

# **BODY-WORN CAMERAS AND CRITICAL INCIDENTS**

**CHIEF MIKE WASHBURN  
INDIO POLICE DEPARTMENT**

**JENNIFER PETRUSIS  
RICHARDS, WATSON & GERSHON**

**JAMES E. “JEB” BROWN  
ASSISTANT COUNTY COUNSEL, RIVERSIDE**



September 13, 2017  
League of Cities Annual Conference

# Body-Worn Camera Footage



# Release the Footage to the Public?

- **Legal Considerations**
- **Policy Considerations**
- **Practical Considerations**

# Release the Footage to the Public?

- **California Public Records Act**
- **Body-Worn camera footage is a record of an investigation and, therefore, is exempt from disclosure.**
  - Gov't Code § 6254(f)

# Government Code § 6254(f):

**According to Section 6254(f), the Public Records Act does not require the disclosure of:**

**“Records of complaints to, or investigations conducted by . . . any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”**

# Pending Legislation: AB 748

- Video or audio recordings that relate to a “matter of public concern” must be disclosed.
- Matters of public concern include a recording that “depicts an incident involving a peace officer’s use of force, or is reasonably believed to involve a violation of law or public policy.”
- It can be withheld from disclosure for a maximum of 120 days if it would substantially impede an active investigation.

# Pending Legislation: AB 748

- If the agency determines that releasing the recording would violate the reasonable expectation of privacy of a subject depicted in the recording, the agency must articulate that interest and use redaction technology.
- If the privacy of the depicted individual cannot be protected through redaction, must still disclose to certain individuals, including the subject and his/her immediate family.

# Pending Legislation: AB 459

- Does not impose disclosure requirements.
- Clarifies that CPRA does not require disclosure of recordings related to certain serious crimes with inherent privacy concerns.