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COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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MAX HUNTSMAN
INSPECTOR GENERAL

January 9, 2020

TO: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

FROM: Max Huntsman *MH*
Inspector General

SUBJECT: REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS IN
LOS ANGELES COUNTY

On September 24, 2019, the Board of Supervisors directed the Office of Inspector General, in consultation with the Sheriff, Public Defender, Acting Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to report back to the Board of Supervisors in writing in 90 days on (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras and (2) the receipt of a final Body-Worn Camera Policy from the Sheriff's Department, with such policy to address the elements raised by the Board of Supervisors in the preamble to its motion of September 24, 2019, regarding body-worn cameras.

The Office of Inspector General has been monitoring the Department's progress in implementing body-worn cameras and presents the following:

- 1) The Department met with the CEO's office on several occasions to receive final direction on the transfer of funds to Department for infrastructure work and personnel;
- 2) The Department worked on finalizing its Body-Worn Camera Policy independent of any collaboration with the Office of Inspector General, with a promise to

provide the Office of Inspector General with a copy of the policy once it was finalized and approved by the unions;

- 3) On December 4, 2019, at the Public Safety Cluster Agenda Review meeting, the Sheriff's Department asked the Board of Supervisors to approve the transfer of approximately \$5.6 million from Provisional Financing Uses (PFU) to the Sheriff's Department's operating budget to allow the Sheriff's Department to continue phased implementation of technology infrastructure upgrades for the body-worn camera program. That day, the Office of Inspector General was informed that the Sheriff's Department's policy had been finalized but was pending approval by the Unions;
- 4) On December 11, 2019, the Office of Inspector General was informed by a representative of LASD that the Department's Body-Worn Camera policy had been approved by the unions and that copy would be provided to the Office of Inspector General;
- 5) On December 17, 2019, the Board of Supervisors approved the appropriation adjustment transferring the approximately \$5.6 million from PFU to the Sheriff's operating budget to allow the Department to continue the phased implementation of technology infrastructure upgrades for the body-worn camera project;
- 6) On the morning of December 19, 2019, the Office of Inspector General proceeded with its previously scheduled meeting with representatives from the Public Defender's office and the Alternate Public Defenders office to discuss issues that may impact the Department's implementation of body-worn cameras;
- 7) The final draft of the Department's Body-Worn Camera Policy was provided to the Office of Inspector General on December 19, 2019, when it was also provided to the Civilian Oversight Commission and the Board of Supervisors Justice Deputies.

In addition to the consultation with the Public Defender and the Alternate Public Defender, the Office of Inspector General reached out to representatives of the District Attorney, County Counsel, and the Civilian Oversight Commission. Given that the policy was received on December 19, 2019, the Office of the Inspector General was not able to meaningful consult with these entities regarding the policy prior to the report back date.

Board of Supervisors
Page 3
January 9, 2020

Now that the Office of Inspector General is in receipt of the policy, the next report back will address the LASD policy on body-worn cameras and the input from all of the agencies which were required to consult on the policy.

MH:dw:sk

c: Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Executive Officer
Mary C. Wickham, County Counsel
Brian K. Williams, Executive Director, Sheriff's Civilian Oversight Commission



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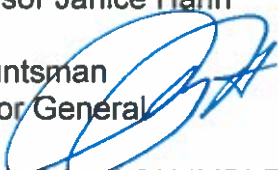
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MAX HUNTSMAN
INSPECTOR GENERAL

March 3, 2020

TO: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

FROM: Max Huntsman
Inspector General 

SUBJECT: REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS IN
LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, the Board of Supervisors motion directing the Office of Inspector General, in consultation with the Sheriff, Public Defender, Acting Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to monitor and report on (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras and (2) the receipt of a final body-worn camera policy from the Sheriff's Department, with such policy to address the elements raised by the Board of Supervisors. The Board requested that following the first report back, the Office of Inspector General continue to report back every sixty days. This is our second report back on the progress of the Los Angeles Sheriff's Department's (LASD) implementation of body-worn cameras.

On January 16, 2020, LASD Commander Chris Marks presented to the Civilian Oversight Commission (COC) the status of the implementation of body-worn cameras and the final LASD policy on body-worn cameras. The presentation included the status of station infrastructure upgrades necessary to support the technology required to upload and store the video footage. To date, five station upgrades have been completed.

The County's Internal Services Department is handling the Request for Proposals (RFP) regarding the vendors for the body-worn cameras. All vendor submissions were due on January 9, 2020, and the process to select a vendor has begun. LASD estimates it will take four to six months to select a vendor. LASD will then submit a funding request to the Board of Supervisors. LASD estimates deployment of cameras will be two years from the date of the signed contract. Deputies have been selected to fill twelve of the thirteen sworn positions in the budget approved by the Board of Supervisors to deploy and support body-worn cameras. LASD is in the process of filling the remaining positions, which include one more deputy and twenty professional staff.

Commander Marks informed the COC that each deputy who is assigned a body-worn camera will receive eight hours of training prior to deployment. A substantial portion of that training will be on the LASD body-worn camera policy.

The LASD body-worn camera policy has already been approved by the unions and adopted by LASD. It will not be published until the body-worn cameras are deployed, at which time the policy will be published both internally and on the LASD public website. Commander Marks stated the policy was the result of a six-year process which involved obtaining input from the Office of Internal Review, reviewing the policies of hundreds of agencies, meetings with numerous agencies, information learned at trainings and conferences, input from the International Association of Chiefs of Police (IACP) report, and recommendations from the COC and the Office of Inspector General. Commander Marks represented that the policy is completely aligned with the IACP recommendations and is closely aligned with the policy of the Los Angeles Police Department.

The policy was adopted without input from the COC. Commander Marks stated that the Board of Supervisor's timeline for adopting a final policy prevented LASD from obtaining input from the COC.

Commander Marks acknowledged that the current policy does not adopt all the recommendations made by the Office of Inspector General, including the recommendation covering review of videos related to serious use of force incidents resulting in an injury to the subject of the force. A thorough analysis of the policy is underway by the Office of Inspector General and will include a comparison of the LASD policy to the recommendations of the Office of Inspector General, the COC, IACP, and input received from the Public Defender, Alternate Public Defender, and District Attorney's offices.

Commander Marks stated it is LASD's intention to comply with AB 748 requiring the release of video for what are known as critical incidents. These are videos which document serious uses of force and those uses of force which cause injuries. However, all other videos are considered by LASD to be investigative records that will not be

released in response to a California Public Records Act request. This LASD view also applies to complaints by members of the community; LASD will review video in response to a complaint but will not release it to the public, including the complainant.

According to Commander Marks, the main reason behind the decision not to publicly release videos of incidents not considered critical is that it is cost prohibitive.

During the presentation at the COC, concerns regarding the LASD policy were discussed at length by Commander Marks, Inspector General Huntsman, and members of the COC Board. COC Chair Patti Giggans stated her position that the COC recommend to the Board of Supervisors that LASD move forward with the implementation of cameras but continue to analyze the policy to ameliorate the concerns expressed and any other concerns raised by the public. Commissioner Giggans inquired of the commissioners as to their agreement as to this recommendation and there was acquiescence by her fellow commissioners. The Inspector General agreed that despite concerns over LASD policy, he recommends moving forward with the implementation of body-worn cameras because the value of having them outweighs the concerns over the current policy.

The Office of Inspector General will continue to monitor the implementation of body-worn cameras and to consult with the offices of the Public Defender, the Alternate Public Defender, and the Civilian Oversight Commission, as well as the District Attorney's Office, County Counsel and the CEO

MH:dw

c: Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Executive Officer
Mary C. Wickham, County Counsel
Brian Williams, Executive Director, Sheriff's Civilian Oversight Commission



COUNTY OF LOS ANGELES SHERIFF CIVILIAN OVERSIGHT COMMISSION

World Trade Center
350 South Figueroa Street, Suite 288, Los Angeles California 90071
(213) 253-5678

April 2, 2020

To: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

From: Brian K. Williams
Executive Director

Brian K. Williams
Executive Director

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REQUEST FOR AN EXTENSION FOR THE REPORT BACK ON THE LOS ANGELES COUNTY SHERIFF DEPARTMENT (LASD) BODY-WORN CAMERAS POLICY (ITEM NO. 26, AGENDA OF SEPTEMBER 24, 2019)

On September 24, 2019, the Board directed the Los Angeles County Sheriff's Department (LASD) to provide the Sheriff Civilian Oversight Commission (COC) with the final Body-Worn Camera (BWC) Policy prior to issuing the Request for Proposal for BWC devices and digital evidence management system. In addition, under purchasing authority or upon Board authorization for the Sheriff to award the BWC contract, the COC is to collaborate with the Inspector General (IG) to report back to the Board in writing with bi-annual reports assessing the implementation and effectiveness of the County's BWC program as well as collaborate with the Chief Executive Officer and the IG to hire a consultant to assist with evaluations if deemed necessary.

On January 16, 2020, LASD Detective Division Commander Chris Marks provided an overview of the "Proposed LASD BWC Policy" the regular COC monthly public meeting. Commander Marks presentation consisted of a timeline of the draft policy as well as the status of the infrastructure needed. LASD's goal is to have the BWC's in as many stations as possible in less than two years. The request for proposals (RFPs) was published in October 2019, the vendor submissions were due in in January 2020 and the process to select a vendor is in process. LASD has estimated that it may be sometime between May and July 2020 before a vendor is selected. Following the LASD presentation, the COC Ad Hoc Committee on BWC reached to LASD to support them in proceeding with the plan to implement the BWC's for the patrol division, but to also provide recommendations regarding several of their proposed BWC policies. The LASD has taken the COC recommendations under consideration and the COC will be requesting the presence of LASD's BWC program management at the April 2020 meeting to address any questions the COC may have.

Each Supervisor
April 2, 2020
Page 2

The COC respectfully requests that your Board grant an extension to May 28, 2020, to submit the report.

If you have any questions, please contact me at (213) 253-5678.

BKW:tjj

c: Executive Office, Board of Supervisors
Los Angeles County Sheriff's Department
Los Angeles County Office of Inspector General
Los Angeles County Auditor-Controller
County Counsel



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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MAX HUNTSMAN
INSPECTOR GENERAL

June 16, 2020

TO: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

FROM: Max Huntsman 
Inspector General

SUBJECT: THIRD REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY

Purpose of Memorandum:

After years of negotiations, a body camera roll-out has been agreed upon and funded. The Los Angeles County Sheriff's Department (LASD) is planning to begin deployment of the body-worn cameras by the end of the third quarter of this year, contingent upon the successful execution of an agreement with the vendor. LASD has lagged far behind other major police agencies in the incorporation of video technology as a means of police supervision and public accountability. This step forward, slow as it is, is historic. The Office of Inspector General, the Sheriff's Civilian Oversight Commission (COC), the Public Defender, and the Alternate Public Defender all strongly support implementation of a body-worn camera program by the Sheriff.

On March 3, 2020, the Office of Inspector General presented its second report back on the September 24, 2019, Board of Supervisors motion directing the implementation of Body-Worn Cameras and directing the Office of Inspector General, in consultation with seven other county entities,¹ to monitor and report on: (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations to accommodate the technical needs of a body-worn camera program, and; (2) the receipt of a final body-worn camera policy from LASD. This is our third report back on the progress of LASD's implementation of body-worn cameras. Having received bids from multiple companies, the County is in the process of a final selection. We anticipate that a vendor will be in place by the end of the summer.

¹ Those other entities are the LASD, Public Defender, Alternate Public Defender, District Attorney, Chief Executive Office, County Counsel, and the COC.

LASD's body-worn camera policy has been ratified by the unions and adopted by the Department. The COC and the Office of Inspector General have made public recommendations for changes to the policy. LASD indicates it expects to begin deploying cameras by the third quarter of 2020.

Based upon a report by the International Association of Chiefs of Police, LASD requested \$34.7 million to implement body worn cameras and this amount was **fully allocated** to the project as referenced in the chart below.

