

LOS ANGELES POLICE DEPARTMENT



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September 29, 2020

The Honorable Ad Hoc Committee on Police Reform
Office of the City Clerk
Room 395, City Hall
Los Angeles, California 90012

Subject: Los Angeles Police Department Special Orders Regarding the Use of Force, Body Worn Video Cameras and Digital In-Car Video Cameras

Honorable Members:

The Committee has requested the Los Angeles Police Department (LAPD) provide an overview of the LAPD's Special Orders related to Use of Force (Special Order 4), Body Worn Video Cameras (Special Order 12) and Digital In-Car Video (Special Order 45). Additionally, the Committee requested the report include data on LAPD compliance with these Special Orders and how LAPD supervisors enforce them.

The attached Factsheet provides information on the Special Orders identified above as well as the requested overview of key LAPD policies and audits of officer compliance with Special Orders related to the use of force and video. The LAPD performs reviews related to the use of force and videos at various levels throughout the organization. Each review performed has a specific purpose and is separate from other reviews performed by various entities within the LAPD.

The LAPD remains committed to 21st Century Policing principles. With input from the community, city officials, and LAPD employees, it is the LAPD's goal to continuously strengthen its commitments to supervision, accountability, and transparency; along with providing the necessary training, equipment, and resources to its officers so that the LAPD may best serve the public.

If you have any questions or concerns, please contact Evaluation and Administration Unit, Office of Operations, at (213) 486-6050.

Respectfully,


MICHEL R. MOORE
Chief of Police

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Special Orders Regarding the Use of Force, Body Worn Video and Digital In-Car Video
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Purpose. The purpose of this Fact Sheet is to provide an overview of the Los Angeles Police Department's Special Orders regarding the use of force, body worn video cameras, and digital in-car video cameras.

Background. On June 24, 2020, the Ad Hoc Committee considered a motion relative to an overview of the Los Angeles Police Department's (Department) Special Orders regarding the use of force, body worn video cameras, and digital in-car video (Special Orders 4, 12 and 45, respectively). According to the motion, recent events have put police departments nationwide in an often-unfavorable spotlight, as mostly peaceful protests unfold across the country. In this day of rampant social media and live streaming of real time events, it is of the utmost importance that the Department continue to promote transparency and accountability within the Department, while providing the necessary training and support to officers, especially those related to the use of Body Worn Video Cameras (BWV), Digital In-Car Video (DICV), and the use of force (UOF).

The Committee requested an overview of key Department policies and audits of officer compliance with Special Orders related to the use of force and video be performed while the City Administrative Officer (CAO) works with the Department to create regularized reports on this subject.

Findings. The Department is guided by the principle of Reverence for Human Life in all investigative enforcement and other contacts between officers and members of the public. When officers are called upon to detain or arrest a suspect who is uncooperative, resisting, may attempt to flee, poses a danger to others, or poses a danger to him/herself, they are to consider tactical techniques to persuade a suspect to voluntarily comply or mitigate the need to use a higher level of force to resolve the situation safely. Should a higher level of force be required, officers are to adhere to Special Order 4, *Policy on the Use of Force – Revised*, dated February 5, 2020.

- **Special Order 4, *Policy on the Use of Force – Revised***, dated February 5, 2020:
This order was revised in response to Assembly Bill (AB) 392, which codified the requirement that lethal force is deemed justifiable when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless the person is immediately apprehended. The bill also affirmatively prescribed the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape, or to overcome resistance.

Based on the Assembly Bill being introduced and to ensure the Department's compliance with that Assembly Bill, on December 17, 2019, the Board of Police Commissioners (BOPC) adopted a temporary revised Use of Force Policy. The BOPC also elected to post the newly revised policy for public comment. Written comments were accepted

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starting December 18, 2019, for 30 days. Three of the responses were from individuals. The remaining responses were from the following organizations:

- American Civil Liberties Union (ACLU)
- Black Lives Matter (BLM)
- STOP Coalition
- Youth Justice Coalition
- New York University School of Law
- Feminists in Action
- Community Coalition
- Bend the Arc: Jewish Action Southern California
- The Children's Defense Fund – California
- The Resistance – Northridge
- Fair Chance Project
- InnerCity Struggle
- All Saints Church
- National Lawyers Guild – Los Angeles Chapter
- The Brothers, Sons, Selves Coalition
- The Advancement Project – California.

Many of the comments were similar in nature and all were reviewed and considered. After public comment was closed, a new version of the Special Order was drafted to address the public comments received.

