members of the public assigned much less weight to the views of public officials. None of the officials’ views were deemed “very important” by more than 30% of respondents. A slight majority of respondents (53%) said that it is important (or very important) to consider the views of the District Attorney. Support for the views of other public officials was lower still, with 41% saying the Chief’s views are important, 43% the Police Commission’s, and just 32% the Mayor’s.

LEOs for their part were somewhat more willing to credit the views of public officials, with 69% indicating that the District Attorney’s views are “very important” or “important” to consider. But even among LEOs, only 55% said it was important or very important to consider the views of the Chief. And fully 49% said it was “not at all important” to consider the Mayor’s views.

The additional comments revealed why respondents showed little support for taking these public officials’ views into account. They expressed a great deal of concern that officials would be swayed by “political considerations” or that particular officials would be inclined to always rule in a particular direction in a self-serving (or organization-serving) way. The general public, for example, felt the Chief of Police would tend to make release decisions based on what was good for officers. Interestingly, Respondents had conflicting skepticism about the Police Commission: some of the public felt the Police Commission would be inclined toward officers, while some officers felt just the opposite, that the Police Commission would not be sympathetic to their needs or views.

Spillover of Views about Actors into Considerations

Indeed, mistrust of public institutions may have spilled over into respondents’ views about which factors should be considered in deciding whether to release video. Questions about whether officer safety or juror bias should be considered cannot be asked in the abstract. After all, someone has to decide whether these concerns are present in every case. The DA for example is the logical person to decide about juror bias, and the Chief is typically in the best position to assess risks to officer safety. For this reason, some of the factors respondents were asked to consider were: “the Chief of Police believes that release of video would pose a threat to the safety of officers” and “the District Attorney believes that release of video may bias potential jurors.”

As a result, it is possible that members of the public assigned particular considerations less weight than they might have in the abstract. For example, only 46% of the public said that the Chief’s concerns about

officer safety should definitely or probably be considered (in contrast with 84% of LEOs), and likewise, just 46% said that the DA’s concerns about juror bias should be taken into account (in contrast with 79% of LEOs). In the comments, respondents expressed concern that these considerations could always be used by a public official as an excuse not to release video, and suggested that these concerns could be addressed in other ways.

The full set of responses to these questions appears in Appendix A of this Report.

II. Should Video Be Released to the Public?

We turn now to the input we received on the questions the Commission will have to answer in fashioning a policy. In this part of the report, we integrate questionnaire responses and all the other input we received.

Both members of the public and officers agreed that video should be released to the public at some point in time (although members of the public supported release more overwhelmingly than officers). A small percentage of public respondents, and a more significant minority of officers, said video should not be released to the public.

Broad Support for Release Among Members of the Public and Officers

There was extremely broad support for video release at some point in time. Every organization that submitted comments on the subject was of this view.⁴ It was expressed in public forums. Approximately two-thirds (67%) of public respondents to the questionnaire said that video “definitely” should be released to the public at some point. Another 21% of public respondents said that video “probably” should be released.⁵ Among officers who responded to the questionnaire, 31% said that video “definitely” should be released to the public at some point, and 32% said “probably.”

Table 3: Generally speaking, should video of an officer-involved shooting be made available to the public at some point?			
	Public (%)	Officers (%)	Total (%)
Definitely	67%	31%	61%
Probably	21%	32%	23%
Not Sure	4%	6%	5%
Probably Not	5%	18%	7%
Definitely Not	3%	12%	4%

In sharp contrast, only approximately 8% of public respondents and about 30% of LEOs opposed release to any degree. (Another 4% of the public and 6% of officers indicated that they were “not sure.”) Some of the officers who participated in the focus groups also expressed opposition to release.

Those who opposed release expressed several concerns, including that release could incite civil unrest, provoke anti-police sentiment, and jeopardize officer safety. Some also worried that release would interfere with police investigations. Others suggested that critical incident video fails to tell the entire

⁴ District Attorney Lacey did not take a position on whether video should be public, but urged that video not be released until the District Attorney’s office has decided whether to bring charges against any of the individuals involved.

⁵ As mentioned above, a higher percentage of Black respondents—81%—said that video should “definitely” be made public, compared with 65% of White respondents and 62% of Hispanics. However, over 80% of all racial groups said video should at least “probably” be made public.

story—in particular, it does not necessarily detail the events leading up to a confrontation, and may not make clear when a suspect is hiding a weapon—and so release could cause the public to misunderstand the actions of police officers and judge them unfairly. This latter concern was particularly prevalent among officer respondents: officers of every rank mentioned it during the officer focus groups, commenting that video provides only a “two second snapshot” and “can taint perspective of what actually happened.” Officers in focus groups and questionnaire comments also noted that video capturing a shooting at close range could be too graphic to disseminate publically and could also sway views against the officers regardless of whether the shooting was justified. Finally, officers expressed concern that releasing video would be traumatic for the officers involved and for their families. A member of the LAPD media relations team explained that “[t]o think that the officer is not the victim is foolish. They go through an incredible emotional ordeal. . . . And they are victimized every time they see [the video].”

On the other hand, the majority who favored the release of video footage offered a number of reasons that echoed themes discussed above. Members of the public and officers alike suggested that release would promote transparency. Many members of the public also suggested that release would mitigate concerns that the police are hiding something, and would make it easier to hold officers accountable for misconduct. The Korean American Federation of Los Angeles stated that “body-worn camera video should be made available to the public to keep our police force accountable for serious use of force.” Related, respondents who favored release (including both members of the public and officers) emphasized the public nature of police work. These respondents suggested that because police work is publicly funded, and police officers perform a public service, the public should be able to access video footage of critical incidents.

A frequently-expressed view was that video footage tends to be “objective” as compared to other types of evidence. It enables the public to better understand “what actually happened” in a particular incident. Some questionnaire respondents, including several officer respondents, suggested that release would highlight the officer’s point of view, dispel false rumors, and correct misinformation. One officer said that one advantage of releasing video is that “the vast majority of the good work of the officers is supported by the video.” Another suggested that video “captures that officers are doing the right thing” and so release would “diminish[] public confrontation” and “protect[] officers.”

Some of those who favored release offered responses to the concerns about releasing video. The Los Angeles Times and the California Newspaper Publishers Association rejected “the paternalistic notion that citizens should not be permitted to observe police activity because they might be ‘confused,’ or might not fully understand the limitations on video shot from one perspective.” According to these organizations, the remedy is to disclose more information, not less. Several organizations acknowledged that video footage may be graphic, but suggested that these concerns can be dealt with by adding a warning to the viewer or redacting footage.

Some who favored release expressed the hope that release would improve the relationship between the LAPD and the community, and increase the community’s trust in the police force. The First Amendment Coalition noted that the “LAPD’s current policy harms the credibility of the LAPD at a time when police nationwide are facing difficult discussions about trust and the use of force.” The National Action Network Los Angeles wrote that releasing video would “strengthen and increase the legitimacy of our justice system.”

III. When Should Video Be Released to the Public?

Although most respondents generally agreed that video should be released to the public at some point, there was sharp disagreement between the public and LEOs as to when that should be. Members of the public favored releasing video relatively quickly, while officers had in mind a longer timeframe.

