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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

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