Based on the input from the public and the BOPC, the January 2020 draft included:

- Verbiage that more directly corresponded with the Assembly Bill;
- A section regarding the use of de-escalation techniques;
- A section regarding the evaluation of the use of deadly force; and,
- A definition of what “feasible” means.

On January 27, 2020, the Special Order was finalized and on February 4, 2020, was approved by the BOPC and enacted/distributed as Policy for the Department on February 5, 2020.

Due to the change in the Use of Force Policy, training was completed and changed. All courses where the Use of Force Policy were being taught were updated, including the Recruit Basic Course. The Command and Control Course was updated and implemented, and all sworn members of the Department are expected to complete the training by the end of the year. Additionally, an online training narrated by the Chief of Police was created and required for all members of the Department to review. The training discussed and explained the new changes in the Use of Force Policy with a copy of the new Special Order for the employee to review and/or print, as well as a summary of key points. There was a six-question test at the end of the training. As of August 6, 2020, the training had been completed by 8,875 employees.

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Senate Bill (SB) 230 will become effective as of January 1, 2021. In short, this Bill updated requirements for employing deadly force when confronting a fleeing felon and requires law enforcement agencies in California to include provisions in their use-of-force policy that provides comprehensive and clear guidelines on the use of de-escalation tactics, proportionality, alternatives to deadly force, rendering medical aid, an officer's duty to intercede when observing excessive use of force, interacting with vulnerable populations, reporting requirements and more.

In anticipation of this change in law beginning in January of 2021, the Department updated its Use of Force Policy again. On June 10, 2020, the BOPC discussed the new Policy in public hearing and heard comments from both commissioners and members of the public. The Policy was also posted online from June 7, 2020 to July 7, 2020 and the Department received comments on the newly revised Use of Force Policy during that period. The Department received 32 written comments all from individuals. These comments were considered in the final version of the document.

On July 14, 2020, the BOPC approved the revised Use of Force Policy. Currently, the Policy is with Employee Relations Group and awaiting a future meet and confer with the Los Angeles Police Protective League (LAPPL).

Based on the new changes, a new Training and Delivery Plan for 2020-2021 was created to ensure the new laws and policies are incorporated into the training for the Department. The training plan recommended the enhancement of existing training such as the Mental Health Intervention Training Course, complete a De-escalation and Large-Scale Events/Incident Management training (which is being created at this time), and complete the Command and Control course with the addition of Implicit Bias concepts, to name a few. Additionally, a second Implicit Bias course is being developed. With the new changes from SB230 to the Use of Force Policy, a new online training is in the final stages of development to update the officers on the new changes to the Policy. This training will, like the previous, have test questions at the end of the training and all sworn Department personnel will be required to complete the training.

The Department is committed to the use of police video. Currently, all Department patrol units are equipped with DICV and all Department field forces are equipped with BWV.

Special Order 12, *Body Worn Video Procedures – Established*, dated April 28, 2015, and Special Order 45, *Digital In-Car Video System Use and Deployment Pilot Program*, dated October 20, 2009, set forth the responsibilities and procedures for the use and deployment of BWV and DICV.

- **Special Order 12:** "Officers shall activate their BWV prior to initiating any investigative or enforcement activity involving a member of the public. If unable to immediately activate due to officer safety, the officer shall activate the device as soon as it is practical and safe to do so. The recording shall continue until the investigative or enforcement activity has ended."

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- **Special Order 45:** “Officers shall activate the Digital In-Car Video System (DICVS) during all vehicle stops, code 3 responses, pursuits, all suspect transports; all pedestrian stops (when practicable) and any other occasion when, in the officer’s judgment, it would be beneficial to do so.”

An audit of BWV and DICVS compliance was recently completed by Audit Division (AD). It is expected this audit will be presented to the BOPC in the near future. The results of the DICVS portion of the audit indicated a high rate of compliance with Special Order No. 45. The review also noted that members of Information Technology Bureau (ITB) advised the DICVS is aging. The need for new technology and an update to the overall system will be required. Some items of higher concern are the new Northeast Parking Structure, which still is in need of additional access points for upload of video. Additionally, South Bureau Areas require an upgrade to their DICVS as they are using the older TopCam Systems, which are failing at a high rate.

As a result of this and previous audits, some updates to the BWV policy are in the process of being made. The focus of these changes is to clarify the expectations of use of the BWV, specifically as it pertains to keeping the system in the Power-On mode to allow a full two-minute buffer, as well as to simplify the number of existing orders and consolidate the requirements into Department Manual Sections. Some of the changes include; new requirements regarding audit procedures, to keep the system in Power-On mode, the need for a mandated two-minutes buffer, guidelines for the review of the BWV, and acceptable exceptions for deviations.