Public respondents generally preferred release to occur sooner rather than later. 49% of respondents favored releasing video within 30 days, and another 16% within 60 days.⁶ (Indeed, some of the respondents who selected the 30-day option stated that they would in fact prefer a much shorter timeframe for release. Common suggestions were immediately or under a week.) Fewer than a quarter of public respondents preferred waiting until after the Commission’s disciplinary determination or the District Attorney’s charging decision, both of which at present could take a year or more.

Officers, on the other hand, generally preferred to wait until after the District Attorney’s charging decision. The majority of officer respondents—more than 60%—selected this option. Just 13% supported release within 30 days.

Table 4: If video footage must be released automatically within a certain time period, this should happen:

	Public (%)	Officers (%)	Total (%)
Within 30 days	49%	13%	43%
Within 60 days	16%	4%	14%
Within 120 days	11%	9%	11%
After the police commission decides whether or not the officers followed department rules (often up to 1 year after the incident)	8%	11%	9%
After the District Attorney decides whether or not to file charges (often up to 1-2 years after the incident)	14%	64%	23%

Reasons For and Against Releasing Quickly

Prompt release was seen as promoting transparency. Indeed, of the 67% of public respondents who said that video should “definitely” be made public at some point, the vast majority said that release should happen quickly: 64% said within 30 days, and another 18% said within 60 days. The First Amendment Coalition, the News Media Coalition, and the LA Times favored prompt release for this reason. Three groups—the ACLU SoCal, Bend the Arc: A Jewish Partnership for Justice, and the Beverly Hills Bar Association—specifically suggested that release should occur within 30 days. The ACLU SoCal noted that this would help address “the perception that the Department is attempting to hide the truth of what happened or bide its time until a particular incident has receded from the forefront of the public’s memory.” Bend the Arc stated that “[a] 30-day mandatory release policy balances the public’s interest in understanding how their officers choose to use deadly force while still protecting any legitimate law enforcement needs.”

⁶ Support for prompt release was higher among Black respondents, 58% of whom said video should be made public within 30 days, compared with 48% of both White and Hispanic respondents.

Respondents who preferred a longer timeframe for release focused on the needs of the police investigation, such as affording an adequate time to interview witnesses or undertake other investigatory duties, or the concern to avoid biasing potential jurors.

Investigation Timing

Some of those who favored prompt release were not dismissive of investigative needs; they just felt that these needs could or should be met more quickly. In written questionnaire comments, members of the public were skeptical that officers needed more than 30 or 60 days to investigate critical incidents. Many suggested that police should be able to locate and interview important witnesses within that time—and also that a policy of rapid release would incentivize more efficient investigations. Several organizations likewise argued that 30 days would be sufficient to conduct a preliminary investigation. Both ACLU SoCal and Bend the Arc pointed out that “a critical incident involving an officer’s use of deadly force is a high-priority investigation and interviews of most potential witnesses realistically will take place within the first days—if not hours—following the incident.” (Those who would delay release for 120 days similarly felt this period should be long enough for the police to conclude their investigation.)

Indeed, while officers tended to prefer a longer timeline for release, many agreed that if police investigations could be completed more quickly, then video could and should be released more quickly as well. One high-ranking officer suggested during the officer focus groups that none of his colleagues believed that “a year is the right time period” for release. Officials suggested a range of plausible time periods, ranging from 120 days to 10 months. One official indicated that “90 [days] may be too soon,” but that a year is “pretty ridiculous.”

IV. Should Video Be Released Automatically, or Should Release Be Determined on a Case-by-Case Basis?

The next question is whether video should be released automatically, or whether the decision should be made by public officials on a case-by-case basis.

The questionnaire captured respondents’ views on this question in three ways. First, respondents were presented with three sample policy options based on policies other cities have adopted, which pose the question of whether a case-by-case or automatic video release policy is best. Second, respondents were asked whether there should be any exceptions to automatic release should such a policy be adopted. Finally, respondents were asked about the degree to which they would trust various public officials to make the decision, if it is to be made on a case-by-case basis.

Each of these is taken up in turn, below. But the bottom line is that a strong majority of the public on questionnaire responses preferred a policy under which critical incident video would be released automatically. So too did many organizations that submitted comments, including—ACLU SoCal, the News Media Coalition, the First Amendment Coalition, Bend the Arc, and the National Action Network Los Angeles. These organizations cited the need for transparency and the fact that automatic release would increase trust in public institutions. The ACLU SoCal explained that automatic release would prevent the LAPD from selectively disclosing videos that tend to support the police officer’s version of events while declining to disclose videos showing police misconduct—something that “undermines public trust in the body camera program and in the Department in general.” The First Amendment Coalition echoed this view, adding that “without regular access to videos, citizens are prevented from reaching their own conclusions.”

Officers' views are more difficult to characterize. On the one hand, officers also expressed concern about public officials making discretionary or ad hoc decisions about release. On the other, officers overwhelmingly preferred that video not be made public at all until after the District Attorney decides whether to bring charges. Thus, in a sense the preference of many officers was to eliminate discretion, but wait a longer period of time.

Views on Policy Options

When presented with specific policy options, respondents strongly preferred a policy that provided for relatively prompt automatic release.

Respondents were asked to indicate their level of support for three policies:

- Option A provided that video would not be made public until the Commission decided whether officers followed Department rules (which at present takes about 1 year). Instead, the LAPD would share other information about the incident at regular intervals.
- Option B provided for release on a case-by-case basis, with the caveat that all video would eventually be made public after the Commission decides whether or not officers followed Department rules. The decision whether to release video sooner would be made by the Commission, in consultation with the District Attorney and the Chief of Police.
- Option C provided for the automatic release of video within 60 days, but permitted a 30-day extension in exceptional circumstances.

Table 5: Policy Options

Option A: No release of video until the Commission decides whether officers followed policy

	Public (%)	Officers (%)	Total (%)
Strongly favor	17%	31%	19%
Somewhat favor	15%	26%	17%
Neutral	8%	11%	9%
Somewhat oppose	18%	10%	17%
Strongly oppose	42%	21%	38%

Option B: Commission decides whether to release video on a case-by-case basis

	Public (%)	Officers (%)	Total (%)
Strongly favor	17%	17%	17%
Somewhat favor	25%	22%	24%
Neutral	10%	11%	10%
Somewhat oppose	21%	14%	20%
Strongly oppose	28%	36%	29%

Option C: Automatic release after 60 days, with possible 30-day extension

	Public (%)	Officers (%)	Total (%)
Strongly favor	35%	13%	31%
Somewhat favor	26%	8%	23%
Neutral	8%	6%	8%
Somewhat oppose	12%	10%	11%
Strongly oppose	19%	63%	26%

Option C, calling for automatic release within 60 days (with a possible 30 day extension) was the preferred choice of more than 60% of public respondents. Respondents who favored Option C offered a number of reasons for doing so. Many focused on the fact that by providing for automatic release, this option minimized the influence of public entities and officials on the decision-making process. Respondents also emphasized that Option C is the most transparent and is the most likely to inspire public trust and confidence in the police force.

