

INTRADEPARTMENTAL CORRESPONDENCE

April 23, 2015
1.14

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: BODY WORN VIDEO PROCEDURES

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners REVIEW and APPROVE the attached Special Order regarding Body Worn Video Procedures.

DISCUSSION

The Los Angeles Police Foundation has enabled, through its generosity, the Los Angeles Police Department (LAPD) to deploy over 800 Body Worn Video (BWV) devices within the next several months. In addition, on December 16, 2014, Mayor Eric Garcetti announced that the City will equip 7,000 LAPD officers by the end of Fiscal Year 2016-17 and has included funding in his Fiscal Year 2015-16 proposed budget for approximately 4,500 BWV devices.

Over the past several months, the Department has worked collaboratively with community groups, union representatives, privacy advocates, legal experts, and other police agencies in developing the attached procedures for the use and deployment of Body Worn Video by Department personnel. The proposed Special Order reflects the insights provided by these stakeholders and the unique dynamics of protecting our vibrant and unique city. The use of BWV will not only assist officers in the performance of their duties but will promote accountability and continue strengthening the trust of the community we protect and serve.

If any additional information regarding this report is required, please contact Arif Alikhan, Director, Office of Constitutional Policing and Policy, at (213) 486-8730.



CHARLIE BECK
Chief of Police

Attachment

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO.

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON XXXX XX, 2015

SUBJECT: BODY WORN VIDEO PROCEDURES - ESTABLISHED

PURPOSE: The purpose of this Order is to inform Department personnel of the responsibilities and procedures for the use and deployment of Body Worn Video (BWV).

PROCEDURE: Department Manual Section 3/579.15, *Body Worn Video Procedures*, has been established.

I. OBJECTIVES OF BODY WORN VIDEO. The following provisions are intended to provide LAPD Officers with instructions on when and how to use BWV to ensure reliable recording of enforcement and investigative contacts with the public. "Officers," as referenced below, include all sworn personnel. The Department has adopted the use of BWV by uniformed personnel to:

- Collect evidence for use in criminal investigations and prosecutions;
- Deter criminal activity and uncooperative behavior during police-public interactions;
- Assist officers with completing reports and providing testimony in court;
- Promote accountability;
- Assist in resolving complaints against officers including false allegations by members of the public; and,
- Provide additional information for officer evaluation, training, and continuous improvement.

Body Worn Video provides additional information regarding an investigative or enforcement contact with a member of the public. Body Worn Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

II. BODY WORN VIDEO EQUIPMENT. Body Worn Video equipment generally consists of a body-mounted camera with a built-in microphone and a handheld viewing device. The BWV camera is worn on the outside of an officer's uniform, facing forward to make video and audio recordings. The BWV video and audio recordings are stored digitally on the BWV camera and can be viewed on a handheld viewing device or an authorized computer. An officer cannot modify, alter, or delete video or audio once recorded by the BWV camera.

- III. WHEN ACTIVATION OF BODY WORN VIDEO EQUIPMENT IS REQUIRED.** 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.
- IV. INABILITY TO ACTIVATE PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE ACTIVITY.** If an officer is unable to activate his or her BWV prior to initiating any of these enforcement or investigative activities, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities including vehicle and pedestrian stops, the safety of the officers and members of the public are the highest priorities.
- V. RECORDING OF THE ENTIRE CONTACT.** 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.
- VI. DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN VIDEO OR RECORDING THE DURATION OF THE CONTACT.** If an officer is unable or fails to activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in the Computer Aided Dispatch (CAD) System, Daily Field Activity Report (DFAR), Form 15.52.00, Traffic Daily Field Activity Report, Form 15.52.01, Sergeant's Daily Report, Form 15.48.00, Metropolitan Division Officer's Log, Form 15.52.04 or Gang Enforcement Detail – Supervisor's Daily Report Form, 15.49.00.