In conjunction with the consolidation of BWV policies, the Department is also updating the DICVS policy to ensure the Department Manual is current. Some of the changes/updates to the Policy involved specifics regarding the deployment of the system, information regarding the activation of the system, an update to the activation requirements section, direction for any deviation of the system, and the responsibilities of the Watch Commander, the Area Digital In-Car Video Coordinator, the Training Coordinator, the Garage Supervisor and Commanding Officer.

The new Special Orders are in the review process and meet and confer process. Once completed, the Department will present the updated policies to the BOPC for oversight and approval.

Reviews

The Department performs reviews related to the use of force and videos at various levels throughout the organization. Each review performed has a specific purpose and is separate from other reviews performed by various entities within the Department.

- **Office of Constitutional Policing and Policy (OCP):** The Office of Constitutional Policing and Policy promotes the Department’s steadfast commitment to building public trust through accountability, and effective policies and procedures that protect and serve the City. The OCP performs essential Department functions including policy development and coordination, risk management, internal audits, compliance with legal

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and community requests for information, legislative affairs, and interdepartmental relations.

- **Audit Division:** Audit Division reports directly to OCPP and was established in April 2001 pursuant to a requirement in the 2001 Consent Decree that the Department form an audit unit. The division is comprised of approximately 40 sworn and civilian personnel. Audit Division may access BWV and/or DICV recordings to conduct audits, assessments, or internal reviews authorized by the BOPC, the Office of the Chief of Police (OCOP), or OCPP. Such audits, assessments, and internal reviews are conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS).

Audit Division performed its most recent audit related to BWV compliance in June 2020. Results of this audit are pending presentation to the Board of Police Commissioners. It should also be noted that reviewing BWV and DICV is a common audit procedure and while the audit may not specifically be a video audit, the review of video serves as additional validation in assessing whether officers are following proper policies and procedures.

Currently, Audit Division does not have any audits pending related to Special Order 4, *Policy on the Use of Force – Revised*, dated February 5, 2020. The Policy was recently updated in February 2020 and will be updated again in 2021. Due to the timing of the updates, reviews specific to the Use of Force Policy are on hold.

- **Office of Operations (OO):** The Department's general policing activities are managed through the Office of Operations, which is responsible for the majority of the Department's sworn personnel. In addition to South Bureau Homicide Division, LAX Field Services Division, and the Department Homeless Coordinator, there are four bureaus within OO, which are further divided into 21 geographic areas.
 - **The Office of Operations Inspection Unit (OO IU):** The OO IU performs inspections as directed by the Assistant to the Director of OO (ADOO) and the Director of the Office of Operations (DO). These inspections include reviews of BWV and DICV in addition to other processes that may require assessment. The four-person unit is comprised of both sworn and civilian personnel. BWV and DICV inspections performed by the OO IU follow the minimum requirements as outlined in the Office of Operations Notice, *Standardized Video Inspection Procedures*, dated March 15, 2018. The review process entails selecting a random sample of incidents. The sample sized reviewed is dictated by the results of the Department's standard One Tailed statistical test. In some cases, the entire population is reviewed in order to provide a more accurate conclusion. Video reviews can include, but are not limited to assessing the following criteria:

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- **Daily Logs/Start of Watch Checks:** The auditor determines if the officer documented the condition of the BWV and DICV equipment on their daily log in addition to performing a test video;
- **Buffering:** The auditor determines whether the BWV cameras were powered on as appropriate by reviewing to see if the two-minute pre-activation buffer exists;
- **Activation:** The auditor determines whether the BWV and DICV was activated in accordance with Special Order 12, *Body Worn Video Procedures – Established*, dated April 28, 2015, and Special Order 45, *Digital In-Car Video System Use and Deployment Pilot Program*, dated October 20, 2009;
- **Video completeness:** The auditor determines whether the video captures the entire incident in compliance with Special Order 12 and Special Order 45;
- **Seatbelt usage:** The auditor determines if arrestees are properly secured with a seatbelt while being transported as well as determining whether officers properly use their seatbelts; and,
- **Tagging/Synchronization:** The auditor determines whether BWV incidents are properly tagged in Evidence.com and that DICV wireless transmitters were synchronized with the DICV equipped car at the start of watch.

For the seven-month period ending July 31, 2020, the OO IU performed approximately 20 video inspections. The focus of those inspections was primarily reviewed for buffering and activation issues. Failures associated with those inspections were addressed with a Supervisory Action Item (SAI). Supervisory Action Items are listed on an officer's Training Evaluation and Management System (TEAMS) report. The TEAMS report provides a summary of an employee's performance history and will also compare the employee's performance history to performance histories of other employees who perform similar work. An employee's TEAMS report lists the SAIs, which documents the circumstance of the deviation, if the employee had been the subject of a documented deviation and if a previous deviation was documented it would include specific details of the deviation and what action was taken.