Many also preferred this option because it provided for relatively quick release. Notably, some of the respondents who opposed this policy did so because they believed release should be even sooner—suggesting that support for prompt automatic release may in fact have been higher than is evident in the multiple choice responses. On the other hand, some supporters liked the possibility of a 30-day extension, as it allowed consideration of the interests of various stakeholders.

Respondents who opposed Option C—including most officer respondents—suggested that release should not occur until after the police have finished investigating an incident and legal proceedings have concluded. Consistent with responses to earlier questions regarding the timing of release, these respondents expressed concern that release before the end of the police investigation might improperly influence witness recollections, and that release before trial could have harmful effects on due process and the right to a fair trial.

Respondents expressed similar sentiments in response to the other two policy options. Those who favored Option A—including 57% of LEOs—stressed that delaying release would preserve the integrity of the investigation. On the other hand, public respondents who opposed Option A (60%) were motivated primarily by timing—many suggested that a year was too long to wait.

Importantly, Option B, which provided for release on a case-by-case basis, did not obtain majority support from anyone. Members of the public who opposed the policy generally felt that release would be delayed too long, and also expressed concern that the entities involved in the decision-making process would be biased in favor of the police department's view. Officers, on the other hand, said that video should not be released until the investigation is complete, and felt that the Commission would be too responsive to political pressure in favor of release.

Lack of Consensus Among Officers About Release Mechanism

It is important to note that notwithstanding the officer respondents' majority support for Option A, there appears to be a lack of consensus among them as to whether release should be automatic or should be made on a case-by-case basis by public officials. This disagreement was evident during the officer focus groups and in law enforcement questionnaires. Officers who favored case-by-case release were focused on the various factors we discuss at length below as possible exceptions to automatic release, including concerns about interfering with investigatory efforts and affording defendants due process. They also stressed that there may be circumstances when the Department may need leeway to release video quickly—for example, if the video could help calm tensions by demonstrating that officers acted appropriately. But others favored automatic release precisely because they were concerned about the negative public image of a department making case-by-case decisions, either by itself or in conjunction with other public officials. As one officer noted in a focus group “if we had God almighty on the panel he will become corrupted.”

V. Should There Be Exceptions to Automatic Release?

We now turn to discuss respondents' views on various factors that might justify an exception to an automatic release policy. Although our discussion of these factors is quite detailed, in order to capture all that was said, it is important to note that *public* respondents generally were reluctant to permit any exceptions to automatic release. Public respondents generally felt that video release should be automatic and done within a fixed period of time. Those who favored rapid release (within 30 days) were particularly wary of the exceptions. On the other hand, for *officer* respondents these factors loomed larger in importance.

Exceptions Generally

Respondents were asked about four possible exceptions to automatic release: (a) the Chief of Police believes that release of video would pose a threat to the safety of officers; (b) the District Attorney intends to bring criminal charges against the officer, and believes that release of video may bias potential jurors; (c) the civilian's family objects to the release of video; and (d) police have not been able to locate an important witness to the incident.⁷

Several key themes are evident across all categories of exceptions:

Concern about exceptions swallowing the rule: By far the most prevalent theme in the comments is the concern that the exceptions could swallow the rule. Respondents pointed out that any of the circumstances listed could potentially be used as excuses to delay release in almost every case. As one respondent put it: "Any of the foregoing criteria could be invoked for any case, gutting the policy of automatic release." This concern was particularly evident in the case of exceptions that depended on the actions or determinations of public officials. As another respondent said: "I just don't trust police or the DA using the excuse that we have been [un]able to locate a witness. It[s] too easy to lie about this, and then hold onto the video."

Strong correlation between views on release generally, and support for exceptions: There was a strong correlation between respondents' views *generally* on whether video should be released and the degree to which they favored exceptions in any given case. For example, of the 67% of public respondents who said that video "definitely" should be made public, only 26% said there "definitely" or "probably" should be an exception if the chief determines that release would threaten officer safety. Similarly, only 34% of this group favored delaying release to permit the department to find additional witnesses.

On the other hand, those who said that video "probably" should be made public (21%) were much more likely to favor exceptions to automatic release. Of this group, 68% said there should be an exception for officer safety, and 61% supported delaying release to find additional witnesses. Those who were opposed to releasing video were even more supportive of the exceptions.

⁷ The survey also asked respondents about their general views on considering each of the hypothetical circumstances in (a) through (d) prior to release. This question garnered similar responses as when the scenarios were posited as potential exceptions to an automatic release policy.

Table 6: Correlation between views on release generally, and support for exceptions

Should there be an exception to delay automatic release if: the Chief of Police believes that release of video would pose a threat to the safety of officers?			
	Those who said video “definitely” should be made public:	Those who said video “probably” should be made public:	Those who said video should “probably not”/“definitely not” be made public:
Definitely	9%	38%	84%
Probably	17%	31%	10%
Probably Not	31%	13%	3%
Definitely Not	30%	3%	3%
Not Sure	12%	16%	2%

Should there be an exception to delay automatic release if: police have not been able to locate an important witness to the incident?			
	Those who said video “definitely” should be made public:	Those who said video “probably” should be made public:	Those who said video should “probably not”/“definitely not” be made public:
Definitely	11%	30%	66%
Probably	23%	31%	14%
Probably Not	27%	11%	6%
Definitely Not	19%	3%	8%
Not Sure	20%	25%	6%

Strong Correlation Between Views on the Timing of Release and Support for Exceptions: There also was a strong correlation between respondents’ views on the *timing* of release, and their willingness to support exceptions. Those who said that release should occur within 30 days generally were reluctant to permit any exceptions to release. None of the exceptions garnered majority support among this group. On the other hand, those who preferred that video not be made public until after the Police Commission determines whether officers followed department rules—or until the District Attorney decides whether to bring charges—also tended to favor exceptions to automatic release.

In short, respondents generally fell into two groups. Those who felt strongly that video should be made public tended also to think that release should happen quickly, and with few or no exceptions. Those who were less certain about release generally also were willing to wait longer for video to be made public, and were more supportive of a case-by-case approach.

Juror Bias

A slight majority of public respondents (52%) favored delaying release if the District Attorney intends to bring criminal charges against the officer and believes releasing video may bias potential jurors. Officers, on the other hand, overwhelmingly favored this exception. As one officer put it: “[i]f there is an LAPD officer involved in a shooting, and the video is released before trial, you can’t find a jury pool in the country that wouldn’t be tainted.” As noted above, District Attorney Jackie Lacey submitted comments

urging the Commission to delay release of video until after the District Attorney decides in any given case whether to bring criminal charges against any of the individuals involved. She argued that “such disclosures may bias potential jurors and deprive defendants of their constitutional rights to a fair trial.”

Table 7 (Question 8): Should exceptions be made to delay the release of video if the District Attorney intends to bring criminal charges against the officer, and believes that release of video may bias potential jurors?

