

# LOS ANGELES POLICE COMMISSION

## VIDEO INSPECTION, CENTRAL BUREAU DIVISIONS



Conducted by the

### OFFICE OF THE INSPECTOR GENERAL

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**I. INTRODUCTION**

The Los Angeles Police Department (Department) in spring 2015 deployed digital in-car video (DICV) in all Central Bureau divisions. Then in September 2015, the Department deployed body worn video (BWV) in Central Traffic Division (CTD), Central Area (specialized details only), and Newton Area. In November 2015, the Office of the Inspector General (OIG) conducted an inspection of video recordings for CTD, Central, and Newton to evaluate officer compliance with Department video policy.<sup>1</sup> For BWV, officers were expected to immediately comply with Department policy,<sup>2</sup> but a 90-day transition period allowed for unintentional policy violations to be addressed as non-disciplinary training issues.<sup>3</sup>

**II. CTD AND CENTRAL AREA RESULTS**

**A. BWV**

To evaluate BWV, the OIG viewed recordings from CTD traffic stops resulting in citations, and arrests made by three Central Area specialized details: LA Live Detail, Eastside Detail, and Resources Enhancement Services Enforcement Team. The OIG also intended to view video from any categorical uses of force, but none occurred between the BWV deployment date and the OIG inspection.

**1. CTD traffic stops**

The OIG obtained a list of all CTD traffic citations issued over a three-day test period from November 12 to 14, 2015.<sup>4</sup> The CTD officers issued 110 citations during the test period. The OIG reviewed a sample of 40 citation stops<sup>5</sup> to inspect whether, as required by policy, (1) the BWV was activated prior to conducting the stop,<sup>6</sup> and (2) the entire stop was recorded.<sup>7</sup> From the 40 stops, the OIG determined that 43 BWV recordings should have been created: 30 stops were by motor officers; 6 stops involved only one of the two partner officers being BWV-equipped;<sup>8</sup> 3 citations were issued by two officers in a patrol vehicle (thus, 6 recordings); and 1 citation was issued by a solo patrol officer.<sup>9</sup>

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<sup>1</sup> The OIG's Audit & Complaint Section completed this inspection and report.

<sup>2</sup> Special Order No. 12-2015 (SO 12), *Body Worn Video Procedures Established*, April 28, 2015.

<sup>3</sup> Per Operations Order No. 3-2015, *Procedures for Deployment and Usage of Body Worn Video during Transition Period* (August 28, 2015). See Appendix (Section 1) for details.

<sup>4</sup> The Department's Application Development and Support Division provided the OIG with the list of citations.

<sup>5</sup> The sample size was determined by using a 95% confidence level, 6% expected error rate, and 5% plus precision.

<sup>6</sup> SO 12, *supra* at note 1. See Appendix (Section 2) for details.

<sup>7</sup> *Ibid.* See Appendix (Section 3) for details.

<sup>8</sup> In each of the 6 stops, the partner officer was on a short loan and therefore not BWV-equipped.

<sup>9</sup> The OIG found that 17 officers issued the 40 citations in the sample. Two officers issued 42.5% of the citations (17 of 40).

From searching for these 43 recordings, the inspection found that on 6 occasions officers failed to activate the BWV device at all (14%), leaving a total sample of 37 recordings. Of the 37 recordings, 32 (86%) captured the entire incident, 3 (8%) had a delayed start, 1 (3%) terminated prior to the end of the enforcement activity, and 1 (3%) had both a delayed start and terminated prior to the conclusion of the enforcement activity.<sup>10</sup> Although all stops occurred during the 90 day transition period, the OIG notified the CTD Commanding Officer (CO) of the findings.

## 2. Central Area specialized detail arrests

To view arrest video, the OIG used a three-day test period of November 11 to 14, 2015. Central Area Detention Logs indicated that during that time period 19 arrests occurred.<sup>11</sup> For the 19 arrests reviewed, the OIG identified 37 arresting officers for testing BWV activation, as required by policy.<sup>12</sup> Of the 37 officers, 2 (5%) activated BWV for the entire incident, 24 (65%) activated for part of the incident, and 11 (30%) apparently did not activate at all, as the OIG could not locate any recording of the incident on Evidence.Com.<sup>13</sup> Although all arrests occurred during the 90-day transition period, the OIG notified the Central Area CO of the BWV activation findings.

Policy requires that the BWV recording continue through the entire contact, including the duration of each in-custody transport. The aforementioned 24 officers with partial activation deactivated BWV at various times during the incident or transport. Some officers deactivated at the scene. Some officers deactivated when the police vehicle first entered the police facility parking garage/lot. Some officers deactivated after removing the arrestee from the vehicle, and others deactivated after entering the facility, sometimes for an extended time.