The OO IU unit also recently created a project to improve standardization of the inspection process at the bureaus. Project 20-112, *Standardized Bureau BWV & DICV Inspections*, aims to improve and standardize communication with the Areas with respect to failures identified, documentation of bureau workpapers, and reporting of compliance data. The project becomes effective Deployment Period (DP) 9, August 30, 2020.

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- **Bureaus:** Each geographical bureau has a video inspection unit which reviews BWV and DICV for their respective Areas. The bureau inspection units are comprised of both sworn and civilian personnel and range in size between four and five people. The bureau inspection units follow the minimum requirements as outlined in the Office of Operations Notice, *Standardized Video Inspection Procedures*, dated March 15, 2018. Unlike the OO IU, the bureau inspection units' primary responsibility is performing BWV and DICV compliance inspections. The bureaus provide a compliance report each DP to their respective chief. Beginning January 1, 2020, results are also provided to the OO IU who compiles the data into one master report.

All BWV and DICV inspections performed by the bureau inspection units cover the six criteria noted in the Office of Operations Notice, *Standardized Video Inspection Procedures*, dated March 15, 2018. The selections reviewed are randomly selected and the sample size is guided by the application of the Department's standard One Tailed statistical test. Failures identified by the bureaus are sent to the respective Area for validation. Validated failures are then addressed with an SAI.

The compliance rates for 2020 are detailed out in Table No. 1 – 2020 Overall BWV Compliance Rates DP 1-2020 to DP 5-2020 (January 19, 2020 through June 6, 2020) and Table No. 2 – 2020 Overall DICV Compliance Rates DP 1-2020 to DP 5-2020 (January 19, 2020 through June 6, 2020).

Table No. 1 – 2020 Overall BWV Compliance Rates DP 1-2020 to DP 5-2020
(January 19, 2020 through June 6, 2020)

	Video Count	Non-Activations	Late Activations	Early Deactivations	"Tagging"	SOW Equip Check	Buffer
OO YTD Total	Total	12,866	12,622	12,622	12,622	6,943	4,218
	Failed	244	862	132	1091	493	529
	%	98%	93%	99%	91%	93%	87%

Note: BWV 2-minute buffer was not reviewed by all bureaus until DP3 (March 15, 2020)

Table No. 2 – 2020 Overall DICV Compliance Rates DP 1-2020 to DP 5-2020
(January 19, 2020 through June 6, 2020)

	Video Count	Non-Activations	Late Activations	Early Deactivations	Sync of Wireless Transmitter	SOW Equip Check	Seatbelt Usage
OO YTD Total	Total	3,015	2725	2,725	859	1,001	518
	Failed	290	91	41	22	81	8
	%	90%	97%	98%	97%	92%	98%

Note: One bureau was unable to collect synchronization of wireless transmitter data due to hardware issues.

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- **21 Geographic Areas:** Area commanding officers may authorize personnel to conduct periodic inspections of BWV or DICV recordings to ensure officers are complying with Special Order No. 12, *Body Worn Video Procedures – Established*, dated April 28, 2015. Additionally, for certain arrest charges, Area watch commanders will conduct a pre-booking evaluation and examine if there are any issues or concerns related to training, policies, and/or tactics. The pre-booking evaluation includes a video review to provide insight and guidance on the resulting arrest.

In a given year, the OO bureau inspection teams review approximately 39,000 videos. This amounts to each auditor reviewing approximately 2,100 videos a year. Video length can range from a few minutes to several hours. As video technology improves, it is the Department's goal to enhance the review process to so that a greater number of videos can be reviewed in a shorter timeframe.

The Office of Operations, bureaus, and the 21 geographic Areas have limited involvement in the review process for Categorical Use of Force (CUOF) incidents. These incidents are reviewed and adjudicated by entities outside of OO. If it is determined that a Notice to Correct Deficiencies should be issued to the employee, the Area commanding officer of the employee then becomes involved and completes the necessary documentation to be recorded on the employee's TEAMS II report.