	Public (%)	Officers (%)	Total (%)
Definitely	26%	74%	34%
Probably	26%	10%	23%
Probably Not	21%	4%	19%
Definitely Not	14%	7%	13%
Not Sure	13%	5%	11%

It might appear that public questionnaire respondents’ views on this question are to some degree at odds with their overwhelming preference for prompt release. (Recall that 66% of respondents said video should be made public within 60 days, and just 14% favored delaying release until the DA made a charging decision.) There are a number of ways to understand this discrepancy. First, respondents were not asked whether release should be delayed *generally* because of a fear of juror bias. Rather, they were asked in the event that the District Attorney *makes clear she in fact intends to bring charges*. Because this requires certainty on the District Attorney’s part to proceed, it would permit delay in a much narrower category of cases than a broad-based exemption in any case where juror bias could conceivably be an issue. Second, for those respondents who supported this exception, and also supported prompt release, the charging decision presumably would have to be made rather quickly, far more quickly than the current 1-2 years. As we point out throughout this report, many respondents—general public and police—indicated that investigations should not take as long as they currently do.

Some organizations suggested that the concern over juror bias was overstated. Bend the Arc pointed out that “[o]fficers’ use of deadly force almost never result in criminal charges—only one officer has been charged in a shooting in all of Southern California over the past 17 years.” The National Action Network Los Angeles noted that there have been many instances in which, despite video footage and widespread coverage, jurors reached conclusions that “the public did not find reasonable.”

In any event, those who opposed this exception emphasized that concerns about juror bias can be addressed in a variety of ways. ACLU SoCal stated that “[a]ny possible prejudicial effect of video footage on a jury already can be mitigated through existing procedures such as voir dire, challenges to jurors, or, in the extreme case, change of venue, which courts already use to protect against any undue influence caused by media coverage.” Both the Los Angeles Times and the Beverly Hills Bar Association pointed out that in a large metropolitan area like Los Angeles, it should not be difficult to find a panel of unbiased jurors to hear a criminal case. Others pointed out that with or without video, members of the public may develop preconceived notions about what happened: “in the age of the internet, withholding video would not help avoid public bias. People will form opinions whether or not the video is released. I err on the side of transparency and trust.” Some members of the public pointed out that we are only talking here about LAPD release of video in its possession, and that in many cases there will already be third-party video in the public domain. (The ACLU SoCal also added that the District Attorney did not issue a decision in one high-profile case until 2.5 years after the shooting, and that the public “should not have to wait” that long to see the video.)

Civilian’s Family Objects

A slight majority of members of the public (52%) also supported delaying release if the family of the person who was injured or killed objects to making the video public.⁸ Respondents who supported delay in this circumstance emphasized the importance of the family’s right to privacy. However, some of the respondents who favored the exception still pointed out that it could unfairly be used as a mechanism to prevent release when the person who was injured or killed engaged in improper conduct and an officer followed protocol. One respondent who favored this exception tempered the favorable response by adding that “[t]he civilian’s family should only be able to object to the release if a panel determines that the civilian was not guilty of a crime or that the police used excessive force. Then the civilian’s (and their family’s) right to privacy trumps the public’s right to see the video.” Another commented that, “[f]or this to work, it has to be a two way street. The LAPD can’t keep the video from the public. But neither can the public.”

Table 8 (Question 8): Should exceptions be made to delay the release of video if the civilian’s family objects to the release of video?

	Public (%)	Officers (%)	Total (%)
Definitely	26%	31%	27%
Probably	26%	16%	24%
Probably Not	19%	21%	20%
Definitely Not	13%	20%	14%
Not Sure	16%	11%	15%

Officers—who generally favored exceptions to release in various circumstances—were notably less supportive of delaying release for a civilian’s family’s objections. Just 47% said that the family’s objections definitely (31%) or probably (16%) should preclude release. Higher-ranking officers who participated in the focus groups seemed to be more sympathetic of the views of civilian’s families. A participant in one of the Sergeants and Lieutenants groups said that “[o]n transparency, if someone dies in police custody, their family and the police are the only entities who should be involved. The rest of the public doesn’t have a right.” One Commander explained in a focus group that “I think we need to keep family in mind. Because it is their loved one who has been killed. That needs to be taken into account instead of just putting it on the six o’clock news.”

In their written comments, several organizations also touched on the family’s role in deciding whether video should be made public. The Leadership Conference expressed concern “that the public release of footage could revictimize recorded individuals and their families” and urged the Commission to require the Department to obtain affirmative consent either from the person shot or, if deceased or a minor, from that person’s family. “If consent is withheld, then the LAPD should not release footage to the public, unless it is determined to best serve public safety interests.” On the other hand, Bend the Arc acknowledged that family members may not want video to be public, but argued that “an individual’s desires should not override the public’s right to know how and when its officers choose to use deadly force against its citizens.” National Action Network Los Angeles said that although the family should be

⁸ Support for this exception was higher among Black and Hispanic respondents, respondents under 35 years of age, and those earning less than \$35,000 a year. 57% of Black respondents and 54% of Hispanic respondents favored the exception, compared with 49% of Whites. 61% of respondents under age 35 supported the exception, compared with 51% of those aged 35-55 and 43% of those aged 55 and up. Finally, 62% of those earning \$35,000 or less supported the exemption, compared with 48% of those with incomes above \$150,000.

involved to some extent, family members should not be permitted to block release of a video “because it shows their child doing something wrong.”

Unable to Locate a Witness

Consistent with their responses throughout the questionnaire, officers strongly favored an exception in circumstances when the police have yet to locate an important witness to the incident. Officers stressed that the thoroughness of their investigations was of utmost importance. One high-ranking member of the LAPD stated that “we cannot compromise the investigative process simply because information [is] desired by the public.” Other officers expressed the difficulty in locating witnesses. One Commander explained that “we’ve done it before—released weapons [before an investigation was over], and then people come in and say, ‘that was the gun.’” (However, somewhat consistently with public respondents’ view that this exception should be limited, the same Commander also noted that “within 90 to 120 days, you run out of viable witnesses. If you go past that point, you wouldn’t be looking for more witnesses, your search is over by that point.”)

Table 10 (Question 8): Should exceptions be made to delay the release of video if police have not been able to locate an important witness to the incident?			
	Public (%)	Officers (%)	Total (%)
Definitely	21%	53%	27%
Probably	24%	19%	23%
Probably Not	21%	9%	19%
Definitely Not	14%	9%	13%
Not Sure	20%	9%	18%

On the other hand, members of the public generally were reluctant to allow this exception. Just 21% of questionnaire respondents said there “definitely” should be an exception under these circumstances, while another 24% said this exception “probably” should be permitted.⁹ In the comments, many of those who supported this exception clarified that they would only support a *limited* delay in this circumstance. One comment representative of this sentiment was: “I would support a reasonable delay (up to 60 days) in that event. If you haven’t found a witness within 60 days you’re not likely to ever find them.” Bend the Arc and ACLU SoCal both pointed out that in high-profile investigations most witnesses are interviewed within days of the incident. ACLU SoCal argued that 30 days would “provide more than enough time to conduct relevant interviews, and should only be extended under extraordinary circumstances, such as if an officer or witness to the shooting was seriously injured during the incident could not be interviewed within that period.”