Fiscal Year	Budget Phase	Ongoing	One-time	Total
2016-17	Recommended	0	5,000,000	5,000,000
2016-17	Final Changes	1,735,000	0	1,735,000
2018-19	Supplemental	11,000	4,517,000	4,528,000
2019-20	Recommended	11,254,000	0	11,254,000
2019-20	Final Changes	0	10,186,000	10,186,000
		13,000,000	19,703,000	32,703,000

An additional \$2.08 million was provided in one-time funds during Fiscal Year 2018-2019 as part of a mid-year budget adjustment bringing the total amount allocated to \$34.78 million. This amount has been placed in Provisional Funding Uses for LASD and will be transferred after LASD incurs costs for implementing the body-worn cameras or submits a budget plan to the Chief Executive Office. The monies allocated for the LASD body-worn cameras is specifically for implementation of the program and the funds cannot be allocated to any other budget item. The Board of Supervisors fully supports the implementation and ongoing use of body-worn cameras by deputies as evidenced by the significant allocation of funds for this project. The Sheriff has indicated his full support in a recent "tweet."

Body-Worn Camera Implementation Plan and Infrastructure Upgrades

As part of its Body-Worn Camera Implementation Plan, LASD has reported the following additional changes and updates:

- The Homicide Bureau Body-Worn Camera Unit is now staffed with 24 employees.
- The Internal Services Department (ISD) released the Request for Proposal (RFP) for Body-Worn Camera solicitation on October 31, 2019. The solicitations were due to ISD on January 9, 2020. Following the closing date, an ISD evaluation committee performed an independent review of the solicitations on a point-based

system. As of the writing of this report, the evaluation process has been completed and ISD is entering into the negotiation phase with the highest ranked bidder. The current schedule for completion and finalization of a contract is the second week of July. Lengthened negotiations or the filing of a protest could alter this anticipated timeline.

- LASD is waiting for the finalization of a lease space agreement for the Body-Worn Camera Unit. In the meantime, the Body-Worn Camera Unit is sharing office space with personnel from another division.
- LASD had been in the process of engaging the labor unions prior to revising the Department's Service Audit Policy (Field Operations Directive 90-007) and amending the Body-Worn Camera Policy, Section 3-06/200.75, Public Release of Critical Incidents. Revised language in this section was provided by County Counsel following input received during the Civilian Oversight Commission presentation on January 16, 2020. Because the details of a contract with a vendor for the body-worn cameras has not been finalized, LASD does not yet know what specific services will be provided by the vendor. There are various options available at differing price points. Once the vendor contract is finalized, LASD will be in a position to engage the selected vendor regarding auditing options and will then proceed with finalizing an audit policy to present to the unions.

Department Policy for Body-Worn Cameras and Stakeholder Input

Although LASD has not yet implemented its policy, it circulated the draft version to its county justice partners. The Office of the Alternate Public Defender (APD) and the Office of the Public Defender (PD) reviewed the policy and offered comments. The Los Angeles District Attorney's (LADA) Office was also afforded a look at the LASD policy but generally does not comment upon LASD's internal policy decisions. Once the body-worn cameras are introduced in the field, LADA intends to work with LASD in integrating its body-worn camera system with their data and discovery systems in place. Only if issues arise after the implementation would LADA potentially weigh-in on a law enforcement agency policy.

During the LASD presentation at the (COC) meeting in January, the COC expressed some concerns with the policy. At that meeting, LASD explained that time constraints prevented the Department from obtaining prior COC input.² At its April 16, 2020 meeting, the COC released a letter with more detailed concerns. LASD did not respond to these concerns during the April meeting despite being given an opportunity to do so.

² At the March 18, 2020 COC meeting, Sheriff Alex Villanueva submitted a letter promising to "closely examine" the COC's ad hoc committee suggestions as it moves forward with the Body-Worn Camera Program. In that letter, the Sheriff informed the COC that their suggestion to include random audits as part of the policy had been adopted.

LASD has defied two subpoenas from the COC, one for attendance of the Sheriff to address public safety concerns relating to the pandemic and the other for production of documents in the matter of allegations of cover-up related to a recent fatal helicopter crash. Aggressive resistance to public oversight and review of Department conduct suggests policy-based concerns regarding the BWC program are warranted. Nonetheless, the Inspector General continues to strongly advise the long overdue incorporation of video technology into oversight and supervision of police, including implementation of this program and eventual expansion to all deputies, and the addition of dash cameras.

The Office of Inspector General requested feedback from the other justice partners enumerated in the Board of Supervisors motion. The Alternate Public Defender and Public Defender each in the midst of a multi-year data management system upgrade initially weighed in, not only on the policy itself, but also on the technical requirements that accompany implementation of the policy. Both the PD and APD expressed their hope that one consideration in LASD's choice of a vendor would be the ability to smoothly integrate with the new case management systems that these agencies are rolling out. With the adoption of a digital evidence management system that integrates with the justice partners' software, the roll-out of body-worn cameras in the field and in the jails will provide the ability for authorized justice agencies – prosecution and defense alike – to seamlessly and objectively access, review, and analyze body-worn camera footage as in a timely manner in criminal cases.

LASD proposed policy largely mirrors that of the Los Angeles Police Department (LAPD) which has been in effect since April 28, 2015. Where it does not, the provisions appear to strongly favor LASD employees over public transparency. This fact troubles the Public Defender and Alternate Public Defender, as well as the Office of Inspector General. There are concerns that the policy grants supervisors and deputies too much discretion in deciding when to turn on or off a body-worn camera and that there is no real accountability for a deputy failing to activate the body-worn camera. The policy prohibits routine or random audits solely for the purpose of discovering misconduct.³ This and other carveouts potentially shield deputies from accountability; for instance, the policy prohibits use of unintentionally recorded personal communications to initiate an administrative investigation and creates other exceptions that could be used to avoid administrative consequences. Another PD/APD concern is that the policy uses the term "citizens" instead of "members of the public." This language is likely a term of art that has been long used by law enforcement, including terms such as "citizen encounter" or "citizen's arrest," but could be understood to reference immigration status. Changing

³A November 2019 [Los Angeles Times](https://www.latimes.com/california/story/2019-11-07/lapd-body-worn-camera-video-review) article described an agreement struck between the LAPD unions and Chief Michel Moore to allow random inspection of body-worn camera videos, but only for the purpose of identifying training lapses or biased policing trends. <https://www.latimes.com/california/story/2019-11-07/lapd-body-worn-camera-video-review>. As mentioned above, the COC prevailed upon the Sheriff to reconsider this omission, which he agreed to do.

this term to “members of the public” or “community members” clarifies its application, likely in the manner LASD intended.

Nationwide, community-based advocacy groups encourage law enforcement agencies to make body-worn camera policies public and readily available. The Department has made the decision to delay public release of the policy until cameras are deployed. The Department promises that upon deployment, the policy governing use of the cameras and their footage will be posted on the public LASD website.

Many community groups also urge law enforcement agencies to prohibit pre-report viewing of the body-worn camera footage. The June 5, 2019, independent evaluation of the Sheriff’s proposed body-worn camera policies by the International Association of Chiefs of Police (IACP) abstained from making a recommendation on this issue, citing inconsistency across jurisdictions. The IACP literature review found that policy decisions on this issue are affected by “leadership sentiments” as well as “community expectations,” although the report does not spell out whether the “leadership” is that of a police union, a municipal legislature, or legal advocates. The IACP specifically notes that reports by the Office of Inspector General and the COC provide stakeholder input on this issue and should be considered. Most stakeholder groups, including the Public Defender and the Alternate Public Defender, recommend against allowing deputies to review body-worn camera footage prior to writing reports of a deputy-involved shooting or any use of force. Nevertheless, the LASD policy – as does the LAPD policy – allows for pre-report viewing by involved personnel of video on routine calls for service, as well as for critical incidents like shootings. Both the Public Defender and Alternate Public defender have expressed grave concerns about this policy and the potential for the fabrication of details to provide justification for the actions by the involved deputies.

California has not yet mandated specific storage, data classification practices, or retention periods for body-worn camera video, but the state legislature has set forth best practices regarding the downloading and storage of body-worn camera data (Penal Code section 832.18). These practices cover downloading and classifying body-worn camera data according to the type of event recorded. LASD policy falls short of adopting all best practices recommended by Penal Code section 832.18. For a detailed comparison of Penal Code section 832.18 and the LASD policy, please find the Appendix attached to this report.

Conclusion

Implementing body-worn cameras is an immediate necessity. Having cameras and a robust policy for their use, data classification, and data storage will promote transparency and public trust. Departmental compliance with Penal Code section 832.7, requiring among other things, public access to video of shootings and fatal use of force, as well as Government Code section 2530 and Measure R, requiring public oversight, are also necessary but LASD failure to comply with them should not delay

implementation of the collection of a video record. The Office of Inspector General will continue to monitor LASD's implementation of body-worn cameras and report back to the Board.

If you have any questions concerning this report, please contact me at (213) 974-6100.

MH:DB:bo

c: Alex Villanueva, Sheriff
Sachi A. Hamai, Chief Executive Officer
Celia Zavala, Executive Officer
Mary C. Wickham, County Counsel
Brian Williams, Executive Director
Civilian Oversight Commission

APPENDIX

LASD body worn camera policy generally follows the best practices set forth in Penal Code section 832.18 as noted in these comparisons:

- LASD policy requires “at the end of each shift, members shall upload all body worn camera (BWC) recordings to secure storage by docking the device at the station/unit.” (Manual of Policy and Procedures (MPP) section 3-06/200.⁴ MPP section 3-06/200.63 makes supervisors responsible for ensuring that all body-worn camera footage is uploaded by the end of the shift and that field audits shall be conducted for compliance. These MPP sections satisfy the best practice set forth in Penal Code section 832.18(b)(1) that law enforcement agency’s policies and procedures “designate the person responsible for downloading the recorded data from the body-worn camera.”⁵
- LASD MPP 3-06/200.55 and 3-06/200.68 requires that if the incident recorded on the camera is a Category 3 use of force that the on-scene supervisor “take possession of all BWCs devices from involved personnel; power off the devices and secure them; turn the devices over to the handling lieutenant or watch commander; and upload the video and secure the viewing rights, or ensure a member of the Body Worn Camera Unit (BWCU) does so.” This MPP addresses the practice set forth in Penal Code section 832.18(b)(1) that the “officer’s supervisor should take immediate physical custody of the camera and should be responsible for downloading the data in the case of an incident involving the use of force by an officer, an officer-involved shooting, or other serious incident.” MPP 3-06/200.63 reiterates this in delineating the responsibilities of supervisors as does MPP 3-06/200.68 which sets forth the responsibilities of the Body Worn Camera Unit. However, the policy does not incorporate the best practice set forth in Penal Code section 832.18(b)(1) that a law enforcement officer’s supervisor should take physical custody of an officer’s camera and be responsible for downloading the data in cases of “*uses of force or other serious incidents*” (emphasis added). The Department’s policy only requires that the on-scene supervisor take possession of all body-worn cameras from involved personnel, secure the devices and turn them over to the handling lieutenant or watch commander following a known Category 3 use of force incident, including a deputy-involved shooting, but not for Category 1 or Category 2 uses of force.

⁴ The LASD Manual of Policy and Procedure requires that, “Departmental personnel trained and issued a BWC device are required to wear and use their BWC while on duty, consistent with the terms of the policy.” (MPP 3-06/200.5) Throughout the policy, the term department member is primarily used in the context of the member being the individual who is wearing the camera, meaning that is the person responsible for compliance with the policy. It would be helpful to have “department member” or “member” defined to make that clear.

⁵ Penal Code section 832.18 speaks to uploading the video, while LASD policy uses the term downloading. It is clear from the Penal Code section and LASD policy that both are referring to the transfer of data from the body-worn camera to the computer storage system.