- **Office of Special Operations (OSO):** The Office of Special Operations is responsible for various specialized uniform resources, community engagement and outreach, along with transit and traffic resources within the Department.
 - **Counter Terrorism and Special Operations Bureau (CTSOB):** CTSOB reports to the Office of Special Operations and has an inspection unit that reviews BWV and DICV for Metro Division, Traffic Group, and Security Services Division. The unit is comprised of two sworn and one civilian. Similar to the bureau inspection units under the Office of Operations, the CTSOB inspection unit follows the minimum requirements as outlined in the Office of Operations Notice, *Standardized Video Inspection Procedures*, dated March 15, 2018. Their primary responsibility is performing BWV compliance inspections every DP. Refer to Table No. 3 – OSO BWV Compliance Rate DP 1 -2020 to DP 6 2020 (January 19, 2020 to July 4, 2020) for the compliance rates as of July 4, 2020.

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Table No. 3 – OSO BWV Compliance Rate DP 1 -2020 to DP 6 2020
(January 19, 2020 to July 4, 2020) for the compliance rates as of July 4, 2020.

	Video Count	Non-Activations	Late Activations	Early Deactivations	"Tagging"	SOW Equip Check	Buffer
CTSOB	Total	602	591	591	539	329	379
YTD	Failed	11	16	0	11	10	31
Total	%	98%	97%	100%	98%	97%	91%

Note: BWV 2-minute buffer was not reviewed until DP 4 (April 12, 2020). Traffic Group "Tagging" was not reviewed for DP 3 and DP 4 (March 15, 2020- May 9, 2020)

- **Pursuit Review Unit (PRU):** The Pursuit Review Unit is under Traffic Group and Transit Services Bureau reporting up to The Office of Special Operations. The PRU is responsible for reviewing all Vehicle Pursuit Reports (VPR) generated on a Department wide basis and provides a centralized review process to ensure consistency in the manner and method in which pursuits are reviewed, thereby facilitating effective management oversight. Body Worn Video is also reviewed when there is no audio available on the DICV. For the six-month period ending June 30, 2020, the PRU reviewed 395 pursuits citywide.
- **Professional Standards Bureau (PSB):** Professional Standards Bureau oversees all internal administrative and criminal investigations as well as external criminal investigations that are related to a CUOF. When a personnel complaint is generated as a result of an Administrative Disapproval/Out of Policy finding for a UOF, or for any misconduct discovered during the Use of Force (UOF) investigation, PSB assumes investigative responsibility of the complaint. Once the investigative process is complete, the findings are forwarded through the respective chain of command to the Office of the Chief of Police for final disposition. Additionally, PSB oversees both the administrative and criminal aspects of an Officer Involved Shooting (OIS) and other CUOF investigations and ensures all OIS occurrences are presented to the Los Angeles County District Attorney (LACDA) for evaluation of any criminal allegations pertaining to the involved officer(s).
- **Force Investigation Division (FID):** Force Investigation Division is under the umbrella of the Professional Standards Bureau and is comprised of approximately 60 sworn and civilian personnel. The Department is mandated by law to oversee and investigate CUOF incidents by its officers. Force Investigation Division was established as the Department entity responsible for the administrative investigation of all Use of Force incidents determined to be categorical. The adjudication process for CUOF involves a precise and systematic process with specific procedures. Officer Involved Shootings, for example, take on a different

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level of investigation and review compared to Non-Categorical Use of Force (NCUOF).

All CUOF incidents are followed by a formal adjudication process consisting of a comprehensive investigation, a thorough analysis of the force used by a Use of Force Review Board (UOFRB), recommended findings presented by the UOFRB to the OCOP, recommended findings by the OCOP to the BOPC, and the final adopted findings imposed by the BOPC.

- **Internal Affairs Group (IAG):** Internal Affairs Group (IAG) reports to PSB and operates as the investigative arm of the OCOP to identify and report employee behavior that violates Department policy or otherwise discredits the organization.

Complaints can be filed in person at any police facility in Los Angeles or reported directly to IAG, the BOPC, or the Office of the Inspector General (OIG). All complaints are reviewed by IAG prior to being assigned for an investigation. While the complaint process does not necessarily allow the complainant to view the available video recordings, the complaint will be investigated by a trained supervisor and will include interview of witnesses and officers, a review of Department records, policies and procedures, an inspection of medical records, photographs, video, other available evidence and a legal analysis.

Complaints resulting from CUOF incidents are also investigated by IAG. The investigation includes a review of the FID investigation, transcribed interviews and other transcripts. These complaints are generated when training alone is insufficient, has already been provided and proven ineffective, and/or the employee substantially deviated from Department policy or procedure(s) without justification. When a personnel complaint is initiated, the employee could face an official reprimand, demotion, suspension, or termination.

All personnel complaints resulting from CUOF incidents found to be an Administrative Disapproval/Out of Policy by the BOPC are presented to the OCOP for final adjudication and penalty.

