


GENERAL OFFICE MEMORANDUM 17-109

TO: ALL DEPUTY DISTRICT ATTORNEYS

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: REMINDER: DISCOVERY OBLIGATIONS RELATED TO PERSONAL
AUDIO & VIDEO RECORDING DEVICES

DATE: SEPTEMBER 6, 2017

This memorandum reiterates our office's mandated discovery obligations under Penal Code section 1054.1 and *Brady v. Maryland* (1963) 373 U.S. 83, as stated in GOM 13-027 (Discovery Requests for Audio & Video Recordings) and GOM 15-099 (Body-Worn Camera Video Evidence).

While department issued body-worn cameras are currently being used by several law enforcement agencies in Los Angeles County, many other agencies, who do not yet have department issued body-worn cameras, have allowed their officers/deputies to use personal recording devices, including body-worn cameras.

As stated in GOM 15-099, "Penal Code section 1054.1(c) requires a prosecutor to disclose all relevant real evidence. Video evidence from a body-worn camera, a dashboard camera in a patrol car, or from some other device must be disclosed, if relevant. This evidence must be provided to the defense *unless* disclosure will endanger the life or safety of a witness, or compromise an on-going criminal investigation. (See Penal Code §1054.7)." This rule applies equally to video and audio footage recorded by an officer or deputy using their personal body-worn camera or other recording device, and is an on-going obligation.

Prosecutors should inquire at the time of filing if any body-worn camera video evidence exists, including material recorded on personal devices. If a deputy learns of the existence of relevant evidence at any point in time, the procedures outlined in GOM 13-027 and 15-099 should be followed to fulfill our prosecutorial discovery obligations.

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