Those who opposed an exception for locating an important witness expressed concern that it could always be used as an excuse to delay the release of video. Others pointed out that setting a short time frame for release would encourage the department to locate witnesses more quickly. Some noted that witness memories fade over time such that the value of witnesses who come forward weeks or months after the incident may be diminished. The Leadership Conference pointed out that delaying release of video out of concern for altering the perception of witnesses is inconsistent with the LAPD’s current policy of allowing officers to view footage before making initial statements. Finally, a number of

⁹ Support for this exemption was slightly higher among Hispanic respondents: 52% said release should be delayed in these circumstances, compared with 44% of Black respondents and 40% of White respondents.

respondents argued that witnesses may not be as important when there is video evidence because video tends to be more objective than witness testimony.

Officer Safety

The vast majority of officers said there should “definitely” (76%) or “probably” (10%) be an exception to automatic release in the event that the Chief of Police determines that releasing video would pose a threat to the safety of officers. One officer commented that “once [videos of shootings] are released to the public they will always be out there on the internet and jeopardize [the] involved officers’ safety whether at work or off work. Releasing the video can also put officers’ families in danger.” Participants in the officer focus groups across ranks echoed these sentiments. One patrol officer in a focus group noted that “I see it as a safety issue for officers. I think about if there is an incident and our faces are all over the news, people will recognize them. People will start following them and kill them.”

However, only 43% of members of the public said there definitely or probably should be an exception to automatic release in these circumstances, and 45% of respondents opposed the exception.¹⁰ Those who opposed the exception pointed out that reprisals against officers are rare, and that officers always face some inherent risk as part of their jobs. Others pointed out that releasing video would only pose a risk to officer safety if it showed an officer behaving inappropriately, in which case the public interest in reviewing the officer’s actions would be particularly compelling. Some suggested the LAPD should be able to protect officers.

Table 9 (Question 8): Should exceptions be made to delay the release of video if the Chief of Police believes that release of video would pose a threat to the safety of officers?			
	Public (%)	Officers (%)	Total (%)
Definitely	23%	76%	32%
Probably	20%	10%	18%
Probably Not	24%	5%	20%
Definitely Not	21%	6%	19%
Not Sure	12%	2%	10%

Additional Factors and Mitigation Strategies

Public Safety: Although not asked about it directly, some questionnaire respondents raised the possibility that releasing video could potentially lead to riots or unrest. Officers expressed this concern as well, pointing to the riots that occurred in Los Angeles after jurors acquitted the officers involved in the Rodney King incident. In written comments, a number of organizations played down public safety objections to automatic release. The Los Angeles Times and the California Newspaper Publishers Association pointed out that recent disclosures of video had not “resulted in any of the speculative harms to public safety that were invoked by opponents of disclosure.” Similarly, the Beverly Hills Bar Association wrote that “[t]he risk of a hostile public reaction to the video is just a fact of life in the new technological world we live in today.”

Redaction: In their written comments, a number of organizations acknowledged additional concerns with releasing video, but argued that these can be dealt with by redacting footage. The ACLU SoCal, the LA Times, and Bend the Arc all argued that video may be redacted to remove “unusually graphic images.”

¹⁰ Again support for this exemption was slightly higher among Hispanic respondents: 54% favored an exception in these circumstances, compared with 42% of White respondents and 36% of Black respondents.

Several organizations, including National Action Network Los Angeles, the News Media Coalition, the Beverly Hills Bar Association, and the Leadership Conference, suggested that the Department could blur faces to protect the privacy of those involved and also to protect witnesses and bystanders. However, Bend the Arc stressed that video should be redacted “no more than necessary” and that “video should never be redacted” to address concerns over privacy or graphic content “if the decedent’s family wants it released.”

VI. If Release is Determined on a Case-by-Case basis, Who Should Make the Decision?

If video release is to be determined on a case-by-case basis, someone must make that decision. Questionnaire respondents were asked about their level of trust in the District Attorney, the Chief of Police, the Police Commission, and the Mayor to decide whether to release video. Officers and members of the public also offered up their views in focus groups, community forums, and written comments.

Trust in public officials to make the decision on a case-by-case basis was quite low among members of the public and officers alike. No official received a “great deal” of trust from more than 16% of public respondents. And no official received even a “fair amount” of trust from a majority of public respondents (the District Attorney came closest with just under 50%). Perhaps more important, levels of distrust were notable. Black respondents had the lowest levels of trust in any of the public officials—including the DA. Only 34% of Black respondents expressed trust in the DA.

Officers were somewhat more inclined to trust officials to decide on a case-by-case basis whether to release footage. Even still, just 21% of officers said they would trust the chief “a great deal” (another 34% would trust the chief “a fair amount”). Trust in the Police Commission and the Mayor was even lower among officers than among the public at large.

Table 10 (Question 6): If the decision is made on a case-by-case basis, how much do you trust each of the following to make the right decision about release:

a. Los Angeles Chief of Police			
	Public (%)	Officers (%)	Total (%)
A great deal	12%	21%	13%
A fair amount	23%	34%	25%
Not very much	31%	25%	30%
Not at all	31%	19%	29%
Not sure	4%	1%	3%

b. Los Angeles Police Commission			
	Public (%)	Officers (%)	Total (%)
A great deal	14%	10%	13%
A fair amount	28%	13%	25%
Not very much	28%	24%	27%
Not at all	25%	52%	30%
Not sure	5%	1%	5%

c. Los Angeles District Attorney			
	Public (%)	Officers (%)	Total (%)
A great deal	16%	32%	19%
A fair amount	34%	40%	35%
Not very much	27%	14%	25%
Not at all	19%	13%	18%
Not sure	5%	1%	4%

d. Mayor of Los Angeles			
	Public (%)	Officers (%)	Total (%)
A great deal	8%	6%	8%
A fair amount	31%	12%	27%
Not very much	29%	25%	28%
Not at all	26%	55%	31%
Not sure	6%	2%	5%

District Attorney

Both the public and officers had the highest degree of trust in the District Attorney: 72% of officers and 49% of public respondents said they trusted the District Attorney at least a fair amount.¹¹

Civilians and officers who trust the District Attorney expressed that, although she is voted into the position, the District Attorney is primarily motivated to uphold the law and to seek justice, whether for a civilian or for an officer, and thus will be able to make a decision that is not biased by public pressure. Additionally, some respondents noted that the District Attorney is involved in law enforcement, but is not technically a member of the LAPD, and as such, is a good person to balance the interests of civilians and of officers.

Still, it is important to note that while almost half of the public respondents expressed trust personally in the District Attorney, the actual position taken by the District Attorney in her written comments regarding the timing of release did not receive much support among the general public. District Attorney Jackie Lacey submitted written comments stating the policy of the Los Angeles County District Attorney’s office that release of video in officer involved shootings is appropriate “at the conclusion of all relevant criminal litigation or once the office has officially declined to file a case.” Yet, as mentioned above, just 14% of civilian respondents supported this view. This highlights that even though the DA received relatively more support than others as an institutional actor, that support was not for her policy.

The 46% of respondents who said they did not trust the DA to make the right decision thought the DA was biased towards reelection or in favor of the police. As one commentator stated, “[t]here is an inherent bias because the DA and police are co-dependent on each other.”