- **Office of Support Services (OSS):** Office of Support Services is responsible for various administrative, training, and support functions of the Department. Additionally, the UOFRB is chaired by the Director of OSS.
 - **Critical Incident Review Division (CIRD):** CIRD is under the command of the Office of Support Services. It is separate from FID and handles the adjudication process NCUOF. CIRD is responsible for the following:
 - Reviewing the NCUOF investigation and all related reports to ensure compliance with Department policy and procedures;

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- Approving or disapproving the bureau recommended disposition and providing a written rationale for any finding that differs from that of the bureau commanding officer;
- Retaining the original Non-Categorical Use of Force Internal Process Report and copies of all related reports; and,
- Forwarding a copy of the completed Internal Process Report to the bureau commanding officer.

Additionally, under Administrative Order No. 6, *Critical Incident Video Release Policy- Established*, dated April 13, 2018, CIRD follows the standards and criteria for the public release of video recordings that capture critical incidents involving Los Angeles Police Department officers. The policy is intended to balance the public's interest in transparency, police accountability, and the privacy interests of the individuals depicted in the videos. A critical incident will be released to the public within 45 days of the incidence occurrence. Any deviations to that policy is subject to the approval from the OCOP and two of the BOPC's designated liaisons. A video released to the public may be delayed with approval of the OCOP and the two Commission designated liaisons.

Critical incident videos are publicly available and posted on the Department's YouTube channel (<https://www.youtube.com/c/LAPDONLINE1/videos>). The first critical incident video was posted on June 20, 2018, of an incident that occurred on May 6, 2018. As of July 31, 2020, 87 critical incident videos have been posted.

- **Training Division (TD):** Training Division is under the command of Training Group, reporting to OSS. With respects to CUOF incidents, an Administrative Disapproval/Out of Policy determination made by the BOPC will result in one or more of the following:

- Extensive Retraining;
- Notice to Correct Deficiencies; and/or
- A Personnel Complaint.

If such findings are adopted, the OCOP will render a decision on which of the outcomes are most suitable to address the employee's actions. Extensive Retraining is conducted by TD. The facilitator of the Extensive Retraining course tailors the training to be incident specific and verifies that the areas of concern are included in the course curriculum.

Training Division is tasked with the responsibility of conducting General Training Updates (GTU) for all CUOF incidents. Following a CUOF incident, a GTU is completed to address training needs in a collaborative setting between officers

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and instructors. GTU are mandatory training sessions for all substantially involved personnel following a CUOF incident. Personnel are not allowed to return to field duties until the GTUs have been successfully completed. There are six mandatory topics, in addition to any other topics identified by either the OCOP, the concerned Area Commanding Officer (CO), CIRD, and/or PTB:

- Use of Force Policy;
- Reverence for Human Life;
- Tactical De-Escalation Techniques;
- Command and Control;
- Equipment Required/Maintained; and,
- Reality-Based Training/FOS (for OIS incidents).

Oversight and Accountability

The Department's oversight and supervision responsibility with respect to BWV and DICV occurs at various levels. Commanding officers shall exercise line control over all personnel at their respective Areas to ensure compliance is adhered to all policies and procedures. Progressive discipline is employed to address non-compliance with BWV and DICV policies.

Specifically, the Office of the Chief of Police/Chief of Staff Notice, *"Using Supervisory Action Items to Document Deviations in Digital In-Car Video and Body Worn Video Procedures,"* dated March 4, 2019.

Commanding officers shall use progressive discipline to address any deviations of BWV and DICV policies, unless the deviation was an intentional act to circumvent Department policy or procedure. For the purposes of progressive discipline, all criteria noted in the Office of Operations Notice, *Standardized Video Inspection Procedures*, dated March 15, 2018, shall be considered independently. Multiple SAIs are not to be generated for multiple deviations noted for a single criteria in the review period. It shall be counted as one SAI if multiple deviations are noted for a single criteria in the review period. Progressive discipline does not apply to deviations associated with incident tagging. This is deemed to be an administrative failure only and can be corrected by the officer upon notification.

When the Department conducts audits, inspections, or compliance reviews of BWV/DICV recordings and discovers activity that may constitute minor misconduct, the officer's actions in the BWV/DICV alone does not necessarily result in the initiation of a personnel complaint. An example of minor misconduct may be the use of profanity in tactical situations inconsistent with the Department's tactical directives or training. The officer is provided counseling, training, an Employee Comment Sheet or a Notice to Correct Deficiencies to alert him or her and correct the behavior. Other instances of major misconduct are forwarded to IAG for further review and analysis.