- MPP section 3-06/200.48 states, “[f]or each incident on a body worn camera (BWC), Department members shall enter metadata for the event type and other required information using the BWC equipment and software that best describes the content of the recording (i.e. arrest, traffic stop, report) prior to the end of their shift.” Metadata is defined in the policy as “[s]earchable data specific to the digital file, URN numbers, tag numbers, and other descriptors used to identify digital evidence, and required to be added to digital files to facilitate searching for the file.” (MPP 3-06/200.03) The policy also requires training for the Digital Evidence Management System, which is the system used to organize, classify, manage, view, share, and archive digital evidence. These requirements address Penal Code section 832.18(b)(2) and (b)(4) which require that a procedure should be established for “when data should be downloaded to ensure that it is entered into the system in a timely fashion,” and that there is a procedure to “categorize and tag body-worn camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data.” While some of the classifications of data are vague, the LASD policy generally satisfies the best practices set forth in these subsections.
- MPP 3-06/200.43 imposes upon the member to whom the camera is assigned to “ensure the proper functioning and reliability.” It requires that at the beginning of a shift, “members shall inspect and test their BWC and make sure it is undamaged and operating properly.” If the BWC is malfunctioning MPP 3-06/200.45 requires that the member turn in the damaged equipment and obtain a functional BWC as soon as practicable. These sections address Penal Code section 832.18(b)(2)’s recommendation that cameras are “properly maintained and ready for the next use.”
- MPP 3-06/200.28 prohibits the copying, editing, or alteration of body-worn camera footage by department members except as authorized by law or Department policy. While a violation of this policy could result in punishment, it does not “establish specific measures to prevent data tampering, deleting, and copying, including prohibiting the unauthorized use, duplication, or distribution of body-worn camera data” as set forth in Penal Code section 832.18(b)(3). The establishment of audit trails, the requirement of a reason to review footage, and file restriction and forensic review as required in MPP sections 3-06/200.03, 3-06/200-53 and 3-06/200.68 would assist in determining such tampering but is not necessarily sufficient to *prevent* such tampering in the first place.
- MPP section 3-06/200.73 establishes that all body-worn camera records be retained for a minimum of three years; certain URN numbers and statistical codes require longer storage with options of a retention period of nine years or indefinitely depending on the assigned code.⁶ Penal Code section 832.18(b)(5) requires a minimum retention period of sixty days for footage with no evidentiary

⁶ URN number, or Uniform Report Number, is a unique number assigned to every criminal and noncriminal incident. A statistical code is a three-digit numerical coding system to identify the primary crime category for an incident.

data and a minimum of two years for use of force incidents, incidents that led to the arrest or detention of an individual, or for incidents relating to a formal or informal complaint. The LASD policy exceeds these general guidelines. However, the subsection also provides evidence that may be relevant to criminal prosecution should have the same retention period as other evidence relevant to a criminal prosecution. Additionally, the subsection states that records or logs of access should be retained permanently. Neither of these additional guidelines are addressed by the LASD policy.

The LASD policy describes its Digital Evidence Management System as a “secure, ‘cloud’ based storage system managed by the BWCU, externally hosted by the vendor, and available to authorized users.” This satisfies the best practice that the policy specifies “where the body-worn camera data will be stored” and include whether the data is managed internally or by a third-party vendor. (Penal Code section 832.18(b)(6).)

- Penal Code section 832.18(b)(7) sets forth factors to be considered if using a third-party vendor. Because LASD has not yet chosen a vendor, its policy cannot be assessed with regard to the consideration of these factors. The policy does define an audit trail and the definition of DEMS includes that it “tracks and provides an extensive audit log of all activity to protect the chain of custody” and that “[l]evels of access can be set and restricted within DEMS” and that the BWCU is responsible for “providing technical assistance.” MPP section 3-06/200.03 and MPP section 3-06/200.68. The additional factors set forth in this subsection will have to be assessed after a vendor is chosen and a contract is negotiated.
- MPP section 3-06/200.38 states that all “BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited. MPP section 3-06/200.25 also prohibits the unauthorized use or release of BWC recordings. MPP section 3-06/200.53 limits viewing of videos to those with a “right-to-know and need-to-know” and requires that “Department members who view a video other than their own must document in the audit trail their reason for viewing the video.” These safeguards address some of the best practices set forth in Penal Code section 832.18(b)(8), in particular that the videos are the property of LASD and a prohibition against unauthorized or personal use. The LASD policy does not have any sanctions for violations of its policy within the policy itself, which this subsection states should be considered.



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MAX HUNTSMAN
INSPECTOR GENERAL

March 22, 2021

TO: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: FOURTH REPORT BACK ON IMPLEMENTING BODY-WORN
CAMERAS IN LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board motion directing the Office of Inspector General, in consultation with the Sheriff, Public Defender, Acting Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to monitor and report every sixty days on: 1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Sheriff's Department, with such policy to address the elements raised by the Board of Supervisors. This is our fourth report back on the progress of the Los Angeles County Sheriff's Department's (Sheriff's Department) implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

On August 11, 2020, the Sheriff's Department contracted with Axon Enterprise, Inc. for a Body-Worn Camera and Digital Evidence Management System. On September 1, 2020, the Board of Supervisors directed the Chief Executive Office to transfer \$12.3 million in ongoing and \$13.2 million in one-time funding from the PFU budget unit to the Los Angeles County Sheriff's Department for fiscal year 2020-21 body-worn camera costs. According to the Sheriff's Department, it began deploying body-worn cameras in

October 2020 at the five stations where the infrastructure upgrades had been completed. The first five stations were chosen based on the infrastructure readiness of the facility to accommodate the upgrade, risk assessment (based on calls for service, use of force, complaints, and crime data), and the location of the station, with one station in each of the five supervisorial districts included in the first phase in an attempt to deploy across the county. The five stations that received body-worn cameras in October are:

- Century
- Lakewood
- City of Industry
- West Hollywood
- Lancaster

Six additional stations have since deployed body-worn cameras, for a total of eleven stations. The chart below details the stations to date at which body-worn cameras are deployed as reported by the Sheriff's Department:

Station	Month Deployed
Century	October 2020
City of Industry	October 2020
Lakewood	October 2020
Lancaster	October 2020
West Hollywood	October 2020
Compton	November 2020
East Los Angeles	November 2020
Crescenta Valley	January 2021
Lomita	January 2021
Malibu/Lost Hills	January 2021
South Los Angeles	January 2021

According to the Sheriff's Department, 1,614 deputies have been issued body-worn cameras. The Sheriff's Department reports that all 1,614 deputies received training prior to being issued a camera. The eight-hour training includes the use of the camera and the associated mobile phone, the mounting system, and the Digital Evidence Management System (DEMs), known as Evidence.com, as well as Sheriff's Department policy on use and accountability. At the conclusion of training each deputy is assigned a specific camera along with a mobile phone device; the deputy is directed to begin use of the body-worn camera on his or her next shift. In addition to the assigned cameras, there are spare cameras at each station in the event that cameras become damaged or

inoperable. An additional 766 personnel have been trained on Evidence.com but were not assigned cameras because they are not assigned to a patrol assignment.

According to the Sheriff's Department, cameras have not yet been deployed at the remaining stations because the necessary infrastructure upgrades are not yet complete. Additionally, the Sheriff's Department reports that its network currently does not have the necessary bandwidth to handle the uploading and storage of the video from the body-worn cameras. It is anticipated that the infrastructure and network issues will be resolved allowing the following stations to deploy cameras in March or April:

Station	Anticipated Deployment
Marina Del Rey	March/April 2021
Altadena	March/April 2021
Temple	March/April 2021
Carson	April 2021
Cerritos	April 2021
Norwalk	April 2021
Palmdale	April 2021
Pico Rivera	April 2021
San Dimas	April 2021

According to the Sheriff's Department the plan is for cameras to be provided to the remaining stations by the end of **August 2021**.

After the implementation of the cameras at these stations there are plans to phase in body-worn camera capabilities at these Phase II Supporting Units/Bureaus, each of which are undergoing infrastructure upgrades according to the Sheriff's Department:

1. Body Worn Camera Unit
2. Fraud and Cyber Crimes Bureau
3. Hall of Justice
4. Major Crimes Bureau
5. Narcotics Bureau
6. Operation Safe Streets Bureau
7. Special Victims Bureau
8. Homicide Bureau
9. Internal Affairs Bureau
10. Internal Criminal Investigations Bureau

There is no plan for these units to receive body-worn cameras, rather computer and network upgrades will be implemented and the investigators at these units will

become qualified to use Axon's Capture phone application used for capturing digital evidence.

Revisions to Sheriff's Department Policies to Incorporate Body-Worn Cameras

The current general policy on body-worn cameras has been made public on the Sheriff's Department website.¹ The Sheriff's Department represents that it continues to implement policy changes to existing policies, including revisions to its policies on body-worn cameras, which have been incorporated into the Sheriff's Department Manual of Policy and Procedure. Sheriff's Department representatives have stated that IT and other policies will have to incorporate policies specific to body-worn cameras and that the Guidelines for Discipline will be updated to incorporate discipline for body-worn camera policy violations. To date, the Sheriff's Department has not provided the Office of Inspector General with any proposed modifications to its Guidelines for Discipline or to its IT policy. Because there are no specific sections in the Guidelines for Discipline pertaining to body-worn cameras, deputies may only be disciplined for generally failing to perform to standards if there is a violation of any of the body-worn camera policies.

The Sheriff's Department has drafted a proposed Service Audit Policy, which covers auditing for compliance with body-worn camera policies. The Office of Inspector General was provided with a draft of the Sheriff's Department proposed Service Audit policy. The audit policy does not provide for any independent audits or access by the Office of Inspector General as required by California state law.

As to the proposed Service Audit policy, the Office of Inspector General makes the following recommendations:

- There should be provisions in the Service Audit Policy for random audits to ensure that deputies are not engaging in inaccurate reporting or biased policing. The Civilian Oversight Commission raised this in its recommendations issued on April 16, 2020 as well.
- The draft of the Service Audit Policy presented includes establishing a mechanism for the station lieutenant assigned to the Service Audit Program to randomly select tags, phone calls, reports, etc. for audit each month and for the Station's Detective Lieutenant to randomly select active investigative cases for audit. These audits seem at odds with the policy for Body-Worn

¹ [Manual of Policy and Procedures 3-06/200.00 – Body Worn Cameras](#)

cameras as set forth in MPP 3-06/200.53, which is already in place. MPP 3-06/200.53 states that: "Recordings shall not be routinely or randomly viewed solely for the purpose of searching for policy violations where no independent allegation or evidence of a policy violation exists." Given that the stated purpose of these audits include that they are being conducted to "measure the quality of [the Sheriff's Department] total service to the community" and to "provide an additional means for identifying and documenting personnel performance, including the use of body-worn cameras," the MPP should be reconciled with the proposed audit policy. The existing policy suggests that there will **not** be random audits for policy violations while the audit policy provides a mandate **for** random audits to include the discovery of personnel performance issues, which undoubtedly will raise policy violations. The MPP policy prohibiting random checks for policy violations should be modified to allow random audits and searches for policy violations. Ensuring that supervision is consistent and fair should be accomplished through appropriate Guidelines for Discipline and independent access, not by institutionalizing the concealment of misconduct.

- The reference in the Service Audit Policy, as mirrored in MPP 3-06/200.58, provides for limiting the disciplinary consequences of misconduct discovered in a review of body-worn camera footage. "If supervisory and management personnel discover activity that may constitute misconduct, the Department member's actions in the [body-worn camera] recordings alone should not result in the initiation of an administrative investigation. Rather, the member should receive counseling, training, or a performance log entry to alert them and correct their behavior. However, the forgoing does not apply where the activity discovered would likely result in suspension or termination (Refer to MPP 3-06/200.58)." This policy leaves broad discretion to management personnel given the vagueness of what is meant by "where the activity discovered would likely result in suspension or termination," especially because this would be the trigger for the initiation of an investigation as opposed to a determination after an investigation. Without an investigation, it is impossible to determine whether a suspension or termination is warranted. As mentioned in the Civilian Oversight Commission recommendations of April 16th regarding the Sheriff's Body Worn Camera policy, "it should be made clear that deputies will be appropriately held accountable for engaging in misconduct. It is critical that LASD actively follows up on any actual wrongdoing by deputies that is discovered in body-

worn camera recordings. Accordingly, [the COC] recommends that misconduct appearing on video recordings be investigated and appropriate action taken, be this counselling, discipline or changes in the way deputies are trained.” The Office of Inspector General agrees with these statements by the Civilian Oversight Commission and recommends that the policy be modified to incorporate accountability and the range of consequences for misconduct.