¹¹ As noted above, trust in the District Attorney to make the right decision was notably low among Black respondents: just 34% said they would trust the District Attorney at least “a fair amount,” compared with 55% of Hispanic respondents and 52% of Whites. There also were differences based on age: 54% of respondents aged 55 and over said they would trust the District Attorney, compared with 48% of those aged 35 to 55, and 46% of those under 35.

Chief of Police

Just 35% of public respondents said they would trust the Chief of Police to decide whether to make video public. Only 12% would trust the Chief “a great deal.” Those who trusted the Police Chief noted the Chief’s experience in law enforcement and access to the most information. Civilian respondents who did not trust the Chief of Police cited potential “bias” to protect officers, and the belief that affording the Police Chief discretion would be “asking them to police themselves.”

Law enforcement officers had a higher degree of trust in the Chief of Police to make the right decision, with nearly 55% indicating that they would trust the chief at least a fair amount. Still, just 21% of officers trusted the Chief “a great deal” and 44% indicated that they would trust the chief “not very much” or “not at all.” Like public respondents, officers who placed trust in the Chief of Police noted that the Chief has the necessary law enforcement experience to be able to fully comprehend a critical incident and access to the most information about the investigation. Others said that the Chief was not as encumbered by political affiliations and could make an unbiased decision. Those who did not trust the Chief described the Chief as too responsive to political pressure and popular whim.

Commission

Just 42% of members of the public—and 23% of officers—said they would trust the Police Commission to decide on a case-by-case basis whether video should be made public.¹² A majority of both groups said they would trust the Commission “not very much” or “not at all.”

The Commission received the most divergent comments among the potential decision-makers. While some supported the commission as a civilian oversight board, many of the public and officer respondents who did not trust the Commission saw it as biased in favor of the other. For example, some public respondents commented that the Commission would try to protect officers, while many officers thought the Commission would bend toward public pressure in favor of release. Some officers also did not trust the Commission because of the Commissioners’ lack of law enforcement experience.

Mayor of Los Angeles

Trust in the mayor to make the right decision as to video release was low among both officers and members of the public. Only 8% of respondents said they trusted the mayor “a great deal,” the lowest of all the persons or group of persons included in the questionnaire. (Another 31% said they trust the Mayor “a fair amount.) Officers’ trust in the mayor was the lowest across the board, with only about 17% expressing any trust in the mayor to make the right decision.

This lack of trust in the mayor was a result of the naturally political position he holds (and, based on comments, not an expression of distrust in an individual). Public and law enforcement respondents alike emphasized that the decision to release video should be apolitical. Many respondents suggested the mayor would be motivated by political considerations that should not be part of the decision. Respondents had different views, however, on how “politics” would be involved. Some thought that the Mayor “could be swayed by the community that elects him,” or would make a decision to aid re-election; others thought that the Mayor was “politically tied to the police.”

¹² Among the public, 54% of those aged 55 and up said they would trust the Commission to make the right decision, compared with 40% of those aged 35 to 55 and just 32% of those under 35.

Other Decisionmakers

In addition to these potential decision-makers, some members of the public and officers made alternative suggestions. For example, in focus groups, LAPD officers and officials at every level suggested that a court should make the decision of whether to release video in order to maintain neutrality. Top officials of the LAPD also suggested a committee with different representatives that could include, for example, an investigator, someone from the DA’s office, and someone from the community who would be trusted, with the goal being that the decision-making body would be seen as neutral. In its written comments, the National Action Network Los Angeles suggested that if video is not going to be released automatically, the decision should be made by a committee with representatives from the Department, the Commission, an independent prosecutor’s office, and the community at large.

VII. Additional Comments and Considerations

Policy Considerations

Broad process objections: As noted at the outset, there was some objection to the entire process of public input. It is difficult to characterize how many people felt this way. The primary expression of this objection came from members of the Stop LAPD Spying coalition at public meetings; they did not submit written comments. The basis for objection to the process was twofold. First, Stop LAPD Spying has expressed concern about police wearing BWCs at all, believing that the footage will become a tool for surveillance of the public rather than police accountability, and that it would not have a meaningful impact on officer use of force. Second, Stop LAPD Spying felt that members of the public did not have an adequate opportunity to give input regarding the LAPD’s general BWC policy. Both ACLU SoCal and Bend the Arc—who welcomed the opportunity to submit comments on the video release policy—also urged the Commission to undertake a broader community input process around BWCs generally.

Concerns over surveillance: Several organizations—the ACLU SoCal, Bend the Arc, and the Leadership Conference—likewise expressed concern that BWCs could potentially become a tool for surveillance. The Leadership Conference noted that “without appropriate safeguards, they can compound the problems of over-surveillance and biased policing.” The ACLU SoCal likewise urged the LAPD to “guard against the use of body cameras as a surveillance tool” and cautioned that “the fast pace of technological advances . . . has the potential to dramatically alter the nature of everyday interactions between officers and civilians.” These organizations urged the LAPD to restrict the use of facial recognition technologies with BWCs, and also to develop policies to ensure that footage unrelated to active cases or complaints is promptly deleted.

Officers viewing video before statements: Four organizations—ACLU SoCal, Bend the Arc, National Action Network Los Angeles, and the Leadership Conference—argued that LAPD officers should be prohibited from viewing critical incident video footage before providing a statement. These organizations cited various reasons why officers should be prohibited from viewing video footage before giving statements. The ACLU argued that allowing officers to view video footage before making a statement “inevitably hurts rather than helps accountability and public trust.” The National Action Network Los Angeles specified that the current LAPD practice “undermines the credibility of the officer’s account of the incident and the system as a whole.” The Leadership Conference elaborated on this point, writing that “prohibiting officers from viewing footage before filing their reports preserves the independent evidentiary value of officer reports, since footage of an event presents a partial — and sometimes misleading — perspective of how events unfolded.” Additionally, according to the ACLU, the “Oakland Police, Riverside Sheriff, San Francisco Police, and San Jose Police departments all require officers under

investigation to provide at least an initial statement to investigators, then allow officers to watch the video and add information and context to their account.”

Permitting individuals involved to view footage: The Leadership Conference urged the LAPD to guarantee that “individuals alleging police misconduct be allowed to view relevant footage during the complaint process.”

Legal Considerations

California Public Records Act: Some questionnaire respondents commented that video should be released because it is a public record under the California Public Records Act (“CPRA”). Multiple organizations provided legal arguments supporting this view. For example, the First Amendment Coalition argued that body camera video meets the definition of a public record under the CPRA, and said that although the CPRA has numerous exceptions, “the LAPD’s blanket use of the ‘investigatory file’ exception, Cal Gov. Code § 6254(f), is improper.” The LA Times and California Newspaper Publishers Association pointed to several recent cases in California in which the police were ordered to disclose video as further evidence of this view. Likewise, the News Media Coalition, a group of eleven news and media organizations, cited the California Constitution’s provisions that exceptions to the CPRA should be narrowly construed. We were not engaged to provide legal counsel to the Commission and thus do not evaluate the strength of these arguments in this Report. However, the Commission may wish to consider and offer advice upon on the legal arguments presented in these written comments about the duties to disclose videos under the CPRA, as well as the scope of any CPRA exceptions.