The Department understands the impact of every UOF incident and has implemented a thorough investigative, review, and adjudicative process to ensure that Department policies are being

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adhered to and to safeguard the constitutional rights of the public. The eight-step process involves several Department entities which based on their combined assessment result in the ultimate outcome for the employees involved. The entities involved include FID, OIG, CIRD, UOFRB, Chief of Police, and the BOPC.

The Office of the Inspector General (OIG)

Under the City of Los Angeles Charter, Section 573, the Inspector General has authority to audit, investigate and oversee the Los Angeles Police Department's handling of complaints of misconduct by police officers and civilian employees and perform other duties as may be assigned by the BOPC. The OIG is separate and independent from the Department and performs investigations specific to all officer involved shootings, significant uses of force that result in death or hospitalization, and complaint investigations of officer misconduct. Performance related audits similar to the ones performed by Audit Division are also performed. The OIG is staffed by approximately 35 civilian personnel with diverse backgrounds relevant to oversight of law enforcement.

All FID investigations and UOFRB proceedings are closely monitored by the OIG. The OIG's oversight begins immediately following the occurrence of a CUOF. The OIG has a 24-hour response capability and is promptly notified following a CUOF. The OIG responds to the scene of CUOF incidents and monitors FID's on-scene investigation, assesses compliance with applicable policy standards, and generally works to ensure the overall quality of the investigative work being performed. In practice, the OIG works closely with FID and is briefed regularly to ensure that, whenever possible, investigative issues identified during the course of the investigation are addressed and resolved.

As it conducts its own independent review of each CUOF, the OIG's staff also monitors the progression of the Department's internal review. This monitoring role includes attendance at every UOFRB, where the OIG may ask questions and provide input to the board members. The OIG reviews the OCOP's report to the BOPC and evaluates the OCOP's recommendations and rationale.

The OIG's oversight of each investigation culminates in a detailed report to the BOPC. The OIG report reviews every aspect of the case, including an assessment regarding the quality of the FID investigation, analysis of the COP's recommendations and provides their own recommendations regarding Tactics, Drawing and Exhibiting and Use of Force. In cases where the OIG concurs with the findings of the OCOP, it will recommend to the BOPC that it adopt those findings. If the OIG believes additional or different analysis is warranted, the OIG will provide that analysis to the BOPC in its report. In cases where the OIG determines that the available evidence supports findings other than those recommended by the OCOP, it will make alternate recommendations and provide supporting analysis and rationale for consideration by the BOPC.

FACTSHEET
Special Orders Regarding the Use of Force, Body Worn Video and Digital In-Car Video
September 17, 2020

The OIG also routinely performs UOF reviews. As of August 10, 2020, the OIG has published 11 UOF reports on their website with the last report published on February 28, 2017. Currently, there are no audits pending related to Special Order 4, *Policy on the Use of Force – Revised*, dated February 5, 2020, as the recent policy is due to be updated again in 2021.

Similar to Audit Division, the OIG will perform BWV and DICV reviews to assess the Department's compliance as well as any other issues related to BWV and DICV. The most recent review performed was dated September 21, 2016. As previously mentioned, reviewing BWV and DICV is a common audit procedure and while the audit may not specifically be a video audit, the review of video may be performed to serve as additional validation in the OIG's assessment of a process under review.

Public Access

The Los Angeles Police Department is mandated by law to respond to public requests for access to its records. For active civil cases, video and audio materials are not releasable and may only be obtained via a subpoena. However, effective July 1, 2019, AB 748 makes video or audio recordings of critical incidents involving a peace officer subject to disclosure pursuant to the California Public Records Act request (CPRA). California considers body-camera videos public records and requires law enforcement to release video(s) to the public no later than 45 days from when the agency knew or should have known about the incident. The law has minor exceptions for disclosure including if releasing the video would violate the privacy rights of individuals depicted.

The Department has established a California Public Records Act (CPRA) Unit which is part of the Discovery Section, Legal Affairs Division, to handle CPRA requests. Requests can be made in person, by phone, in writing, or online at lapdonline.org.

On the Department's website (www.lapdonline.org) there are separate postings related to the UOF Policy as well as policies on the use of BWV and DICV. Additionally, the Department will post articles related to community inquiries on topics such as training, crowd management, intervention, and control so that the public may gain insight and understanding into the various Department processes.

Conclusion

The Department remains committed to 21st Century Policing principles. With input from the community, city officials, and Department employees, it is the Department's goal to continuously strengthen its commitments to supervision, accountability and transparency; along with providing the necessary training, equipment and resources to its officers so that the Department may best serve the public.