- There is no provision for Office of Inspector General access or monitoring. Given recent events and legal issues, a component for independent review by the Office of Inspector General is critical. Los Angeles County Code section 6.44.190 and Government Code sections 25303 and 25303.7, requires the Sheriff’s Department to provide information, documents, and other items upon a request or the issuance of a subpoena by the Office of Inspector General. Consistent with the Los Angeles County and California state law, the Sheriff’s Department policy should incorporate and include that the Office of Inspector General has the right to audit body-worn camera videos and that any requested body-worn camera video be provided to the Office of Inspector General upon request under Los Angeles County Code section 6.44.190 and/or in response to a subpoena issued pursuant to Government Code section 25303.7.
- Finally, the Service Audit Policy does not address audits regarding compliance with rules for activating cameras or the consequences for repeated failures by a deputy to activate the camera in violation of Sheriff’s Department policy. It is imperative that the Sheriff’s Department implement audits regarding compliance with activation policies and to implement policies for discipline for the failure to activate cameras.

To effectively implement body-worn cameras deputies must be encouraged, through training, to embrace the transparency that the cameras bring by contemporaneously recording deputies’ interactions with the public.

The Honorable Board of Supervisors

March 22, 2021

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In addition to the above recommendations regarding the Service Audit Policy, the Office of Inspector General recommends that training address the culture among some in the Sheriff's Department that suggests a reluctance to allow the public to film deputies in the performance of their duties. Creating a culture of transparency is essential for the meaningful deployment of the body-worn camera program.

MH:dw

c: Alex Villanueva, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Rod Castro-Silva, County Counsel
Brian Williams, Executive Director, Sheriff's Civilian Oversight Commission



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MAX HUNTSMAN
INSPECTOR GENERAL

September 28, 2021

TO: Supervisor Hilda L. Solis, Chair
Supervisor Holly J. Mitchell
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: FIFTH REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board motion directing the Office of Inspector General, in consultation with the Sheriff, Public Defender, Acting Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to monitor and report on: 1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Sheriff's Department, with such policy to address the elements raised by the Board of Supervisors. This is our fifth report back on the progress of the Los Angeles County Sheriff's Department's (Sheriff's Department) implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of September 15, 2021, the Sheriff's Department has deployed 2,745 body-worn cameras (BWCs). The following is a timeline of the BWCs which have already been deployed and the stations where deployment is scheduled.

Stations Completed	Completed Date
Century Patrol Station	10/31/2020
Industry Patrol Station	10/31/2020
Lakewood Patrol Station	10/31/2020
Lancaster Patrol Station	10/31/2020
West Hollywood Patrol Station	10/31/2020
Compton Patrol Station	11/30/2020
East Los Angeles Patrol Station	11/30/2020
Crescenta Valley Patrol Station	1/31/2021
Lomita Patrol Station	1/31/2021
Malibu/Lost Hills Patrol Station	1/31/2021
South Los Angeles Patrol Station	1/31/2021
Altadena Patrol Station	4/30/2021
Marina Del Rey Patrol Station	4/30/2021
Palmdale Patrol Station	4/30/2021
Temple Patrol Station	4/30/2021
Norwalk Patrol Station	6/30/2021
Pico Rivera Patrol Station	6/30/2021
San Dimas Patrol Station	7/31/2021
Walnut/Diamond Bar Patrol Station	7/31/2021
Cerritos Patrol Station (<i>Projected</i>)	9/30/2021
<i>Carson Patrol Station (Projected)</i>	10/31/2021
<i>Transit Services Bureau (Projected)</i>	10/31/2021

The Sheriff's Department reports the BWCs, as outlined in the above timeline, have all been funded and that they continue to work with the Los Angeles County Chief

Executive Officer (CEO) to ensure future budgets properly reflect and account for the expenditure for BWCs.

There have been some delays in the rollout of BWCs due to infrastructure issues. For example, Avalon station's deployment has been delayed because the Sheriff's Department is waiting for work to be completed by the Los Angeles County's Internal Services Department. Due to the length of the delays, the Sheriff's Department is exploring alternative solutions to obtain the connectivity needed to get BWCs up and running at the Avalon station. There is also a delay in deploying BWCs to Santa Clarita station. The station is in the process of moving into a new facility, with the anticipation that the move will be completed by middle to late October 2021. Once the move is finished, the next step is to set up the infrastructure for the cameras, which is expected to take anywhere between three to five weeks. Based on that timeline, Santa Clarita is expected to have cameras no later than January 2022.

As of September 15, 2021, the Sheriff's Department reports uploading 769,082 BWC videos to Evidence.com (a cloud storage site, provided and managed by Axon, where BWC videos are stored). There have been no reports of videos being lost or corrupted while being uploaded to the site or when being viewed on the site. There have been occasional issues with retrieving videos from this cloud site, but the vendor worked with the Sheriff's Department to quickly resolve these issues. The Office of Inspector General cannot verify this information because access to the videos has not been granted despite our recommendation and request that the Office of Inspector General have unfettered viewing access.

Body-Worn Camera Technology and Smartphone Applications

As stated in earlier reports, after reviewing the proposals submitted by multiple vendors, the Los Angeles County Internal Services Division chose the "Axon Body 3" BWC (see figure below):



Per Axon's website, these cameras come with an extended battery life of up to 12 hours. As with any other technology which runs on lithium batteries, such as cell phones or laptops, the battery's ability to retain a charge diminishes over time. The Sheriff's Department stated it is periodically monitoring the charge capacity of these cameras to ensure they are quickly replaced if the battery is unable to hold a sufficient charge capacity (which usually happens at about the two year mark of a battery's life). Deputies are also provided with a high-speed charging cord, which can be connected to the deputy's patrol car's cigarette lighter receptacle, so deputies can also charge the device between uses to ensure the camera always has sufficient charge to capture events.

According to Axon, the camera can capture up to 30 frames per second.¹ The camera does not have night-vision, nor does it have infrared features. During the recording, the camera embeds into the captured video the GPS location of the incident it recorded. The BWC is equipped with four microphones. According to the Sheriff's Department, with four microphones, conversations which occur at a decibel level of a whisper, should still be able to be captured.

The camera is attached to the deputy using a "Wing Clip Mount," shown below:



The Sheriff's Department requires deputies to wear the BWC on their persons as close to the sternum as possible and that the BWC be worn no more than five inches to the right, or left or up or down, with the bottom of the camera no lower than four inches above the belt line.

¹ The research on humans' ability to capture and process images is still ongoing. Conventional wisdom used to be that humans could see and process anywhere from 30 to 60 frames per second; however, a 2014 Massachusetts Institute of Technology study reported it could be as high as 75 frames per second. Trafton, Ann, "In the Blink of an Eye," MIT News, January 16, 2014. <https://news.mit.edu/2014/in-the-blink-of-an-eye-0116>. Capturing a great number of frames per second requires more storage capacity. The same is true for resolution. The Sheriff's Department BWCs have a resolution of 720p. While 1080p is available the increase in resolution would require more storage and drive up the cost of the cloud storage for the video from the BWCs.

Axon also has two phone applications which work with the BWC – “Axon View” and “Axon Capture.” Along with BWC, each deputy was given a smartphone. Deputies can download the applications on these smartphones.

Axon View pairs the deputy’s phone to his/her BWC. Once the deputy is done recording on their BWC, they can view the video on their cell phone, tag the video with the appropriate metadata, such as a report or incident number, and once the BWC is docked, the video and the accompanying metadata is uploaded to the cloud storage system. This allows deputies to tag the videos with the appropriate metadata prior to returning to the station and without having to wait for the video to upload to Evidence.com, thus saving time. The videos cannot be manipulated regardless of whether the deputy views and accesses the video on their phone or on a computer. Sheriff’s Department representatives stated Evidence.com has a detailed audit trail, which records the date, the time, and the names of the persons who viewed the video/evidence in Evidence.com.

Based on Axon and the Sheriff’s Department representations of how Evidence.com documents events, if the deputy were to access the video on their phone without the handling investigation lieutenant’s permission, the audit trail would show that they did so. Per Sheriff’s Department Manual of Policies and Procedures section 3-06/200.55, “Use of Force Incidents,” deputies are not permitted to view BWC footage in Category 3 uses of force incidents, which include deputy-involved shooting incidents, without the prior authorization of the handling homicide lieutenant or Internal Affairs Bureau lieutenant. In lesser uses of force cases, such as Category 2 and below, deputies are encouraged to view the video prior to authoring their report. If they choose not to do so, they are required to make the appropriate documentation in their reports. As stated in earlier reports, the Office of Inspector General is concerned with a deputy’s ability to view videos prior to authoring their reports, specifically in situations where deputies use force. Regardless of the category of force used, the Office of Inspector General recommends deputies not view video that captured a use of force.

The second smartphone application is Axon Capture, which allows deputies to take additional video, photographs, and audio, and has a feature called “Citizen,”² for uploading evidence from civilian witnesses. For example, deputies can now use their smartphone cameras to search under car seats or other areas out of view of the BWC,

² Through a “Citizen” link videos, photographs, or documents from civilian witnesses can be uploaded as evidence. The app generates a unique link, specifically to the case and to the civilian who possesses the evidence. The app generated link is emailed to the civilian, who can then send the data via email and it will automatically be placed in Evidence.com in the appropriate report.

which is required to be attached to their uniform. Also, if a person wishes to remain unseen but does not object to a recording of their statement, it is much easier to do this with the phone application as the BWC does not allow for such modification. The videos, photos, and audio captured using this phone application are uploaded to the cloud storage site and can be tagged with the appropriate case report number.

Per the Sheriff's Department, anything captured via BWC or these phone applications is automatically uploaded to the cloud storage site when docked at a computer station. Deputies are responsible for tagging pieces of evidence appropriately to identify the case to which they belong. There may be instances when a deputy may forget to tag a video or other piece of evidence. Per the Sheriff's Department, if that were to happen, there is a failsafe. At the end of the deputy's shift, the BWC are stored at docking stations. The docking station not only charges the device, but automatically uploads data into Evidence.com. Evidence.com, scours the information uploaded daily, and if it identifies a video or other piece of evidence which has not been tagged with a report number, it will issue an alert. Another safety net to catch untagged videos, is the "autotag" feature. The Sheriff's Department purchased this feature which is used to tag and identify untagged videos. "Autotag" uses an algorithm to compare the Computer Aided Dispatch (CAD) system records, which is an extemporaneous record of calls and services the Sheriff's Department receives and the identities of the deputies who responded to it, with the untagged evidence. The system will then match the evidence to the appropriate report and call number.

Ensuring that Critical Incidents are Captured on Body-Worn Cameras

There have been several shootings in recent months, which have not been properly captured on camera because either the cameras have not been deployed to a particular unit or because deputies have failed to activate BWCs. For example, there was a May 13, 2021, shooting which occurred in Industry Station's jurisdiction. As reported in the *Office of Inspector General's Reform and Oversight Efforts: Los Angeles County Sheriff's Department, April to June 2021*³, Operation Safe Streets (OSS) Bureau personnel executed a pre-planned search warrant for a felon with a firearm residing in an apartment building. The warrant team consisted of Los Angeles County District Attorney (LADA) investigators, OSS personnel and Industry Station personnel. During the service of the search warrant, a deputy-involved shooting by members of the OSS team occurred. It was reported that OSS team members saw a suspect point a firearm at a member of the OSS team. Unfortunately, BWCs have not been deployed to the

³ <https://oig.lacounty.gov/LinkClick.aspx?fileticket=B9S58wqiWAY%3d&portalid=18>

OSS unit, meaning that none of these deputies had body-worn cameras, and the incident was not captured from their perspective. An Industry deputy, who was equipped with a body-worn camera, heard gunshots and began firing towards the direction of gunfire. However, he did not activate his BWC until after he began shooting. That deputy was the only person to activate his camera but the lag in activation resulted in the shooting not being recorded. It is possible that some of the questions raised by the Office of Inspector General with regard to this shooting could be answered if the shooting was captured on one or more BWCs.

In a Compton shooting on August 19, 2021, during which the shooter deputy failed to activate his BWC, a second deputy who heard the commotion turned on his BWC, but it did not capture the initial shots fired. The deputies gave chase and used force to finally take the suspect into custody, but it is not clear if any of the deputies activated their cameras during the pursuit and the subsequent use of force. As a corrective action for this lapse of recording, the Sheriff's Department requested personnel to be re-briefed on BWC activation policies.

