

INTRADEPARTMENTAL CORRESPONDENCE

November 20, 2014
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BPC #14-0422

TO: The Honorable Board of Police Commissioners

FROM: Inspector General, Police Commission

SUBJECT: OFFICE OF THE INSPECTOR GENERAL REVIEW OF VIDEO
RECORDINGS OF ARRESTEE TRANSPORTS, SOUTHEAST AREA

RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General's (OIG) Review of Video Recordings of Arrestee Transports, Southeast Area.

DISCUSSION

The OIG watched and listened to recordings of 43 Southeast Area (SOE) arrestee transports in March 2014 to determine whether the transports followed Los Angeles Police Department policy. The black-and-white police cars of SOE are equipped with a rear seat Digital In-Car Video System, which captured the audio and video recordings of the transports.

The OIG noted that SOE officers consistently audio and video-recorded the transports in their entirety and recorded the transports on their Daily Field Activities Report, as required. However, the OIG noted issues regarding seatbelt nonuse and the lack of required antenna inspections.

I am available to provide any information the Board may require.

E-Copy – Original Signature on File with the Police Commission

ALEXANDER A. BUSTAMANTE
Inspector General
Police Commission

Attachment

LOS ANGELES POLICE COMMISSION

**REVIEW OF VIDEO
RECORDINGS OF
ARRESTEE TRANSPORTS,
SOUTHEAST AREA**



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ALEXANDER A. BUSTAMANTE
Inspector General

November 20, 2014

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF VIDEO RECORDINGS OF
ARRESTEE TRANSPORTS, SOUTHEAST AREA**

I. INTRODUCTION

The Office of the Inspector General (OIG) watched and listened to recordings of Southeast Area (SOE) arrestee transports to determine whether the transports followed Los Angeles Police Department (Department) policy. The black-and-white police cars of SOE are equipped with a Digital In-Car Video System (DICVS), which captured the rear seat audio and video recordings of the transports.

II. SEATBELT NONUSE

Both California law and Department policy require that police officers and their passengers in moving vehicles, including arrestees, be seatbelted.¹ In October 2013, the OIG reported to the Commission on police officer seatbelt nonuse in officer-involved collisions. Subsequently, in 2014, the Board of Police Commissioners (Commission) and the Chief of Police issued messages emphasizing seatbelt usage.² Nevertheless, in this review, the OIG found multiple incidents of seatbelt nonuse by police officers and their passengers in police cars.

The OIG watched the DICVS rear-seat recordings of all 43 SOE arrestee transports from March 6 to 10, 2014. Those 43 transports carried 49 persons riding in the rear seat. Of the 49 persons transported, 13 (27%) were not seatbelted. Of those 13 unbelted, 7 were arrestees, 1 was the non-arrestee parent of a juvenile arrestee, and the remaining 5 were officers sitting next to belted arrestees.³

In 2010, the Department's first DICVS audit reported that three South Bureau arrestees were not seatbelted.⁴ The Commanding Officer of Operations-South Bureau responded in that audit report and stated that the Area DICVS coordinators would begin regularly watching the rear-seat recordings for seatbelt usage. However, the OIG determined that prior to this review, no SOE personnel had watched DICVS rear-seat recordings to determine if arrestees or officers were seatbelted.

¹ California Vehicle Code § 27315(d) states, "A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a seat belt." Department Policy Manual., Vol 4 § 217.50, "Transportation of Arrestees" and 289, "Safety Belts in Department Vehicles, require that employees and all others riding in Dept. vehicles "shall" wear seatbelts.

² Police Commission Focus Issue VII for 2014 is "BUCKLE UP: Ensure the Department implements a program to mandate that seat belts are to be worn by all personnel who operate and are a passenger in a Department vehicle." Wearing seatbelts was also emphasized in the recent July 2014 Chief's Message, which states, "Making sure you go home safely is my most important job... This means wearing your seatbelt and reminding your partner to do the same."

³ The 7 of 43 (16%) unbelted arrestees is higher than the rates reported in the last two Department DICVS South Bureau inspections. A 2012 DICVS inspection (IAID No. 12-074) reported that 5% (1 of 21) of South Bureau arrestees were not seatbelted and a 2011 DICVS inspection (IAID No. 11-120) reported that 9% (1 of 11) of South Bureau arrestees were not seatbelted.

⁴ IAID No. 10-158.