Special Order No. 12: In focus groups, several officers suggested that the Commission and LAPD cannot unilaterally change the terms of Special Order No. 12, which they argue makes BWC video confidential and does not permit its release. (Representatives from the Los Angeles Police Protective League expressed a similar view during structured interviews, but these conversations were not formally a part of the public input process.) Special Order No. 12 was adopted by the Commission on April 28, 2015, and sets out LAPD policy concerning BWCs. On its face, Special Order No. 12 is addressed only to officers of the LAPD and prohibits the “unauthorized use or release” of recordings. Some officers expressed the view that the policy applies more broadly and bars the department from releasing video to the public. As with the CPRA arguments described above, we were not engaged to provide legal counsel to the Commission and do not evaluate the strength of these arguments. Again, the Commission may wish to seek appropriate counsel on this issue.

Prosecutorial Ethics: In her written comments, District Attorney Jackie Lacey stated that video should not be made public until it has been shown in court, or until the District Attorney’s office declines to file a case. District Attorney Lacey also said that “prosecutors are ethically prohibited from discussing evidence and otherwise trying a case in the media.” Still, she noted that police departments retain discretion to release BWC video. Obviously, her ethical concerns are not germane if the Commission decides adopts a policy that does not involve a prosecutor in the decision whether to release video. If it is inclined to involve a prosecutor in the decision, the Commission likewise may wish to seek appropriate counsel to evaluate the District Attorney’s concerns.

Appendix A: Questionnaire Responses

Question 1: Have you or a close friend or relative ever worked in law enforcement?

	Total (%)
I have never worked in law enforcement, and I do not have a close friend or relative who has.	52%
I have never worked in law enforcement, but I have a close friend or relative who has.	31%
I have worked or currently work in law enforcement.	17%

Question 2: In deciding whether to release video to the public after an officer involved shooting, how important is it to consider the views of each of the following:

a. Civilian/Civilian's Family

	Public (%)	Officers (%)	Total (%)
Very important	61%	41%	58%
Important	21%	23%	21%
Somewhat important	11%	20%	12%
Not at all important	7%	15%	8%
Not sure	1%	1%	1%

b. Officer/Officer's Family

	Public (%)	Officers (%)	Total (%)
Very important	32%	70%	38%
Important	19%	12%	18%
Somewhat important	23%	8%	20%
Not at all important	25%	9%	22%
Not sure	2%	1%	2%

c. Los Angeles Community

	Public (%)	Officers (%)	Total (%)
Very important	45%	24%	42%
Important	26%	23%	26%
Somewhat important	17%	31%	19%
Not at all important	11%	22%	13%
Not sure	1%	1%	1%

d. Los Angeles Chief of Police

	Public (%)	Officers (%)	Total (%)
Very important	23%	30%	24%
Important	18%	25%	19%
Somewhat important	26%	23%	26%
Not at all important	31%	21%	29%
Not sure	2%	1%	2%

e. Los Angeles Police Commission			
	Public (%)	Officers (%)	Total (%)
Very important	23%	20%	22%
Important	20%	19%	20%
Somewhat important	25%	21%	25%
Not at all important	29%	39%	30%
Not sure	3%	1%	3%

f. Los Angeles District Attorney			
	Public (%)	Officers (%)	Total (%)
Very important	29%	45%	31%
Important	24%	24%	24%
Somewhat important	23%	18%	22%
Not at all important	22%	12%	20%
Not sure	3%	1%	2%

g. Mayor of Los Angeles			
	Public (%)	Officers (%)	Total (%)
Very important	17%	13%	16%
Important	15%	13%	15%
Somewhat important	25%	24%	25%
Not at all important	39%	49%	41%
Not Sure	3%	2%	3%

Question 3: Should the following circumstances be considered in deciding whether or not to release video after an officer-involved shooting?

a. The civilian's family wants the video to be made public			
	Public (%)	Officers (%)	Total (%)
Definitely	57%	17%	50%
Probably	19%	19%	19%
Probably not	9%	25%	12%
Definitely not	9%	34%	13%
Not sure	6%	5%	6%

b. The Chief of Police believes that release of video would pose a threat to the safety of officers			
	Public (%)	Officers (%)	Total (%)
Definitely	26%	72%	34%
Probably	20%	11%	19%
Probably not	22%	6%	19%
Definitely not	18%	8%	16%
Not sure	14%	3%	12%

c. There have been protests in the community after the incident, and community members have asked for the video to be made public

	Public (%)	Officers (%)	Total (%)
Definitely	46%	13%	41%
Probably	25%	17%	24%
Probably not	10%	23%	12%
Definitely not	10%	39%	15%
Not sure	8%	9%	9%

d. The District Attorney believes that release of video may bias potential jurors

	Public (%)	Officers (%)	Total (%)
Definitely	24%	67%	31%
Probably	22%	12%	21%
Probably not	22%	7%	19%
Definitely not	17%	10%	16%
Not sure	15%	4%	13%

e. Releasing the video could help correct public misperceptions about what occurred

	Public (%)	Officers (%)	Total (%)
Definitely	62%	38%	58%
Probably	24%	27%	24%
Probably not	5%	15%	7%
Definitely not	4%	13%	5%
Not sure	5%	7%	5%

f. The civilian's family objects to the release of video

	Public (%)	Officers (%)	Total (%)
Definitely	30%	23%	29%
Probably	24%	20%	23%
Probably not	16%	20%	17%
Definitely not	12%	24%	14%
Not sure	18%	14%	17%

g. Police have not been able to locate or interview an important witness to the incident, and are concerned that releasing the video would make it more difficult to get that person's own perception of what occurred

	Public (%)	Officers (%)	Total (%)
Definitely	31%	60%	35%
Probably	27%	18%	25%
Probably not	16%	8%	14%
Definitely not	11%	9%	11%
Not sure	16%	5%	14%

h. The video only captures a portion of the incident and may create a misperception about what occurred

	Public (%)	Officers (%)	Total (%)
Definitely	27%	56%	32%
Probably	24%	17%	23%
Probably not	19%	9%	17%
Definitely not	14%	13%	14%
Not sure	16%	5%	14%

i. The video is of a minor (under the age of 18)

	Public (%)	Officers (%)	Total (%)
Definitely	30%	34%	31%
Probably	20%	15%	19%
Probably not	17%	14%	17%
Definitely not	16%	24%	18%
Not sure	17%	13%	16%

Question 4: Generally speaking, should video of an officer-involved shooting be made available to the public at some point?