### **B. DICV**

Department policy requires that when transporting arrestees, officers must activate the DICV for the entire transport<sup>14</sup> and the arrestee must be seatbelted.<sup>15</sup> To evaluate DICV policy compliance when transporting, the OIG reviewed the same 19 Central Area arrestee transports described above. The OIG viewed the video to determine whether (1) the DICV was activated for the entire transport, and (2) the arrestee was seatbelted.

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<sup>10</sup> The OIG spent 6 hours and 46 minutes to review 37 recordings for this inspection. All videos were viewed on Evidence.com.

<sup>11</sup> Resources Enhancement Services Enforcement Team made 16 arrests, Eastside Detail made 3, and LA Live Detail made none.

<sup>12</sup> SO 12, *supra* at note 1. The OIG spent approximately 12 hours viewing the arrest videos on Evidence.com.

<sup>13</sup> Evidence.com is the password-protected website TASER provides to purchasers for viewing video. TASER, the vendor of the Department's "Axon" BWV systems, provides video storage and access as part of the purchase contract.

<sup>14</sup> Department Special Order No. 45-2009, *Digital In Car Video System Use And Deployment-Pilot Program-Established*, October 20, 2009.

<sup>15</sup> Department Manual, Volume 4 Section 217.50, *Transportation of Arrestees*. Also, California Vehicle Code Section 27315(d) requires all passengers 16 years of age or over to be properly restrained by a seatbelt.

The OIG's review revealed that officers activated the DICV from start to finish for 16 of the 19 (84%) arrestee transports and officers did not activate for 3 transports. In addition, per the DICV recordings viewed, the officers seatbelted 14 of the 16 (88%) arrestees transported. The OIG provided these DICV activation and arrestee seatbelting findings to the Central Area CO.

### III. NEWTON AREA RESULTS

#### A. BWV

To inspect Newton Area BWV policy compliance, the OIG viewed video from three different actions involving patrol officers. First, the OIG researched categorical uses of force that occurred after BWV deployment and identified one officer-involved shooting (OIS). The OIG identified that one involved officer activated BWV on the way to the call and captured the entire OIS. The other officer activated the BWV after the OIS, but the discharge was captured on video due to the BWV "buffer." The OIG noted that the suspect could be seen advancing on the officers with what appeared to be a knife in hand.

**Note:** The BWV equipment has a 30-second video recording buffer, meaning that upon activating the BWV, the video recording will include the activity 30 seconds before the moment of activation. The audio recording, in contrast, starts the moment of activation.

Secondly, the OIG reviewed the 10 pedestrian stops that occurred during the three-day test period of October 23 to 25, 2015.<sup>16</sup> The OIG reviewed the video to determine (1) if the officers had a basis for the stop and (2) if BWV was activated for the entire contact. In the OIG's opinion, 7 detentions appeared to be supported by reasonable suspicion of criminal activity, 2 contacts appeared to be consensual encounters, and 1 call for service was misclassified as a pedestrian stop. For the 10 recorded pedestrian stops, 6 officers (60%) activated BWV for the entire stop and 4 officers (40%) activated BWV for only part of the stop. Regarding these 4 partial activations, 3 began after the stop and 1 ended prior to the conclusion of the stop.

Thirdly, the OIG reviewed arrests and arrestee transports that occurred during a three-day test period of October 16 to 18, 2015. For that period, Newton Area Detention Logs<sup>17</sup> recorded 19 arrests. For these 19 arrests and the related 20 arrestee transports,<sup>18</sup> the OIG identified 38 arresting officers for testing BWV activation. Of these 38 officers, 26 (69%) activated for the entire incident, 5 (13%) activated for part of the incident, and 7 (18%) apparently did not activate at all, as the OIG could not locate any recording of the incident on Evidence.com.

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<sup>16</sup> The OIG spent approximately 16 hours reviewing these pedestrian stops.

<sup>17</sup> Detention Logs, maintained by the watch commander, list the arrestee's name, charge, arresting officer(s), and transporting officer(s).

<sup>18</sup> Although there were 19 arrests, there were 20 transports due to a supervisor transporting an arrestee for patrol officers.

For the 20 arrestee transports, the OIG identified 39 transporting officers for testing BWV activation. Of these 39 officers, 23 (59%) activated and 16 (41%) apparently did not activate as no recording of the incident could be located. As with the Central Area officers, the 23 Newton Area officers deactivated BWV at various times in the transport. The OIG noted that the current BWV policy does not inform officers about when the deactivation should occur for arrestee transports. Although all arrests occurred during the 90-day BWV transition period, the OIG notified the Newton Area CO of all findings.

