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June 16, 2020

TO: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
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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 25303 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.