

Body-Worn Cameras

CAMERA ROLL OUT AND THE POLICIES OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Presented by the L.A. County Office of the Inspector General at the 5.20.2021 Commission Meeting.

Roll Out

As of report, 11 stations have deployed body-worn cameras

The initial roll out included one station in each of the 5 supervisorial districts

1614 deputies have been assigned a camera

An additional 766 deputies/staff have been trained on the video management system, evidence.com

Infrastructure upgrades are continuing with the goal of deploying cameras at all remaining stations by August of 2021

Office of Inspector General Concerns

- ▶ The policy grants too much discretion to the user in deciding when to activate the camera
- ▶ LASD allows for pre-statement/pre-report viewing of body-worn camera video
 - ▶ Allows for review prior to report writing on routine calls for service or contact with civilians
 - ▶ For category 3 uses of force, including deputy-involved shootings, involved deputies may be permitted to view the video once authorized by the handling Internal Affairs Bureau or Homicide detective

Audits

- ▶ There is NO provision in the policy for OIG access to body-worn camera video
- ▶ OIG currently does not have unencumbered access to view body-worn camera video and therefore cannot conduct audits or review critical incidents (only what is released to the public)
- ▶ LASD should incorporate into its policy OIG's right to audit body-worn camera video
- ▶ LASD should grant OIG viewing and auditing rights to review body-worn camera videos on evidence.com

Audit Policy

- ▶ The existing body-worn camera policy suggests that there will not be random audits for policy violations, but the draft audit policy provides a mandate for random audits to include policy violations; random audits for policy violations should be permitted
- ▶ The audit policy provides for limiting the consequences of misconduct to discovered in a review of body-worn camera video to counseling, training or a performance log entry, unless *“the activity discovered would likely result in suspension or termination”*
 - ▶ Without an investigation it cannot be determined if the misconduct will likely result in suspension or termination

Discipline

- ▶ LASD has not incorporated any specified discipline for violations of body-worn camera policies in its Guidelines for Discipline
- ▶ There are no specified punishments for
 - ▶ failing to activate the camera,
 - ▶ copying, editing, or altering body-worn camera video, or
 - ▶ the unauthorized viewing, use, or release of body-worn camera video

Critical Incident Recordings

- ▶ Any incident involving the discharge of a firearm by a Department member
- ▶ Any incident involving a strike with an impact weapon or projectile to the head or neck
- ▶ Any incident in which the use of force results in great bodily injury or death
- ▶ The death of any arrestee or detainee in custody

PRA Requests and Notification of Release

- ▶ The stated policy on Critical Incident Releases in response to California Public Records Act requests mirrors California law on disclosing video of critical incidents
- ▶ The policy allows for redaction technology to blur/distort images or obscure portions of the video
- ▶ The policy requires that reasonable attempts be made to notify department members and the subject (or representative) upon whom the force was used prior to release of the video
- ▶ The District Attorney's Office and/or the City Attorney's Office
- ▶ Employee unions representing Department members

Critical Incidents

Government Code section 6254 prohibits the delay in disclosing the recording related to a critical incident to 45 days unless certain proof is shown by the law enforcement agency

For delay over 45 days and up to one year, the agency must demonstrate that disclosure would substantially interfere with an active criminal or administrative investigation

For a delay longer than one year, the law enforcement agency must demonstrate that disclosure would substantially interfere with an active criminal or administrative investigation by *clear and convincing evidence*

LASD Policy on Critical Incidents Releases

- ▶ The Sheriff's Department policy on releasing body-worn camera video is covered in its Manual of Policy and Procedures section 3-06/200.75 - *Public Release of Critical Incidents is the Sheriff's Department policy*
- ▶ The Sheriff's Department retains the sole discretion to release any portion of body-worn camera video recordings
- ▶ The Sheriff or the Sheriff's designee's approval is required for release of video in circumstances when the release may
 - ▶ Assist with the furtherance of an ongoing investigation
 - ▶ The release may serve to dispel erroneous or inaccurate information in the public domain or serve to educate the public without interfering with an ongoing investigation

Transparency

- ▶ Without access to LASD's evidence.com and the body-worn camera video, OIG cannot report on whether LASD has released video of all critical incidents in a timely manner
- ▶ Failure to treat critical incidents with transparency should be viewed in the context of other transparency failures
 - ▶ LASD has failed to timely respond to CA Public Records Act requests
 - ▶ LASD does not publish timely publish information on deputy-involved shootings on its website
 - ▶ LASD has failed to release the names of deputies involved in deputy-involved shootings
 - ▶ LASD has sought to block the release of autopsy reports for deputy-involved shootings

Complaints

- ▶ Sheriff's Department Policy only includes the release of critical incidents
- ▶ The Sheriff's Department will not release any other body-worn camera videos to the public
- ▶ Video of incidents relating to complaints to LASD will not be released to the public
- ▶ In order to investigate claims of harassment by LASD, OIG must be given access video relating to such claims
- ▶ Viewing and auditing access will allow OIG to monitor or investigate specific complaints and to monitor whether policy violations are occurring