Exceptions: Officers are not required to activate and record investigative or enforcement encounters with the public when:

- A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
- Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer; or
- In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

- VII. CONFIDENTIAL NATURE OF RECORDINGS.** Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The BWV recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Officers shall comply with all applicable laws and policies regarding confidential information including Department Manual Section 3/405, *Confidential Nature of Department Records, Reports, and Information*. Unauthorized use or release of BWV recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWV or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.
- VIII. PROHIBITION AGAINST MODIFICATION OF RECORDINGS.** Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWV recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.
- IX. NOTICE TO MEMBERS OF THE PUBLIC OF RECORDING.** Officers are encouraged to inform individuals that they are being recorded when feasible. Officers, however, are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example, an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth above, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play back BWV recordings to allow members of the public to review the video footage.
- X. PROHIBITION AGAINST RECORDING PERSONNEL IN NON-ENFORCEMENT OR INVESTIGATIVE SITUATIONS.** Body Worn Video equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body Worn Video

shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms.

- XI. DEPARTMENT-ISSUED EQUIPMENT ONLY.** Officers assigned BWV equipment shall not use any other non-Department issued video or audio equipment, such as personally owned video or audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Uniformed supervisory personnel, however, may use digital recording devices other than a BWV to record interviews when conducting use of force or personnel complaint investigations. Nothing in this provision precludes personnel from utilizing authorized still photography equipment.
- XII. PROPERTY OF THE DEPARTMENT.** Body Worn Video 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.
- XIII. TRAINING REQUIRED.** Officers who are assigned BWV must complete Department-approved training in the proper use and maintenance of the devices before deploying to the field.
- XIV. INSPECTION AND TESTING OF EQUIPMENT.** The BWV equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability. At the start of a field assignment, officers shall inspect and test their BWV and make sure it is undamaged and operating properly. Officers shall document the results of their inspection in the comments field of "Status Change – SW" entry within CAD, in the comments field of the DFAR or Traffic DFAR, the Sergeant's Daily Report, Gang Enforcement Detail – Supervisor's Daily Report, or Metropolitan Division Officer's Log.
- XV. DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT.** If an officer's BWV malfunctions or is damaged, the officer shall notify an on-duty supervisor (who shall notify the watch commander) and complete an Employee's Report, Form 15.07.00. The officer is required to provide the malfunctioning or damaged equipment to the kit room officer and obtain a functional BWV before deploying to the field.
- XVI. IDENTIFYING RECORDINGS.** For each incident recorded on a BWV, officers shall identify the event type and other information using the BWV equipment and software that best describes the content of the video (i.e. arrest, traffic stop, report). Body Worn Video recordings, however, are not a replacement for written reports or other required documentation such as a CAD summary or DFAR.
- XVII. STORAGE OF RECORDINGS.** At the end of each shift, officers shall upload all BWV recordings to secure storage by docking the device at the station.
- XVIII. VIEWING OF BODY WORN VIDEO RECORDINGS BY OFFICERS.** The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the

Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

XIX. PROCEDURE FOR REVIEWING BODY WORN VIDEO RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS. If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.

XX. DOCUMENTATION OF RECORDINGS. Officers are required to document any portion of an incident captured on the BWV system under the heading "Photos, Recordings, Video, DICV, BWV and Digital Imaging" on all administrative and investigative reports (e.g., "The suspect's spontaneous statements and actions were recorded via BWV"). If an employee is unable to review the BWV recording before submitting a report, the officer must document in this section the circumstances that prevented his or her review. If any portion of an incident resulting in an arrest was captured by BWV equipment, officers shall identify the existence of a BWV recording on all necessary forms including the City Attorney's Disclosure Statement.

XXI. SUPERVISOR'S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers shall:

- Ensure that officers assigned BWV equipment have completed Department-required training and are familiar with applicable policies and procedures;
- Conduct periodic inspections of officers assigned BWV equipment and ensure that the BWV cameras are properly affixed to the officers' uniforms and fully operable;
- Ensure officers upload all BWV recordings at the end of their shifts; and,
- Review relevant BWV recordings prior to submitting any administrative reports (e.g. non-categorical use of force investigations, pursuits, officer-involved traffic collisions).

After conducting an inspection of an officer's assigned BWV equipment, the supervisor shall document the inspection in his or her Sergeant's Daily Report. If

any of the BWV equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. The supervisor must also complete an Employee's Report regarding the defective equipment and notify the system administrator at Information Technology Bureau via email at BWV@lapd.lacity.org. Watch commanders must document the supervisor's findings in their Watch Commander's Daily Report, Form 15.80.00, and take any appropriate action depending on the cause of the problem.