III. LACK OF ANTENNA INSPECTIONS

In addition to reviewing recordings, the OIG reviewed SOE DICVS antenna inspections. In April 2014, the Department publicly disclosed that DICVS cradle port antennas were discovered missing from approximately 40 SOE police cars. Two cradle port antennas are located inside each police car equipped with DICVS, one to the left of the driver seat and the other to the right of the front passenger seat. These antennas extend the audio recording range when the officers are away from the vehicle.⁵ The antennas can be easily unscrewed by hand.

As a result of the missing antennas, South Bureau issued an order requiring officers to inspect the condition of the two cradle port antennas at the start and end of each watch. The order directed officers to document the inspection on their Daily Field Activity Reports (DFAR).⁶

The OIG examined all 40 DFARs for the 43 SOE arrestee transports to see whether officers inspected the antennas as ordered at both the start and end of watch.⁷ For 11 of the 40 DFARs (28%), there was no indication that the officers conducted the required antenna inspection.

IV. RECOMMENDATIONS

Based on the result of this review, the OIG recommends that SOE Command initiate action to ensure that SOE police officers and their passengers wear seatbelts in moving vehicles as required by California law, Department policy, and as encouraged by the Commission and Chief of Police. The OIG also recommends that SOE undertake regular periodic review of DICVS to ensure that officers are using seatbelts and the DICVS as required by policy and to document such reviews and periodically report results to the Commission.

Also, the OIG recommends that SOE Command initiate action to ensure that SOE officers inspect DICVS cradle port antennas as required by South Bureau order.⁸

V. DEPARTMENT RESPONSE

The Commanding Officer of SOE provided the Department's response to this OIG report.

Seatbelt Nonuse

Of these eight public passenger seat-belt exceptions, four involved officers from the Southeast Vice unit, two involved the same officer from Patrol Watch Three, and two involved the same officers assigned to the Southeast Detective Division Juvenile Car. The five officer seat-belt

⁵ The officers are equipped with audio recorders and transmitters.

⁶ Order No. 1-Revised, effective October 7, 2013.

⁷ Two DFARs each included multiple arrestee transports.

⁸ While watching one transport video, the OIG observed that a sergeant used force to secure a handcuffed female arrestee after she kicked out a police car window while seated in the back of the car. The OIG believed that the sergeant's actions constituted a non-categorical use of force.⁸ The OIG inquired with SOE and found that the sergeant did not report the use of force. The OIG immediately notified SOE Command of this unreported use of force.

exceptions involved officers assigned to Gang Enforcement Detail (GED) and deployed in non-partitioned police vehicles. In general, the passenger officer is seated in the rear with the suspect next to the officer.

Each of the involved officers was identified and provided extensive training. That training is documented on Comment Cards. Both the GED Officer in Charge (OIC) and the GED Sergeants have provided extensive training to the involved GED officers as well as Roll Call training to their entire unit. Clarification was provided regarding the Department policy, state law, and other options for transporting aggressive suspects to ensure officer safety. In addition, roll call training and extensive discussions have been conducted with Patrol, Vice, and Detective personnel and more specifically GED officers by the Area and Patrol Commanding Officers to ensure their understanding of the seriousness of the officer and community member safety concerns related to seat belts. Southeast Area conducted a follow-up audit of GED and Vice officer transports. Ten GED and ten Vice transports completed between July 23, 2014, and August 9, 2014, were examined for compliance.⁹ Each of those transports was in compliance and demonstrated that the actions taken had the desired results. It should be noted that an Action Item will be created for each incident of training documented on a Comment Card to ensure that SOE can easily track any pattern of failure.

Lack of Antenna Inspections

We agree with the 11 findings and SOE Area is currently providing training to all patrol watches, reminding officers that two separate entries shall be made on their Daily Field Activities Report (DFAR) indicating their inspection of the two cradle port antennas: one entry documenting their inspection at the start of watch and one entry at their end of watch. Training for all involved officers was provided and documented on a Comment Card to ensure compliance with Bureau Order No. 1 (October 7, 2013). Additionally, the supervisors reviewing and approving the officers DFAR's were provided with training which was also documented on a Comment Card. It should be noted that an Action Item will be created for each incident of training documented on a Comment Card to ensure that SOE can easily track any pattern of failure.

Unreported Use of Force

The Department initiated both a non-categorical use of force investigation (No. 2018184) and a complaint investigation (CF 14-001638) to address the OIG's findings. The Department advised that the complaint investigation will address the unreported use of force.

⁹ The DICVS auditor (a sworn officer assigned to Operations-South Bureau) identified these 20 SOE arrestees from the detention logs. The DICVS auditor then viewed the related DICVS rear-seat recordings to determine if the arrestees and any officers sitting next to them were seatbelted.