Continuing Concerns Regarding the Deployment and Use of BWC

In the above examples, Office of Inspector General have only viewed portions of BWC video. To date the Sheriff's Department has not granted the Office of Inspector General access to any BWC videos stored on Evidence.com. As the Sheriff's Department states, the videos stored on the site cannot be tampered with or manipulated, and there is an audit trail of all who have accessed the data in the storage site. With such measures in place, it is unclear why the Sheriff's Department remains unwilling to grant viewing access to the Office of Inspector General.

From the limited information provided to the Office of Inspector General through attendance at Sheriff's Department Critical Incident Reviews, there are concerns with the deputies' activation and deactivation of BWCs. As recommended previously, the Office of Inspector General should have unfettered viewing access to all BWC video through Evidence.com.

In recent months, Office of Inspector General staff have been shown selected portions of BWC videos as attendees at Sheriff's Department Critical Incident Reviews.⁴ Critical Incident Reviews are done shortly after a deputy-involved shooting, an in-custody death, or a death in the field. With the rollout of BWCs to different stations, Sheriff's

⁴ See Los Angeles Sheriff's Department Manual of Policies and Procedures section 3-09/330.00, "Critical Incident Review Panel." <http://pars.lasd.org/Viewer/Manuals/10008/Content/14069>

Department investigators are now able to present to meeting attendees video captured by one or more BWCs. In the early stages of this rollout, there have been several concerning patterns that have emerged based on the videos shown at these reviews. One emerging pattern is a delay in turning on the BWC. In some instances, deputies wait to activate the camera until the incident has escalated. In other situations, deputies simply forget to turn on the camera. Some Sheriff's Department members have tried to excuse the delay based upon forgetfulness or how quickly an incident escalated. However, Sheriff's Department policies state deputies shall activate the camera for any investigative or enforcement contacts, meaning that the BWC should have been activated when the deputy made contact not after the situation escalated. This reason is why the Office of Inspector General recommended that the Sheriff's Department have a blanket policy that BWCs should be turned on for any contact with a civilian, not only for investigative or enforcement contacts. For example, when contacting an individual in response to a call for service, the BWC should be activated; when a deputy is approaching to execute a warrant as the deputies approach the location, per policy they shall turn on their cameras; when they approach civilians to speak to them, deputies should be turning on the cameras. In these real-life examples, the situation has not yet escalated and turning the BWC on before the contact ensures that the camera will be on if the situation escalates. It must be made clear to deputies that it is their responsibility to ensure all contacts with civilians must be captured from the beginning.

Another emerging pattern is the activation and deactivation of the cameras while on a call. In some instances, deputies have activated the camera, but then turned it off prior to the completion of the call only to miss recording relevant portions of the call and/or arrest. Office of Inspector General staff have seen instances in which the BWC video fails to capture the entirety of an incident (at least from the vantage point of a particular camera) because a deputy or deputies at the scene stop recording based on not being assigned as the primary person who is investigating the crime, taking the person into custody, or conducting witness interviews. Sheriff's Department personnel have also voiced concerns over the deputies activating and deactivating their cameras in this fashion; in some instances, they have requested that deputies who failed to activate the BWC or deactivated it prior to the incident's conclusion, be re-briefed on BWC policies to ensure deputies understand the importance of continuing to record an incident until the conclusion of the incident.

The discretion left to the deputies in the Sheriff's Department's policy on activating the cameras is a possible cause for the repeated failures to activate the cameras that the

Office of Inspector General has seen.⁵ The Office of Inspector General, previously recommended the Sheriff's Department change its policy on deputies' discretion in activating the camera. In the Sheriff's Department's Manual of Policies and Procedures, section 3-06/200.08, "Body Worn Camera Activation" it states:

Department personnel shall activate their body worn camera (BWC) prior to initiating, or upon arrival at, any enforcement or investigative contact involving a member of the public, including all:

- Vehicle stops;
- Pedestrian stops (including self-initiated consensual encounters);
- Calls for service;
- Code-3 responses, including vehicle pursuits;
- Foot pursuits;
- Searches;
- Arrests;
- Uses of force, including any transportation of the subject;
- In-custody transports of persons who are uncooperative, belligerent, or threatening;
- Suspect, victim, and witness interviews (except as indicated in the Manual of Policy and Procedures section 3-06/200.18, Body Worn Camera Recording Exceptions); and/or
- Any encounter with a member of the public who is or becomes uncooperative, belligerent, or otherwise hostile.

Department personnel may activate their BWC for the following reasons:

- Transportation of a member of the public; and/or
- Other investigative or enforcement activities where, in the Department member's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording

⁵ The Office of Inspector General's inability to conduct independent reviews of body-worn camera video compromises the ability of the Office of Inspector General to conduct timely, full, and fair investigations. The current process whereby the Office of Inspector General is permitted to view only edited portions of the BWC video selected by the Sheriff's Department, is inadequate and does not allow for effective analysis. Without access to the full inventory of BWC video on Evidence.com, it is impossible for the Office of Inspector General to ascertain whether the failure to activate BWCs is a limited or pervasive problem. The Office of Inspector General must be able to randomly audit videos to determine whether there is compliance with Sheriff's Department policies and procedures.

of an encounter would assist in documenting the incident for later investigation or review.

While the policy appears to be broad, the itemized list suggests that deputies have the option not to turn on cameras in other instances, which may still be considered investigative work and/or an encounter with a civilian. In the same policy, the Sheriff's Department gives latitude to the deputies to choose in other situations whether turning on their cameras would assist an investigation or not. The policy can give rise to confusion and misinterpretation. Adopting a more simplified policy of requiring deputies to activate the cameras when responding to any call for service or the initiation of any civilian contacts or other law enforcement duties, and requiring these cameras not be de-activated until the termination of the call for service or contact is a better practice. As an American Civil Liberties Union (ACLU) attorney stated, "You don't want to give officers a list and say, 'Only record the following 10 types of situations.' You want officers to record all the situations, so when a situation does go south, there's an unimpeachable record of it—good, bad, ugly, all of it. This is an optimal policy from a civil liberties perspective."⁶ By having a policy which states succinctly turn on the camera "when responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a police officer and a member of the public," it takes out the guess work of the situations in which the BWC should be activated.

Obviously, there are situations in which the need for confidentiality for victims of sensitive crimes, such as rape and abuse, who may not wish to be recorded, outweigh the reasons for recording the encounter.⁷ The Sheriff's Department's policies, Manual of Policies and Procedure section, 3-06/200.18, "Body Worn Camera Recording Exceptions," already allows for deputies to use their judgement as to when not to record encounters with confidential informants or victims of sensitive crimes.

During the initial rollout, the Sheriff's Department allowed for a 90-day grace period for deputies to get accustomed to the camera. During those 90 days, deputies may be counseled for their failure to comply with Sheriff's Department BWC policies, but will not be disciplined. After that 90-day grace period, failure to comply with policy should result in discipline and that discipline should be specific to activation failures, not simply for failing to perform to standards. As of September 23, 2021, the Sheriff's Department

⁶ Miller, Lindsay, Jessica Toliver, and Police Executive Research Forum "Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned," Washington, DC: Office of Community Oriented Policing Services, 2014, p. 13.

⁷ Stanley, Jay, "Police Body-Mounted Cameras: With Right Policies in Place, a Win for All. Version 2.0," ACLU, March 2015. https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf

reports there are only eight administrative investigations pending for deputies who have violated the BWC policies. The eight are broken down as follows: three are for instances of violating BWC policies and the other five stem from policy violations seen in recorded BWC videos. While, the Sheriff's Department has deployed BWCs to a large number of patrol stations, the Sheriff's Department should broaden its policy for BWC activation to ensure that there are clear and easy to follow guidelines. In addition, the Sheriff's Department must signal to all of its employees, through messaging and discipline, the importance of properly activating and deactivating the recording by the BWCs during all civilian encounters. The Sheriff's Department has yet to respond to similar past recommendations made by the Office of Inspector General. The failure of the Sheriff's Department to implement these recommendations may have contributed to the failures to properly record critical incidents detailed above. Undoubtedly, there are many failures to comply with policy but without the ability to audit the BWC videos, the Office of Inspector General has no means of knowing how systemic the failures are.

MH:KV

c: Alex Villanueva, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Rod Castro-Silva, County Counsel
Brian Williams, Executive Director, Sheriff Civilian Oversight Commission



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MAX HUNTSMAN
INSPECTOR GENERAL

April 11, 2022

TO: Supervisor Holly Mitchell, Chair
Supervisor Hilda Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: SIXTH REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board motion directing the Office of Inspector General, in consultation with the Sheriff, Public Defender, Acting Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to monitor and report on: 1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Sheriff's Department, with such policy to address the elements raised by the Board of Supervisors. This is our sixth report back on the progress of the Los Angeles County Sheriff's Department's (Sheriff's Department) implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of March 14, 2022, the Sheriff's Department has deployed 3,637 body-worn cameras (BWCs). While the Sheriff's Department has outfitted many of the patrol units with BWCs, the Office of Inspector General recommends that specialized units, such as Special Enforcement Bureau, Custody Division, and Mental Evaluation Teams, also receive BWCs. The following is a timeline of the BWCs which were deployed since the

Office of Inspector General's last report back as well as the projected deployment dates for units yet to receive the BWCs.:

Stations Completed September 2021 to Present	Completed Date
Cerritos Patrol Station	9/30/2021
Operation Safe Streets Bureau	10/31/2021
Metrolink Bureau	10/31/2021
Transit Services Bureau	10/31/2021
Santa Clarita Station	11/30/2021
Carson Station	12/31/2021
Avalon Station	03/02/2022
Court Services – Levy Crew (<i>Projected</i>) ¹	04/30/2022
County Services Bureau (<i>Projected</i>)	07/31/2022
Parks Bureau (<i>Projected</i>)	07/31/2022
Community Colleges Bureau (<i>Projected</i>)	TBD

In the past there have been delays in deployment due to infrastructure issues. The Sheriff's Department reports that the majority of those issues have been resolved. The only caveat being, that for the four projected units: Parks Bureau, County Services Bureau, Court Services-Levy Crew, and Community Colleges Bureau, there have been delays due to supply chain issues in purchasing network equipment and/or required internal infrastructure improvements. Due to supply chain issues, there has been an increased cost in network equipment; however, the Sheriff's Department reports they currently have enough savings² to cover these additional costs. Should the need arise due to the recent increase in prices, the Sheriff's Department will work with the CEO office to find solutions to ensure there is no delay in deploying and maintaining BWCs at all units for which deployment is planned. The Sheriff's Department remains optimistic that the projected units will receive the BWCs by the end of summer 2022. As of March 8, 2022, the Sheriff's Department reports uploading 1,397,524 videos to evidence.com (a cloud storage site, provided and managed by Axon, where BWC footage is stored). There have been no reports of videos being lost or corrupted while being uploaded to the site or when being viewed on the site. There have been occasional issues retrieving videos from this cloud site, but the vendor has worked with the Sheriff's Department to

¹ According to information provided by the Sheriff's Department, the Court Levy Crew is part of the Civil Management Bureau within Court Services Division. It is the unit that handles court ordered evictions, subpoena service, and other court-related functions. This unit was selected for BWCs based on the type of duty they perform

² According to the Sheriff's Department, the cost savings are due to salary savings and savings in capital asset purchase lines.

quickly resolve these issues. The Sheriff's Department's BWC unit is not aware of any significant complaints from other justice partners – the Los Angeles County District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, and/or defense attorneys – as to any BWC video access issues. The complaints the Body-Worn Camera Unit has received have generally centered around technical issues involving case sharing. The Sheriff's Department reports that it has worked with these parties to quickly address any such issues as they occur.

Since deploying BWCs to its first units in October 2020, the Sheriff's Department reports there have been a small number of cases for which it has initiated discipline, and/or issued discipline, for deputies who have failed to abide by the Sheriff's Department's BWC policies. The Office of Inspector General is aware of instances where deputies delayed turning on their BWCs. As the Board is aware, the Sheriff's Department's refusal to comply with oversight laws by providing direct access to body-worn camera video and discipline records leave us unclear as to whether those delays in activation led to administrative actions and/or briefings to ensure all personnel are turning on cameras in a timely fashion.

