3-06/055.15 Body Worn Cameras

Introduction

The purpose of this policy is to establish responsibilities and procedures for the use of the Department-issued body worn camera (BWC) and the Digital Evidence Management System (DEMS) in the Los Angeles County Sheriff's custody facilities. This policy incorporates by reference the Manual of Policy and Procedures (MPP) sections 3-06/200.00, "Body Worn Cameras" through section 3-06/200.75, "Public Release of Critical Incidents." The provisions of this policy and the MPP both govern the use of BWC in the county's custody facilities. To the extent there exists inconsistencies between the MPP and this policy, the provisions of this policy shall govern for BWC use in custodial facilities.

Activation

When feasible and safe to do so, custody personnel shall activate their BWC prior to initiating, or upon arrival at, any:

- Uses of force
- A report of any crime
- Allegation(s) of staff misconduct
- Recalcitrant, hostile, aggressive or uncooperative inmates
- Suspect, victim, informant and witness interviews
- Use of a safety chair, WRAP Restraint Device, WRAP cart, and/or Total Appendage Restraint Procedure (TARP)
- Application of medical restraints
- Application of spit masks
- Inmate disturbances or riots
- Searches of housing or other common areas
- Safety checks
- Counts
- Escorts or inmate movement
- Sergeant video escorts
- Extractions
- Transports to/from facilities outside of security
- Refusals of medical or court passes
- Refusal to be re-housed (i.e., "Wayside refusals")
- Inmate medical emergencies
- Arrests
- Any encounter with an inmate or member of the public who becomes uncooperative, adversarial, belligerent, or otherwise hostile
- Other investigative or enforcement activities where, in the Department member's judgment, a BWC 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

Custody personnel are not required to actively record when engaged in general observation or supervision over inmates (e.g., supervising recreation/yard, laundry room, clinic, pill call, or when distributing meals). They are also not required to actively record when receiving general inquiries from inmates or participating in conversations with inmates that are not related to recordable activities.

Custody personnel shall be sensitive to a medical patient's right to privacy. Custody personnel are not required to power off a BWC or stop actively recording when entering a clinic, medical room, or hospital. Custody personnel have the discretion to stop active recording on their BWC when they are inside patient-care areas where there is a reasonable expectation of privacy on a case-by-case basis unless an enforcement action is taken in these areas. In these circumstances, if not actively recording, custody personnel will keep their BWC powered on in standby mode.

Prohibited Recordings

Custody personnel are prohibited from intentionally recording inmates engaged in the following activities unless an enforcement action or a qualifying incident otherwise required by this policy occurs:

- Strip searches;
- Inmates engaged in attorney-client privileged communications (without explicit consent from all parties to the conversation); and
- Inmates engaged in privileged communications with a religious advisor (without explicit consent from all parties to the conversation).

Identifying Recordings

Custody personnel shall identify (tag) recordings with the “Category” and any applicable information (e.g. uniform report number [URN], reference number, booking number, etc.), with the following exceptions. Custody personnel are not required to manually tag videos for the following activities, unless they rise to an investigative or enforcement activity:

- Safety checks
- Counts
- Escorts or inmate movement
- Transports to/from facilities outside of security

Viewing Recordings of Use of Force Incidents and In-Custody Deaths

Non-Categorized, Category 1 or Category 2 Use of Force Incidents

Department members who have, or have been alleged to have been involved in or witnessing non-categorized, Category 1, or Category 2 use of force incidents are permitted to review their BWC recordings prior to writing their report and, if deemed necessary by the handling supervisor, review other recordings in accordance with CDM section 7-07/000.00, “Use of Force Review Procedures” to ensure complete and accurate reports and documentation of the incident.

The accuracy of reports, Department member 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 the enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Department members are encouraged to review BWC recordings on their assigned smartphone device or Department computer prior to documenting an enforcement or investigative activity to ensure their reports, statements, and documentation are as accurate and complete as possible.

If a Department member does not review the BWC recording before submitting a report, the member must document that fact in the report. If any portion of an enforcement or investigative contact resulting in an arrest was captured by BWC equipment, members shall identify the existence of a BWC recording in all reports.

Category 3 Use of Force Incidents, Including Deputy-Involved Shootings

Department members involved in or witnessing known Category 3 use of force incidents, including deputy-involved shootings, shall not view any recordings until authorized by the handling Internal Affairs Bureau (IAB) lieutenant or, in cases where IAB does not handle the matter, the handling Homicide Bureau lieutenant or facility watch commander.

Once authorized, the Department member shall have a right to review their BWC recording. Any other relevant video recording in possession of the Department, as deemed appropriate by the handling lieutenant, shall be viewed in accordance with CDM section 7-07/000.00, “Use of Force Review Procedures.”

A Department member may be advised that they may have an attorney or employee representative of their choosing present during the review of the BWC recording(s) without any investigator or supervisor present. The separation and monitoring of Department members involved in a shooting shall be maintained during the review of BWC recording(s) and such review shall not occur jointly among involved members.

Supervisor’s Responsibilities

Following a known Category 3 use of force incident, including deputy-involved shootings, the on-scene supervisor shall, once the scene is secured:

- Take possession of all BWC devices from involved personnel;
- Power off the devices and secure them;
- Provide (or deliver) the devices to the handling lieutenant or watch commander; and
- Upload the video and secure the viewing rights or ensure a member of the Body Worn Camera Unit (BWCU) does so.

For in-custody deaths, the handling Homicide Bureau lieutenant will authorize the review of video by the involved Department member. For known Category 3 use of force incidents, the Internal Affairs Bureau (IAB) Force/Shooting Response Team lieutenant will authorize the review of video by the involved Department member.

120-Day Transition

During the first 120 days a member is assigned a BWC, following completion of training, unintentional

deviations from policy and procedure in the use and deployment of a BWC will be considered training issues. During the transition period, Department members should receive non-documented counseling and training only. Performance log entries should not be generated. For employees trained to use the BWC in a patrol setting there will be a 30-day transition upon assignment to custody. If a Department member is out on approved leave during any portion of their 120-day transition period, those days will not count against their transition timeline.

Note: This does not apply to willful or intentional acts to circumvent Department policy and procedure, such as intentionally not activating a BWC when required, intentionally de-activating a BWC prior to completion of an incident, or disabling or tampering with a BWC. Such acts will not be considered a training issue within the 120-day transition period.

Upon completion of the 30-day or 120-day transition period, Department members will be expected to be proficient in the use and deployment of the BWC. For corrective action after the transition period, unit commanders may use counseling, training, and performance log entries for unintentional deviations, in lieu of initiating an administrative investigation, unless an administrative investigation is deemed warranted due to the frequency of violations.