## **B. DICV**

The Newton Area officers activated DICV from start to finish for 18 of the 20 (90%) arrestee transports. For one transport, the officers did not activate DICV at all. For another transport, it could not be determined if the officers activated DICV, as the video would not play. For the 18 recordings viewed, the officers seatbelted 17 of the 18 (94%) arrestees transported. For one transport, the arrestee's seatbelt was not latched to the back seat, so the arrestee was not safely secured. The OIG provided all DICV arrestee transport findings to the Newton Area CO.

## **IV. BWV ISSUES**

### **A. Camera Position And Video Quality**

For all BWV recordings viewed, the OIG evaluated how camera placement affected video quality. Department policy states the camera shall be worn forward facing, mounted from the waist up on the officer's outermost garment.<sup>19</sup> Due to camera mount limitations, officers currently are limited to wearing the camera on the chest or duty belt.

In this inspection, the OIG found that 35 of the 37 (95%) CTD recordings appeared to have been captured at chest height.<sup>20</sup> All but one of the 35 chest height recordings were of good visual and sound quality. Of the two recordings captured at belt height, one was of average visual and sound quality and the other recording was of good visual and sound quality. The OIG noted the two recordings of average visual quality were captured at nighttime.

For Newton Area BWV, the OIG observed that 24 of the videos were from officers apparently wearing belt-mounted cameras.<sup>21</sup> For these 24 videos, the belt-mounted cameras did not, in the OIG's opinion, capture the incident as well as videos from officers apparently wearing chest-mounted cameras. The Department's Information Technology Bureau (ITB) has previously advised the OIG that second-generation BWV magnetic mounts are expected to allow for future placement of the camera in a variety of positions on an officer's uniform.

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<sup>19</sup> SO 12, supra at note 1. See Appendix (Section 3) for details.

<sup>20</sup> The OIG could only determine "apparent" camera position based on the video; there is no requirement for an officer to document where the camera is worn.

<sup>21</sup> Sixteen of the videos were from arresting and transporting officers and the other eight were from pedestrian stops.

## **B. Finding Videos On Evidence.com**

All stored Department BWV recordings are accessible on Evidence.com, a vendor-provided website. After each BWV use, officers are required by policy to “identify the event type . . . that best describes the content of the video (i.e., arrest, traffic stop, report).”<sup>22</sup> An officer can enter the event type into a data field on a Department-provided mobile phone linked to the BWV unit.

During BWV training, the Department encourages, but does not require, officers to input the full 12-digit incident number as the “event type.” However, in the OIG’s review of the 37 CTD BWV recordings stored in Evidence.com, officers inputted the full incident number for only 5 incidents (14%). The absence of one controlling method of labeling BWV makes it difficult when attempting to find video on Evidence.com. The ITB has previously advised the OIG that modifications to the BWV unit will provide for automatic downloading of the incident number into the video data field.

## **V. RECOMMENDATIONS**

Based on the information obtained in this inspection, the OIG recommends that:

1. The Department include in its video policy specific instruction to officers about when BWV should be deactivated. The Department has previously advised the OIG that work is underway on merging the DICV and BWV policies; the OIG recommends that the Department report on the progress of the policy revision.
2. The Department report on the development and distribution of the new magnetic camera mount, and on the automatic download of incident number into the data of a BWV recording.

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<sup>22</sup> SO 12, *supra* note 1.

## APPENDIX

### **Body Worn Video Controlling Orders**

#### Section 1. Policy Re: 90-Day Transition Period

Per Operations Order No. 3-2015: “To ensure the positive implementation of BWV, a 90-day transition period was established to provide Department personnel with adequate time to be acclimated in the use of BWV. The transition period begins when the Department employee is issued BWV *and* completes the training . . . During the transition period, unintentional deviations in policy and procedure in the use and deployment of BWV may occur. This is anticipated because Department employees are acclimating to BWV, and developing the necessary knowledge to effectively utilize the system. The incidents will be considered training issues, and during the transition period, Department employee should receive non-documented counseling and training only.”

#### Section 2. Policy Re: Activation of the BWV Equipment

Per Special Order No. 12-2015, “Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public, including all: vehicle stops; pedestrian stops (including officer-initiated consensual encounters); calls for service; Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with in-car video equipment; foot pursuits; searches; arrests; uses of force; in-custody transports; witness and victim interviews (except as specified below); crowd management and control involving enforcement or investigative contacts; and, other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.”

#### Section 3. Policy Re: Recording of the Entire Contact

Per Special Order No. 12-2015: “The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording. The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording.”

#### Section 4. Policy Re: Positioning of the BWV Equipment

Per Special Order No. 12-2015: “The BWV camera is worn on the outside of an officer's uniform, facing forward to make video and audio recordings.”

Per Uniform Committee Notice 1.12, October 8, 2015, Newly Approved Uniform Items, item 4: “All body worn cameras shall be worn as an attachment to a Department approved uniform. The camera shall be worn forward facing, worn mounted from the waist up, and on the outer most garment.