Continuing Concerns Regarding the Deployment and Use of BWCs

In the Office of Inspector General's "*Fifth Report Back on Implementing Body-Worn Cameras in Los Angeles County*," the Office of Inspector General discussed concerns with the Sheriff's Department policies on when deputies activate and de-activate BWCs (See Sheriff's Department's Manual of Policy and Procedures, section 3-06/200.08, "Body Worn Camera Activation.") In previous reports the Office of Inspector General has called on the Sheriff's Department to amend its policy to state simply and succinctly that deputies must "turn on the camera when responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a police officer and a member of the public," rather than listing situations in which deputies should turn it on. A recent case illustrates the very reason why the current policy fails to address situations in which BWCs need to be worn and activated.

On February 17, 2022, the Operations Safe Street Unit of the Sheriff's Department was conducting a "surveillance/apprehension" operation of an armed suspect who was allegedly involved in a recent violent carjacking. The goal of this operation was to take the suspect into custody, which required law enforcement agents to identify themselves as law enforcement agents in order that the civilian knows they are not being accosted by a person who has no legal vested authority to conduct a detention or arrest. For this operation, some deputies wore vests identifying them as members of the Sheriff's

Department. With the plan in place, the deputies drove to the area where the suspect was last seen. One of the deputies, who was wearing a vest that identified him as a deputy sheriff but was in an unmarked car, saw the suspect on the street. The deputy exited his car to detain and take the suspect into custody. The deputy saw the suspect was armed with a gun and fired his gun multiple times at the suspect. As the suspect fled, there were two more deputy-involved shootings in which two deputies also fired numerous rounds at the suspect. Because the case is still in the investigatory stage, it is unknown if the suspect shot at the deputies. After the deputy-involved shootings, the suspect disappeared into a nearby home. Inhabitants of the home exited unharmed, stating the suspect was inside the home and that he was possibly injured. Because the suspect was barricaded inside the home, the Sheriff's Department Special Enforcement Bureau was called to the scene. At some point, the homeowners informed deputies that one of their family members might still be inside the residence. After approximately one hour, deputies made entry into the home and arrested the suspect, who had sustained multiple gunshot wounds. During the search of the home and its adjoining yard, the deputies found a 67-year-old male Hispanic in the yard, who appeared to have died from a gunshot wound(s). The Sheriff's Department notified the California Attorney General's Office (Attorney General) as the Attorney General is required by law to investigate the death of an unarmed civilian who died as the result of a deputy involved shooting pursuant to California Government Code section 12525.3 The Attorney General's Office upon reviewing the facts of the case assumed the investigation finding that it falls within the purview of Government Code section 12525.3.

None of the deputies were equipped with BWCs. The operational plan included a decision not to deploy each deputy with a BWC even though the unit had been issued BWCs on October 31, 2020. When the Office of Inspector General inquired as to the reason for the decision not to deploy BWCs for the operation, the Sheriff's Department reported its policy doesn't require their use because it was a "surveillance." This statement is inconsistent with the Sheriff's Department's stated objective for the operation: that it was to apprehend the suspect, not simply surveillance. Even if it were an undercover surveillance operation, an appropriate tactical plan should have included having some deputies available with BWCs in the event an encounter with the suspect occurred. Given that the plan was to apprehend the suspect and that at least some of the deputies were outfitted with vests identifying them as deputies, there was no tactical advantage for the deputies not to be wearing BWCs because the operational team was not undercover.

The fact that the policy, as written, allows units to decide not to deploy BWCs to apprehend or conduct surveillance of a suspect points to the necessity to amend the BWC policy. The Attorney General, the Office of the Inspector General, and the public are left without a vital piece of evidence, which could have shed light in this investigation on the factors that led to the bystander's death.

In discussions with the Sheriff's Department, it reported an intent to update its policy to require all OSS deputies, who are not working surveillance only missions, to wear and use BWCs. In this operation, the OSS-Gang Surveillance Unit (GSU) was conducting the surveillance in partnership with the U.S. Marshals. GSU deputies are deputized by the U.S. Marshals for all GSU operations. While the U.S. Marshals do not object to the GSU deputies being required to deploy BWCs, according to the Sheriff's Department the policy must be approved through official federal government channels before it can be enforced. All other deputies in OSS, who are not on the OSS-GSU, must comply with BWC policy when not working surveillance only missions. The Office of Inspector General will continue to monitor the adoption of this policy to require deployment of cameras to the GSU. The Office of Inspector General continues to recommend that the Sheriff's Department simplify its BWC policy to abrogate the use of exceptions for employing BWCs when contacting suspects or other members of the public.

MH:KV

c: Alex Villanueva, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn Harrison, Acting County Counsel
Brian Williams, Executive Director, Sheriff's Civilian Oversight Commission



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MAX HUNTSMAN
INSPECTOR GENERAL

September 22, 2022

TO: Supervisor Holly Mitchell, Chair
Supervisor Hilda Solis
Supervisor Sheila Kuehl
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman 
Inspector General Chief Deputy, Inspector General on behalf of Inspector General Max Huntsman

SUBJECT: SEVENTH REPORT BACK ON IMPLEMENTING BODY-WORN
CAMERAS IN LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board of Supervisors motion directing the Office of Inspector General, in consultation with the Los Angeles County Sheriff's Department, Public Defender, Alternate Public Defender, District Attorney, Chief Executive Officer, County Counsel and the Executive Director of the Civilian Oversight Commission to monitor and report on: (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Los Angeles County Sheriff's Department's (Sheriff's Department), with such policy to address the elements raised by the Board of Supervisors. This is our seventh report back on the progress of the Sheriff's Department's implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of August 24, 2022, the Sheriff's Department has deployed 3,786 body-worn cameras (BWCs). While the Sheriff's Department has outfitted many of the patrol units with BWCs, the Office of Inspector General recommends that specialized units, such as Special Enforcement Bureau and Major Crimes, also receive BWCs. The Sheriff's Department reported that it had deployed BWCs to the specialized unit of Community

Partnerships Bureau, which houses the Sheriff's Department's Mental Evaluation Team and Homeless Outreach Services Team.¹ The following is a timeline of the BWCs which were deployed since the Office of Inspector General's sixth report back as well as the projected deployment dates for units yet to receive the BWCs:

Stations Completed/Scheduled March 2022 to Present	Completed Date
Avalon Station	03/02/2022
Court Services – Levy Crew (<i>Projected</i>) ²	09/30/2022
Parks Bureau (<i>Projected</i>)	10/31/2022
County Services Bureau (<i>Projected</i>)	12/31/2022
Community Colleges Bureau (<i>Projected</i>)	12/31/2022

According to the Sheriff's Department deployments to Court Services, County Services Bureau, and Parks Bureau, which were scheduled to be completed by July 2022, were delayed due to ongoing supply chain issues for network equipment and the equipment required to conduct internal infrastructure improvements. The *Stations Completed/Scheduled March 2022 to Present* chart above is the new estimated timeline and includes the completion of infrastructure, camera deployment and training. Despite the supply chain issues, the Sheriff's Department reports it is still within budget. It continues to work closely with the Chief Executive Office to ensure it has adequate funds in its budget to complete the above proposed projects.

The Sheriff's Department reports that it is exploring the feasibility of deploying BWCs in custody. Sheriff's Department personnel have started inspecting the infrastructure of the custodial facilities to determine the constraints and limitations of the current infrastructure, and the associated costs with deploying BWCs to all custodial personnel, including custody assistants who work alongside deputies in the facilities. According to the Sheriff's Department, it expects to provide its preliminary findings regarding the feasibility of deployment of BWCs in custodial facilities sometime in the last quarter of this calendar year.

¹ The Sheriff's Department deployed BWCs to the Community Partnerships Bureau back on October 31, 2021. This information was not included in previous reports as the Sheriff's Department only recently made the Office of Inspector General aware that this Bureau had received BWCs.

² According to information provided by the Sheriff's Department, the Court Levy Crew is part of the Civil Management Bureau within Court Services Division. It is the unit that handles court ordered evictions, subpoena service, and other court-related functions. This unit was selected for BWCs based on the type of duty they perform.

As of August 24, 2022, the Sheriff's Department reports uploading 2,464,098 videos to evidence.com, the cloud storage site that stores BWC video. According to the Sheriff's Department, there are no reports of videos being lost or corrupted during uploading or viewing on the site. There have been intermittent issues regarding access to the website, but the Sheriff's Department reports working with Axon to quickly resolve the issues.

From February 1, 2022, to August 1, 2022, the Sheriff's Department reports that it opened four administrative investigations against deputies violating BWC policies.³ During the same time period, the Sheriff's Department reports that it disciplined deputies in nine different instances for violating BWC policy, with the majority of the discipline being for a violation of Manual of Polices and Procedure section, "3-06/200.08 –Body Worn Camera–Activation." According to the Sheriff's Department, the discipline in those cases ranged from written reprimand to five days. The data provided by the Sheriff's Department on this discipline is only for administrative investigations investigated by the Internal Affairs Bureau. There are potentially other instances in which supervisors may have informally counseled deputies for BWC policy violations, or chose to note the policy violation through Performance Log Entries.⁴

According to the Sheriff's Department's, the BWC unit is not aware of any unresolved complaints from the justice partners – the District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, and/or defense attorneys – as to any BWC video access issues. There has been an increase in requests regarding BWC audit trails and the videos' metadata from the justice partners. The Sheriff's Department is working with its liaisons at the District Attorney's Office to provide the information in response to these requests.

³ It may take up to a year for the Sheriff's Department to complete an administrative investigation. Only after such an investigation is completed, will discipline be issued based on what the investigation uncovers.

⁴ "Performance Log Entry (PLE) is the hard copy documentation of a supervisory notation about a deputy's performance, including commendations, weaknesses, career guidance, and training." (See United States Department of Justice, "Antelope Valley Monitoring Team Monitor's Audit of Community Complaints," p. 5, January 10, 2018.) [http://www.la-sheriff.org/s2/static_content/avc/documents/Monitor%20Public%20Complaint%20Audit%20\(012018\).pdf](http://www.la-sheriff.org/s2/static_content/avc/documents/Monitor%20Public%20Complaint%20Audit%20(012018).pdf). A PLE is not formal discipline. The intent is that the information documented in the PLE may be incorporated into a employee performance evaluation. If it is not, there is no requirement that it be maintained beyond the evaluation period of one year.

Continuing Concerns Regarding the Deployment and Use of BWCs

Through attendance at meetings, the Office of Inspector General representatives have noted that management personnel, training personnel, and personnel from Internal Affairs Bureau (IAB), may lack the technical training to know when BWC policy violations have occurred. This is concerning because these personnel are responsible for initiating and/or investigating disciplinary actions when deputies fail to activate their cameras according to Sheriff's Department policies.

BWCs are continually recording and activating the "record" feature triggers the BWC to **save** the video, including the minute prior to the record button being activated. During that minute, only the video, but not the audio, is saved. The way to determine the exact moment a deputy activated the camera, is to listen for the audio start time in the saved video. The time at which the audio begins, is the moment the deputy intentionally depressed the record button on their BWC to capture the incident. Office of Inspector General representatives have seen several BWC videos where it is clear there was a delay in activation that is contrary to the Sheriff's Department policy, including after the deputies arrive on the scene or after a shooting occurred. Responses to inquiries from the Office of Inspector General regarding these delays have included answers that suggest the personnel responsible for investigating policy violations are unaware that the one minute captured prior to the audio indicates that the recording was not activated until after that one-minute period, resulting in the Sheriff's Department missing policy violations. The Office of Inspector General recommends all Sheriff's Department personnel to be re-briefed on the technology and Sheriff's Department BWC policies to ensure all levels of command staff have a robust understanding of how the BWCs work and the policies surrounding the use of the cameras.

The Office of Inspector General continues to have concerns regarding the lack of deployment of BWCs to the Operation Safe Streets Bureau's Gang Surveillance Unit (GSU). In the Office of Inspector General's [*Sixth Report Back on Implementing Body-Worn Cameras in Los Angeles County*](#), the Office of Inspector General's reports on reform and oversight efforts for [*January to March 2022*](#), and for [*April to June 2022*](#), the Office of Inspector General reported that the Sheriff's Department has not deployed BWCs to deputies assigned to the GSU because the deputizing of the members of the GSU team by the U.S. Marshals necessitates a Memorandum of Understanding (MOU) with the federal government. While this issue has been raised in these three reports, the first one being in April of this year, to date a MOU between the federal government and the Sheriff's Department has not been executed. Details of a February 17, 2022, shooting were reported in both the [*Sixth Report Back on Implementing Body-Worn*](#)

[Cameras in Los Angeles County](#) and in the report titled [Reform and Oversight Efforts: Los Angeles County Sheriff's Department - January to March 2022](#). In that shooting, members of the GSU were involved in a shooting during which an innocent bystander was killed.⁵ GSU members were not wearing BWCs during the incident. As reported, initially the Sheriff's Department stated it was because those members were acting in "surveillance" capacity, and therefore were not required by policy to wear BWCs but later stated that it was due to the lack of the MOU with the federal government.