AD HOC COMMITTEE ON POLICE REFORM REPORT relative to an overview of the Los Angeles Police Department's (LAPD) Special Orders regarding the use of force, body-worn video cameras, and digital in-car video (Special Orders 4, 12 and 45, respectively).

Recommendations for Council action, pursuant to Motion (O'Farrell - Price - Harris-Dawson - Cedillo):

1. DIRECT the LAPD to report within 60 days in regard to an overview of the LAPD Special Orders related to the Use of Force (Special Order 4), Body Worn Video Cameras (Special Order 12) and Digital In-Car Video (Special Order 45) with said report to include data on LAPD compliance with these Special Orders and how LAPD supervisors enforce them.
2. REQUEST the Board of Police Commissioners and the Office of the Inspector General to audit the LAPD's compliance with Special Orders 4, 12 and 45.
3. DIRECT the City Administrative Officer (CAO), with the assistance of the LAPD, to report in regard to funding required to ensure audits of compliance with Special Orders 4, 12 and 45 are performed annually.

Fiscal Impact Statement: Neither the CAO nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On June 24, 2020, your Committee considered a Motion (O'Farrell - Price - Harris-Dawson - Cedillo) relative to an overview of the Los Angeles Police Department's (LAPD) Special Orders regarding the use of force, body-worn video cameras, and digital in-car video (Special Orders 4, 12 and 45, respectively). According to the Motion, recent events have put police departments nationwide in an often unfavorable spotlight, as mostly peaceful protests unfold across the country. In this day of rampant social media and live streaming of real time events, it is of the utmost importance that the LAPD continue to promote transparency and accountability within the LAPD, while providing the necessary training and support to officers, especially those related to the use of Body-Worn Video Cameras, Digital In-Car Video, and the use of force. LAPD officers are given significant responsibilities, and the public expects them to exercise their duties in a responsible manner. Further, the public expects that, if an officer fails in their duties, that they will be held to account. As the City works to create more inclusion and opportunities for community led initiatives, a fundamental goal must be to ensure that the LAPD comes out of this period better than before. An overview of key LAPD policies, and audits of officer compliance with Special Orders related to the use of force and video should be done, while the CAO works with the LAPD to create regularized reports on this subject. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion as detailed in the above recommendations. This matter is now submitted to Council for its consideration.

AD HOC POLICE

MOTION

Recent events have put Police Departments nationwide in an often unfavorable spotlight, as mostly peaceful protests unfold across the country. In this day of rampant social media and live streaming of real time events, it is of the utmost importance that our own Police Department (LAPD), continue to promote transparency and accountability within the Department, while providing the necessary training and support to officers, especially those related to the use of Body Worn Video Cameras, Digital In-Car Video, and the use of force.

LAPD officers are given significant responsibilities, and the public expects them to exercise their duties in a responsible manner. Further, the public expects that, if an officer fails in their duties, that they will be held to account. As the City works to create more inclusion and opportunities for community led initiatives, a fundamental goal must be to ensure that the Department comes out of this period better than before. An overview of key Department policies, and audits of officer compliance with Special Orders related to the use of force and video should be done, while the CAO works with the LAPD to create regularized reports on this subject.

I THEREFORE MOVE that the Police Department (LAPD) be directed to report within 60 days with an overview of the LAPD Special Orders related to the Use of Force (Special Order 4), Body Worn Video Cameras (Special Order 12) and Digital In-Car Video (Special Order 45). This report should include data on LAPD compliance with these Special Orders and how LAPD supervisors enforce them.

I FURTHER MOVE that the LAPD Commission, and the Office of the Inspector General be requested to audit the Department's compliance with the above Special Orders.

I FURTHER MOVE that the City Administrative Officer be directed to report, with the assistance of the LAPD, on the funding required to ensure audits of compliance with these special orders are performed annually.

PRESENTED BY:


MITCH O'FARRELL
Councilmember, 13th District


GURREN D. PRICE, JR.
Councilmember, 9th District

SECONDED BY:


MARQUEECE HARRIS-DAWSON (verbal)
Councilmember, 8th District


GILBERT A. CEDILLO
Councilmember, 1st District

JUN 17 2020

ORIGINAL

Respectfully Submitted,

AD HOC COMMITTEE ON POLICE REFORM

<u>MEMBER</u>	<u>VOTE</u>
WESSON:	YES
KORETZ:	YES
LEE:	YES
CEDILLO:	YES
HARRIS-DAWSON:	YES

ARL
6/24/20

-NOT OFFICIAL UNTIL COUNCIL ACTS-