XXII. RECORDINGS IN NON-CATEGORICAL USE OF FORCE INCIDENTS

- SUPERVISOR'S RESPONSIBILITIES. Supervisors investigating Non-Categorical Use of Force (NCUOF) incidents shall, when available, allow involved officers to review their BWV recordings and, if deemed necessary, review other BWV recordings to ensure complete and accurate reports and documentation of the incident.

XXIII. RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS

- SUPERVISOR'S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers must take possession of an officer's BWV equipment when the officer is involved in a Categorical Use of Force, ensure the recording has stopped, power off the camera, and maintain custody until transferred to FID personnel.

Note: Supervisors, however, shall not view the BWV recording without express authorization of FID.

Force Investigation Division investigators, upon arrival at the scene of a Categorical Use of Force incident, shall take possession of any involved officer's BWV camera and complete the upload process.

XXIV. WATCH COMMANDER'S RESPONSIBILITIES. Watch commanders assigned to any unit with BWV-equipped officers shall:

- Conduct roll call training on expectations, use, and maintenance of the BWV equipment and debrief BWV captured incidents of value;
- Review deviations from BWV policy and procedures and take appropriate action;
- Ensure all BWV anomalies identified by the Area training coordinator have been addressed and any appropriate documentation is returned to the Area training coordinator for commanding officer review;
- Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;
- Review Sergeant's Daily Reports to ensure inspections of sworn personnel assigned BWV units are being conducted and documented. If field inspections are not properly documented, the watch commander must take appropriate action to correct the deficiency and appropriately document the findings (i.e., Employee Comment Sheet, Form 01.77.00, Supervisor Action Item, Notice to Correct Deficiencies, Form Gen. 78, or a Complaint Form, Form 01.28.00) and the

corrective action taken. The corrective action must also be documented within the Learning Management System (LMS); and,

- Log the appropriate disposition on the Video Evidence Control Log, Form 10.11.05, which must be maintained in the analyzed evidence locker at the concerned Area.

XXV. KIT ROOM OFFICER'S RESPONSIBILITIES. Officers assigned to the kit room shall:

- Conduct daily inspections of all BWV docking equipment to ensure they are active;
- Inspect any BWV devices returned to the kit room as inoperative;
- Assign spare units to sworn personnel who returned their primary unit to the kit room; and,

Note: If found to be defective, the kit room officer must declare the item inoperable and verify that an Employee's Report has been completed. If it is discovered that no documentation exists declaring the item inoperable, the kit room officer must complete an Employee's Report and submit the Employee's Report to the watch commander accompanied with the equipment log at the completion of the officer's shift.

- Provide a copy of the Employee's Report documenting the inoperable equipment to the Area training coordinator along, with any of the inoperable equipment.

XXVI. TRAINING COORDINATOR'S RESPONSIBILITIES. Area training coordinators shall:

- Verify officers have been trained on the use and deployment of BWV;
- Document all employees who have been trained on the use of BWV into the LMS including all traffic officers and reserve officers eligible for field duty;
- Ensure all employees transferring into the Area receive proper training on the use and deployment of BWV;
- Review all Employee's Reports documenting inoperable equipment and facilitate the equipment's repair;
- Deliver all inoperable equipment to the Information Technology Bureau (ITB), Tactical Technology Section; and,
- Notify the watch commander or specialized unit officer in charge (OIC) in the event that it appears that BWV equipment has been tampered with.

XXVII. COMMANDING OFFICER'S RESPONSIBILITIES. Area commanding officers (Areas with BWV) are responsible for ensuring compliance with BWV training, policies, and procedures by regularly monitoring and inspecting BWV equipment within their command. Area commanding officers are also responsible for supervising the proper maintenance and disposition of division records, ensuring adherence to record retention protocols and properly filing all BWV documents for future reference.

XXVIII. INFORMATION TECHNOLOGY BUREAU, TACTICAL TECHNOLOGY SECTION, RESPONSIBILITIES. The OIC of ITB, Tactical Technology Section, is responsible for:

- Coordinating warranty service and maintenance through Department-approved vendor(s);
- Providing technical assistance and subject matter experts related to investigations; and,
- Coordinating the replacement of inoperable, malfunctioning or damaged equipment and/or systems.

AMENDMENT: This Order adds Section 3/579.15 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

CHARLIE BECK
Chief of Police

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