As reported in the report titled, [Reform and Oversight Efforts: Los Angeles County Sheriff's Department - April to June 2022](#), The GSU was involved in another shooting on May 18, 2022, that was also not captured on BWC due to BWCs not being deployed to that unit. In this deputy-involved shooting the GSU was tracking a homicide suspect, who was an alleged member of a criminal street gang. The suspect was tracked to a shopping center, where a GSU detective reported that the suspect reached towards his waistband and appeared to be tugging on an object. The detective gave commands for the suspect to stop, unholstered his gun and fired one round at the suspect. The round missed the suspect. A firearm was recovered from the suspect.

The Sheriff's Department reports for the past six months it has been actively working with the US Marshals to finalize the MOU governing BWCs. According to the Sheriff's Department, on September 15, 2022, a draft of the proposed MOU was circulated to Sheriff's Department executives to review and approve. The Office of Inspector General has not seen a copy of this proposed MOU, nor have we been asked for our input and/or recommendations in drafting the language of the MOU. The Office of Inspector General recommends that the Sheriff's Department provide the proposed MOU to the Office of Inspector General for analysis and input and then to expeditiously finalize the MOU with the federal government to ensure cameras are quickly deployed to the GSU given that it has been involved in two shootings this year.

The Office of Inspector General has repeatedly requested and continues to request that the Sheriff's Department provide the Office of Inspector General access to evidence.com. On July 7, 2022, the County of Los Angeles filed a Petition for Writ of Mandate against Sheriff Villanueva requesting a court order that the Sheriff provide the Office of Inspector General with access to evidence.com at the offices of the Office of Inspector General. Without viewing access to the full inventory of BWC videos, it is impossible for the Office of Inspector General to review BWC video of interactions

⁵ The shooting is still under investigation. At this time, it is not known whether it was a GSU member's bullet or the suspect's bullet which fatally struck the bystander.

between law enforcement and the public, including victims, witnesses, suspects, and critical incidents; only with viewing access can the Office of Inspector General determine whether Sheriff's Department policies are being complied with.

If you have any questions concerning this report, please contact me at (213) 974-6100.

MH:KV:ec

c: Alex Villanueva, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn Harrison, Acting County Counsel
Brian K. Williams, Executive Director, Sheriff's Civilian Oversight Commission



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INSPECTOR GENERAL

March 21, 2023

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: EIGHTH REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY

Purpose of Memorandum

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board of Supervisors motion directing the Office of Inspector General, in consultation with other County Departments, to monitor and report on: (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Los Angeles County Sheriff's Department (Sheriff's Department), with such policy to address the elements raised by the Board of Supervisors. This is the Office of Inspector General's eighth report back on the progress of the Sheriff's Department's implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of February 24, 2023, the Sheriff's Department has deployed 4,115 body-worn cameras (BWCs) to patrol deputies. This total includes recent deployments to specialized units. The newly elected Sheriff, Robert Luna, has made it a goal to equip additional specialized units, such as the Special Enforcement Bureau, the Narcotics Bureau, and the Major Crimes Bureau, with BWCs. Due to the nature of the work, BWCs will not be employed during every operation of these specialized units. For example, detectives working in an undercover capacity would not be outfitted with BWCs. Three specialized units not being considered for BWCs are the Internal Criminal

Investigations Bureau, the Internal Affairs Bureau, and the Homicide Bureau because the policy of these units is to record all interviews.

While costs for BWCs and supporting technology equipment have reportedly increased, the Sheriff's Department reports adequate funds are available to complete deployment and cover the expansion of BWCs to the specialized units.

Delays in receipt of BWC equipment and equipment for infrastructure upgrades have resulted in some units not being fully outfitted, including the County Services Bureau and the Community College Bureau; deployment to these units was originally scheduled for completion by December 31, 2022. The updated date for deployment is now the summer of 2023.

In previous reports, the Office of Inspector General raised the lack of deployment of BWCs to the Operation Safe Streets Bureau's Gang Surveillance Unit (GSU). In the Office of Inspector General's [Sixth Report Back on Implementing Body-Worn Cameras in Los Angeles County](#), the Office of Inspector General reported that the Sheriff's Department had not deployed BWCs to GSU deputies because these deputies had been deputized by the U.S. Marshals, necessitating a Memorandum of Understanding (MOU) with the federal government to outfit the team members with BWCs. In October 2022, the Sheriff's Department and the U.S. Marshals entered a MOU, allowing for the GSU team to be outfitted with BWCs.

The Sheriff's Department explored the feasibility and benefits of expansion of BWC deployment to include personnel working in a custodial setting. From February 2022 to May 2022, the Sheriff's Department conducted a pilot project at Men's Central Jail (MCJ) on the 2000 and 3000 floors. In the first month, the Sheriff's Department outfitted and trained nine supervisors on using BWCs. In March 2022, the project was expanded to include 41 deputies who worked on these floors at MCJ. Upon completion of the pilot project, the Sheriff's Department conducted surveys of the employees, conducted a study and review of BWC use and video uploads during the test months, and conducted studies of the facilities to determine the feasibility of upgrading the infrastructure in the antiquated custodial facilities. The Sheriff's Department determined that the pilot project was a success and now seeks to move forward with expanding the deployment of BWCs to staff in its custodial facilities, which will require outfitting 4,107 custodial staff and installing 2,347 computers and monitors to handle the software required to interface with the BWCs. Extensive infrastructure upgrades to the facilities are also necessary. Custody personnel were not included in the Sheriff's Department's initial budget request

for BWCs, requiring the Sheriff's Department to seek additional funding in its budget in order to deploy BWCs throughout its custodial facilities. The Sheriff's Department is preparing an estimate of the final costs required to fund such an expansion.

As of February 22, 2023, the Sheriff's Department reports uploading 3,515,011 videos to evidence.com, the cloud storage site that stores BWC video. According to the Sheriff's Department, there are no reports of videos being lost or corrupted during uploading or viewing on the site.

Discipline for BWC Policy Violations

From August 1, 2022, to January 31, 2023, the Sheriff's Department reports that it opened seven administrative investigations against deputies for violating BWC policies.¹ During the same time period, the Sheriff's Department reports that it finalized discipline for three deputies for violating BWC policies. According to the Sheriff's Department, the discipline for these three deputies was a suspension varying from 1 to 6 days (the 6-day suspension was due to underlying conduct in addition to violating BWC policies). The discipline reported here resulted from administrative investigations investigated by the Sheriff's Department's Internal Affairs Bureau. There may be instances in which supervisors informally counseled deputies for BWC policy violations through a Performance Log Entry² or other informal counseling.

From August 1, 2022, to January 31, 2023, the Sheriff's Department reports that there were five Category 3 use of force³ incidents, which include deputy-involved shootings, during which deputies allegedly failed to activate their BWCs. During one such incident, the BWCs' batteries for both the involved deputies had depleted by the time the deputy-involved shooting occurred due to the deputies working a particularly long shift. The

¹ It may take up to a year for the Sheriff's Department to complete an administrative investigation. Only after such an investigation is completed, will discipline be issued based on what the investigation uncovers.

² A Performance Log Entry (PLE) is the hard copy documentation of a supervisory notation about a deputy's performance, including commendations, weaknesses, career guidance, and training." (See United States Department of Justice, [Antelope Valley Monitoring Team Monitor's Audit of Community Complaints](#), January 2018, at page 5.) A PLE is not formal discipline. The intent is that the information documented in the PLE may be incorporated into an employee performance evaluation. If it is not, there is no requirement that it be maintained beyond the evaluation period of one year.

³ Per Sheriff's Department Manual of Policy and Procedures Section 3-10/038.00, "Reportable Use of Force and Force Categories," Category 3 Use of Force encompasses all deputy-involved shootings, any use of force which resulted in death or hospitalization of a person, all incidents where a Sheriff's Department personnel intentionally kicked or struck or caused a person's head or neck area to be struck by a fixed object, skeletal fractures, and canine bites.

other four incidents are being reviewed by the Sheriff's Department executive staff and Internal Affairs Bureau to identify and address any policy violations, including whether to impose discipline.

Office of Inspector General Access to BWC Recordings

By order of Sheriff Luna, the Sheriff's Department has now provided the Office of Inspector General access to evidence.com and Office of Inspector General staff are now able to view body-worn camera recordings.

Amendments to Sheriff's Department BWC Policies

Proposed amendments to the BWC policies written under the previous Sheriff's administration were recently provided to the Office of Inspector General. Office of Inspector General staff are reviewing the proposed policy amendments in order to provide recommendations as the revisions were drafted without the input of the Office of Inspector General.

If you have any questions concerning this report, please contact me at (213) 974-6100.

MH:ec

c: Robert Luna, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn Harrison, County Counsel
Danielle Vappie, Interim Executive Director, Sheriff's Civilian Oversight
Commission



COUNTY OF LOS ANGELES OFFICE OF INSPECTOR GENERAL

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MAX HUNTSMAN
INSPECTOR GENERAL

September 27, 2023

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda Solis
Supervisor Holly J. Mitchell
Supervisor Lindsey P. Horvath
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: NINTH REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY

Purpose of Memorandum:

On January 9, 2020, the Office of Inspector General presented its first report back on the September 24, 2019, Board of Supervisors motion directing the Office of Inspector General, in consultation with other County Departments, to monitor and report on: (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Los Angeles County Sheriff's Department's (Sheriff's Department), with such policy to address the elements raised by the Board of Supervisors. This is the Office of Inspector General's ninth report back on the progress of the Sheriff's Department's implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of August 31, 2023, the Sheriff's Department has issued 4,195 body-worn cameras (BWCs) to patrol deputies. The slight increase from the last report reflects changes in the number of active deputies in the field, not any changes in which units are outfitted with BWCs. Some specialized units, including the Special Enforcement Bureau, the Narcotics Bureau, and the Major Crimes Bureau still do not have BWCs, as reported previously.

In the previous report, we highlighted that delays in receipt of BWC equipment and equipment for infrastructure upgrades delayed deployment of BWCs to County Service Bureau and Community College Bureau scheduled for completion by the end of 2022.¹ The Sheriff's Department then projected that it would deploy BWCs to these units in summer 2023, but now projects deployment in October or November of 2023.

From October 1, 2020, when the Sheriff's Department first outfitted units with BWCs, to August 19, 2023, the Sheriff's Department reports uploading 4,561,229 videos to Evidence.com.

About a year ago, the BWC Unit within the Sheriff's Department began auditing the performance and compliance of patrol deputies use of BWCs. The BWC Unit has audited a different station each month to examine issues such as: the compliance rate of the deputies activating and de-activating the cameras as required by policy, properly tagging and identification of videos when uploaded to Evidence.com, and proper maintenance of daily inspection logs and equipment. The BWC unit then makes recommendations based on its finding as to how the unit or station could improve.

Discipline for BWC Policy Violations

Over the current reporting period from February 1, 2023, to August 1, 2023, the Sheriff's Department reports that it opened 43 administrative investigations against deputies for violating BWC policies.² This represents a significant increase from the previous six-month reporting period, during which the Sheriff's Department reported opening only 7 administrative investigations for BWC policy violations.

Over this reporting period, the Sheriff's Department also reports it finalized discipline for eight deputies for violating BWC policies. This discipline ranged from written reprimand to discharge (in an incident involving violations of several policies, including the BWC policy).

The Sheriff's Department reports that it is currently working on updating its BWC policies and stated that it will provide the Office of Inspector General a draft proposed changes for recommendations and comments. As of the date of this report, the Office of Inspector General has not received any draft policy changes.