	Public (%)	Officers (%)	Total (%)
Definitely	67%	31%	61%
Probably	21%	32%	23%
Probably not	5%	18%	7%
Definitely not	3%	12%	4%
Not sure	4%	6%	5%

Question 5: If the decision is made on a case-by-case basis, how much do you trust each of the following to make the right decision about release:

a. Los Angeles Chief of Police

	Public (%)	Officers (%)	Total (%)
A great deal	12%	21%	13%
A fair amount	23%	34%	25%
Not very much	31%	25%	30%
Not at all	31%	19%	29%
Not sure	4%	1%	3%

b. Los Angeles Police Commission

	Public (%)	Officers (%)	Total (%)
A great deal	14%	10%	13%
A fair amount	28%	13%	25%
Not very much	28%	24%	27%
Not at all	25%	52%	30%
Not sure	5%	1%	5%

c. Los Angeles District Attorney			
	Public (%)	Officers (%)	Total (%)
A great deal	16%	32%	19%
A fair amount	34%	40%	35%
Not very much	27%	14%	25%
Not at all	19%	13%	18%
Not sure	5%	1%	4%

d. Mayor of Los Angeles			
	Public (%)	Officers (%)	Total (%)
A great deal	8%	6%	8%
A fair amount	31%	12%	27%
Not very much	29%	25%	28%
Not at all	26%	55%	31%
Not sure	6%	2%	5%

Question 6: If video footage must be released automatically within a certain time period, this should happen:

	Public (%)	Officers (%)	Total (%)
Within 30 days	49%	13%	43%
Within 60 days	16%	4%	14%
Within 120 days	11%	9%	11%
After the police commission decides whether or not the officers followed department rules (often up to 1 year after the incident)	8%	11%	9%
After the District Attorney decides whether or not to file charges (often up to 1-2 years after the incident)	14%	64%	23%

Question 7: If an automatic release policy is adopted, should exceptions be made to delay the release of video in the following cases:

a. The Chief of Police believes that release of video would pose a threat to the safety of officers			
	Public (%)	Officers (%)	Total (%)
Definitely	23%	76%	32%
Probably	20%	10%	18%
Probably not	24%	5%	20%
Definitely not	21%	6%	19%
Not sure	12%	2%	10%

b. The District Attorney intends to bring criminal charges against the officer, and believes that release of video may bias potential jurors

	Public (%)	Officers (%)	Total (%)
Definitely	26%	74%	34%
Probably	26%	10%	23%
Probably not	21%	4%	19%
Definitely not	14%	7%	13%
Not sure	13%	5%	11%

c. The civilian's family objects to the release of video

	Public (%)	Officers (%)	Total (%)
Definitely	26%	31%	27%
Probably	26%	16%	24%
Probably not	19%	21%	19%
Definitely not	13%	20%	14%
Not sure	16%	11%	15%

d. Police have not been able to locate an important witness to the incident

	Public (%)	Officers (%)	Total (%)
Definitely	21%	53%	27%
Probably	24%	19%	23%
Probably not	21%	9%	19%
Definitely not	14%	9%	13%
Not sure	20%	9%	18%

Questions 8 through 10: Policy Options

Option A: The LAPD will not release any videos until the LA Police Commission decides whether or not the officers followed department rules. This usually happens about 1 year after the incident. However, within 72 hours after an officer-involved shooting, the LAPD will issue a public statement about the incident, including the time and location, a description of what prompted the officers' response, and whether any weapons were recovered. The LAPD will provide additional updates at regular intervals. Would you favor or oppose such as policy?

	Public (%)	Officers (%)	Total (%)
Strongly favor	17%	31%	19%
Somewhat favor	15%	26%	17%
Neutral	8%	11%	9%
Somewhat oppose	18%	10%	17%
Strongly oppose	42%	21%	38%

Option B: The LA Police Commission, in consultation with the District Attorney and the Chief of Police, will **decide on a case-by-case basis** whether to release video footage. The Commission will make an initial decide within 5 days, and publicly explain its decision. If it decides not to release video, it will reconsider every 30 days. All videos will be released once the Commission decides whether or not the officers followed departments rules (usually 1 year after the incident). Would you favor or oppose such as policy?

	Public (%)	Officers (%)	Total (%)
Strongly favor	17%	17%	17%
Somewhat favor	25%	22%	24%
Neutral	10%	11%	10%
Somewhat oppose	21%	14%	20%
Strongly oppose	28%	36%	29%

Option C: Video of an officer-involved shooting will **automatically be released within 60 days**. The LAPD may request a 30-day extension on the release of video footage in exceptional circumstances. The LAPD must make the request in writing to the Police Commission, which will decide whether to grant the request. Would you favor or oppose such as policy?

	Public (%)	Officers (%)	Total (%)
Strongly favor	35%	13%	31%
Somewhat favor	26%	8%	23%
Neutral	8%	6%	8%
Somewhat oppose	12%	10%	11%
Strongly oppose	19%	63%	26%

Question 11: How old are you?

	Public (%)	Officers (%)	Total (%)
Under 18	1%	0%	1%
18-25	11%	2%	9%
26-34	21%	16%	20%
35-54	39%	60%	42%
55-64	17%	16%	17%
65 or over	12%	7%	11%

Question 12: What best describes your gender?

	Public (%)	Officers (%)	Total (%)
Male	44%	77%	49%
Female	55%	22%	49%
Other	1%	1%	1%

Question 13: What is your race (check all that apply)?

	Public (%)	Officers (%)	Total (%)
American Indian/Alaskan Native	<1%	1%	<1%
Asian/Pacific Islander	5%	7%	6%
Black	14%	11%	13%
Hispanic or Latino	14%	33%	18%
Middle Eastern/Southwest Asian	2%	1%	2%
Other	9%	8%	9%
White (non-Hispanic/Latino)	55%	40%	53%

Question 14: What was your total household income before taxes in the past year?

	Public (%)	Officers (%)	Total (%)
Less than \$25,000	10%	2%	8%
\$25,000 to \$34,999	7%	1%	6%
\$35,000 to \$49,000	9%	2%	8%
\$50,000 to \$74,999	18%	7%	16%
\$75,000 to \$99,999	13%	16%	14%
\$100,000 to \$149,999	16%	40%	20%
\$150,000 or more	27%	30%	27%

Appendix B:

Website Landing Page

Community Input on the LAPD's Video Policy

What should happen if a police officer's body-worn camera records an officer-involved shooting or other serious use of force incident? Should the video be made public? And if so, when?

The Los Angeles Police Commission is developing a new policy on the release of video footage after such incidents.

The Los Angeles Police Commission Wants Your Input

The Los Angeles Police Commission wants to make sure that its new policy is responsive to community concerns. It has asked the Policing Project at New York University School of Law to gather public input on what the policy should be. The Policing Project will work with professors and students at UCLA School of Law and UC Irvine School of Law to get input from the community and report back to the Commission.

Learn More About the Pros and Cons of Releasing Video

In deciding whether and when to release video after an officer-involved shooting, there are many factors to consider. To learn more, watch the video below, or read a [brief fact sheet](#) about some of the tradeoffs involved.



Tell Us What You Think

There are three ways you can give input to the Police Commission:

- * Fill out a brief questionnaire (in English or Spanish)
- * Upload more detailed written comments
- * Attend a community forum

Forums will be held in each of the four police bureaus across Los Angeles ([click here](#) for the forum dates and locations).

The comment period will end on **May 7**.

Take the Questionnaire

Upload Comments

Appendix C:
Discussion Guide and Paper
Questionnaire