¹ [*Office of Inspector General's Eighth Report Back on Implementing Body-Worn Cameras in Los Angeles*](#)

² Generally, it may take up to a year for the Sheriff's Department to complete an administrative investigation. Only after such an investigation is completed, will discipline be issued based on what the investigation uncovers.

If you have any questions concerning this report, please contact me at (213) 974-6100.

c: Robert Luna, Sheriff
Fesia Davenport, Chief Executive Officer
Celia Zavala, Executive Officer
Dawyn R. Harrison, County Counsel
Danielle Vappie, Interim Executive Director, Sheriff's Civilian Oversight
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MAX HUNTSMAN
INSPECTOR GENERAL

March 26, 2024

TO: Supervisor Lindsay P. Horvath, Chair
Supervisor Hilda Solis
Supervisor Holly J. Mitchell
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Max Huntsman
Inspector General

SUBJECT: **TENTH REPORT BACK ON IMPLEMENTING BODY-WORN CAMERAS
IN LOS ANGELES COUNTY**

Purpose of Memorandum

On September 24, 2019, the Board of Supervisors passed a motion directing the Office of Inspector General, in consultation with other County Departments, to monitor and report on: (1) the progress of the implementation of technology infrastructure upgrades at patrol stations and other locations as needed for body-worn cameras; and (2) the receipt of a final body-worn camera policy from the Los Angeles County Sheriff's Department's (Sheriff's Department), with such policy to address the elements raised by the Board of Supervisors. This is the Office of Inspector General's tenth report back on the progress of the Sheriff's Department's implementation of body-worn cameras.

Body-Worn Camera Equipment Procurement and Deployment

As of February 26, 2024, the Sheriff's Department has issued 4,195 body-worn cameras (BWCs) to patrol deputies — the same number it reported for the Office of Inspector General's last report in September 2023. While the number of cameras issued remains unchanged, the Department is in the process of making updates to the hardware by upgrading the older Axon brand BWC 3 cameras to the new Axon BWC 4 cameras. The Department estimates 3,836 personnel have been outfitted with the Axon BWC 4, and there are a remaining 1,893 members who are still working with the older Axon BWC 3. The Department anticipates getting all personnel updated to the Axon BWC 4 within the next month or so.

The Sheriff's Department repeatedly delayed the planned deployment of BWCs to its Community Colleges Bureau and County Services Bureau with an original estimate for deployment at the end of 2022 and a current estimate of summer 2024. Delays in the receipt of equipment for necessary infrastructure upgrades to older buildings and the necessity for approvals for infrastructure upgrades in buildings owned by other entities are the reason deployment to these bureaus has been postponed.

Body-worn Cameras in Custody

The Sheriff's Department purchased 2,068 BWC for all of its Custody Operations deputies, sergeants, and custody assistants working at Twin Towers and Inmate Reception Center.¹ Before deploying them, the Department reports that it must build out the infrastructure in its aging custodial facilities, including building dock rooms in each facility where personnel can dock their BWCs and installing fiber optic cables so that staff can upload videos to Evidence.com, Axon's online service that the Department uses to store, tag, and share BWC videos. The Department has set a tentative target deployment date for Twin Towers and the Inmate Reception Center for summer 2024. The Department does not have a current timeline for completion of the upgrades in the remaining custodial facilities.

Discipline

The Department reports that between August 2, 2023, and February 1, 2024, it opened and imposed discipline in 71 administrative investigations where employees violated the Department's BWC policies. The discipline ranged from written reprimand to suspension.

Policy

The Sheriff's Department provided the Office of Inspector General with a draft copy of proposed revised BWC policies. The Office of Inspector General reviewed the document and provided comments on the proposed revisions for consideration by the

¹ In the next few years, the Sheriff's Department plans to deploy additional BWCs in phases to all the other jail facilities. The Department is seeking additional funding to purchase 2,573 BWCs for employees working at Men's Central Jail, Century Regional Detention Facility, and Pitchess Detention Center.

Sheriff's Department. As of the date of this report, the draft policies have not been implemented.

The Department's current BWC policy appears in Volume 3, Chapter 6 of the Department's Manual of Policy and Procedures (MPP). The policies dictate when deputies must activate the BWC, when they have discretion to leave it off, and when they may turn the BWC off at the end of an incident.² After being trained on BWC, personnel have a 90-day grace period, during which the Department will not discipline them for any violations.³ A deputy is in compliance if they activate their camera in a timely fashion for the calls enumerated in the policies and do not truncate the video by switching off the recording before it captures the entire incident.

Sheriff's Department's Creation of BWC Compliance Software

In past reports, the Office of Inspector General noted several instances in which deputies have failed to activate their BWCs or delayed activation until after an incident was in progress. Over the past three years, the Sheriff's Department's Body Worn Camera Unit (BWC Unit) built and deployed software tools to help deputies and supervisors monitor and improve BWC use and compliance with Department's policies on BWC activation. The Department reports that these measures have increased compliance from approximately 68% in 2021 to roughly 95% today.⁴ This section of the report details these tools and their use.

In November 2021, the Lieutenant of the BWC Unit convened a small team of his staff and systems analysis from Data Services Bureau to explore ways to develop in-house software to compare entries in the Sheriff's Department's Computer-Aided Dispatch (CAD) system with the BWC video uploaded to Evidence.com, in order to pinpoint incidents in which a deputy may have failed to activate a BWC as required by Department policy.⁵ The Department's CAD system creates entries for each call a

² See MPP Section 3-06/200.08 "Body Worn Camera Activation," MPP Section 3-06/200.13 "Recording of Entire Contact," MPP Section 3-06/200.18 "Body Worn Camera Recording Exceptions."

³ See MPP Section 3-06/200.58 "Guidelines for Administrative Reviews of Body Worn Camera Recordings."

⁴ Since 2021, the Department has exempted various types of calls from BWC activation requirements. The Office of Inspector General has not independently verified these statistics.

⁵ The Department initially reached out to Axon to enquire if the manufacturer could provide any solutions to help increase compliance. While Axon markets software to track compliance, it is not compatible with the Sheriff's Department's CAD system. In previous reports, the Office of Inspector General addressed the problems riddling the Sheriff's Department's antiquated CAD system. *The Sheriff's Department's Underreporting of Civilian Stop Data to the California Attorney General*

deputy handles, as well as deputy-initiated actions and station activities. The CAD system includes codes describing the nature of the call or activities, as well as codes for how the call or activity resolved, and a narrative for additional information. The video storage system on Evidence.com allows deputies to upload videos and to tag them with additional information. The Department requires that deputies tag each video on Evidence.com with an event identifier that links it to the incident number in CAD. The team settled on using a data federation and visualization platform from Microsoft Power BI, to compare data from the antiquated CAD system to data in the newer digital Evidence.com system to determine whether each CAD entry for a deputy had a corresponding video.

Identifying Failures to Activate BWCs or Delayed Activation

The system continuously scours millions of CAD entries in the Department's systems — including about 45,000 new entries the Department makes each week⁶ — and compares them to Evidence.com uploads to identify any calls without associated BWC videos. The team incorporated exceptions into the software for CAD entries that would not require BWC activation, such as codes for station activities that did not involve public contact, responses to calls that were cancelled before the deputy ever arrived, or CAD narratives that contained phrases that would indicate no BWC activation was required. When the system finds a CAD entry without a corresponding video that does not fit within any exception, the system marks the incident as possibly missing a video.

The system also searches for delayed activation by determining whether the length of the video uploaded in Evidence.com falls short of expected length benchmarks for the particular type of call. When the system identifies a possible delayed activation, it marks it as a short video.

Three times each week, the system automatically sends emails notifying deputies of any problems it has identified with their calls and notifying supervisors of any problems with their supervisees' activations. The system sends roughly 3,300 such emails each week. Once notified, the deputies can resolve an issue in one of several of ways, depending on the type of error. For a failure to upload a video, a deputy could go into the call entry and update the narratives to explain why the call did not require BWC activation, or could upload the video or correctly tag it with incident information. The system will clear any issue that has been corrected, but will continue to send notification emails about an issue until it is resolved.

⁶The Department's data show 2,319,710 CAD entries created in 2023, or roughly 45,000 per week.

The system also provides a visual dashboard for the data that can show graphs of compliance and exemption rates over time Department-wide, or at the level of a particular division, station, shift, unit, or even individual deputies. The system can show the records of individual deputies call by call, including the call type and clearance code, allowing supervisors to readily identify sources of noncompliance and allowing deputies to easily review any of their own calls missing video. The visual dashboard can also display contacts with potentially short videos across the department or by division, station, or deputy.

Identifying Mis-tagged Videos

In 2023, the BWC Unit identified a related problem of deputies sometimes tagging videos in Evidence.com with incorrect incident information. A video tagged with inaccurate incident information does not become associated with the incident file and so does not get passed on to the prosecutorial agency, depriving prosecutors of potential evidence and criminal defendants of potentially exculpatory information. The Sheriff's Department notified the Los Angeles District Attorney's Office, the Public Defender's Office, and the Alternate Public Defender's Office that some of their investigative files may be incomplete due to the misidentification of videos.

Using a feature of Evidence.com that can identify videos recorded at the same time and in the same vicinity, the BWC Unit created software to email the handling detective assigned to a case a list of any videos created at the same time and location as the incident they were investigating, but which were not attached to their case, thus notifying the detective of potential missing BWC video evidence and helping assure that the Department provides all relevant BWC video to the prosecution.

Randomized Supervisor Review of BWC Videos

In about April 2021, the assistant sheriff over patrol operations ordered watch commanders to review one BWC video each shift to ensure compliance with BWC policies.⁷ Initially, watch commanders selected the videos themselves. The Department's BWC compliance software team created a review tool, integrated in the computerized watch commander's log, which presents watch commanders with two videos each shift, randomly selected from the videos uploaded by the same shift the previous day. Watch commanders must mark whether each video complies with

⁷ The Sheriff's Department has not yet codified this order into any written directive or policy, although the Department's current draft revision of its BWC policy would do so.

Sheriff's Department policy on BWC activation and deactivation and was properly tagged with the appropriate call information.

The Department's Use of the Compliance Software

The BWC Unit and Sheriff's Department system analysts have created a powerful tool to identify, analyze, and monitor potential noncompliance with the BWC policy. But how effective that tool will be depends on how the Department chooses to use it.

Currently, the Sheriff's Department has no policies or directives in place dictating how employees or supervisors must respond to the BWC compliance emails. While the Department does require watch commanders to conduct randomized review of BWC video every shift, supervisors retain discretion on how to handle their supervisees' failures to follow BWC policy. And the Department has no policies or orders in place on how supervisors should use the BWC dashboard to review patterns of BWC compliance through the dashboard, or what measures they should take to address noncompliance. One supervisor may choose to focus on repeated offenders, while another may choose to look the other way so long as the station overall shows compliance above 90%.

The Department reports that even in the absence of policy mandates, compliance with BWC activation policy has climbed to between 93% and 96%, and that employees are accurately tagging videos with correct incident information nearly 99.9% of the time. These compliance rates are dramatically better than in 2021. While this increase in compliance with activation of BWCs is certainly laudable, deputies may have still failed to activate their BWCs on average 4% to 7% of the time. At these rates, over time, significant numbers of incidents, possibly including serious uses of force, may not be captured on BWC video.

During the time period of August 2, 2023, to February 1, 2024, the BWC dashboard shows more than 18,000 instances in which a deputy may have failed to activate their BWC, which did not fall into any exception to the activation requirements, as well as a number of deputies with compliance rates below 50% over dozens of incidents, and more than 3,700 incidents with short videos. The BWC Unit expressly noted that many of the features of the software tool encourage compliance through monitoring and follow-up, rather than discipline. That approach may work for many compliance issues. But the Department must hold deputies accountable if they persistently fail to follow BWC activation policy despite training, notification, and counseling on the issue. It must also hold supervisors accountable for failing to address body camera activation issues in their supervisees.

The Department's compliance software provides a powerful tool to monitor BWC compliance and identify problems. The Sheriff's Department should provide supervisors clearer guidance on how they should use that tool and the measures they should take to correct BWC noncompliance. The Sheriff's Department's policies should ensure that supervisors identify and correct any pattern of noncompliance or there is a risk that serious incidents may occur without being recorded on BWC video.

If you have any questions concerning this report, please contact me at (213) 974-6100.

c: Robert Luna, Sheriff
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